

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

APPEAL NO.40 OF 2024

IN THE MATTER OF:

Noble M Paikada
Kannur District.

...Appellant

v.

SEIAA Represented by its Chairman,
Kerala and Anr.

...Respondents

INDEX

Sl. No.	Description	Page Nos.
1	REPLY STATEMENT FILED BY THE 1 ST RESPONDENT	1-7

Dated at Chennai on this 30th day of July, 2024



COUNSEL FOR RESPONDENT NO.1

DR. PRABHU GONDRI
Standing Counsel for SEIAA, Kerala.
Mob. No. 9444398701 - Prabhu.ij@gmail.com

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

APPEAL NO.40 OF 2022

IN THE MATTER OF:

Noble M Paikada
Kannur District.

...Appellant

v.

SEIAA Represented by its Chairman,
Kerala and Anr.

...Respondents

REPLY STATEMENT FILED BY THE 1ST RESPONDENT

I, Ajitha kumari V R, aged 49 years, D/o Rajeswari Amma, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby solemnly affirm and sincerely state as follows:-

1. I am well acquainted with the facts of the case from the available records and I am authorized to file this reply statement on behalf of the Respondent Nos.2 to 4. I crave leave of the Hon'ble Tribunal to file statement as and when additional facts are available to the Respondents.

2. It is submitted that the Reply in parawise is traversed herein below:-

1 to 6. No Comments.

7. It is submitted that the SEIAA has not issued EC in Block No.12, Resurvey No.651/8, Kuthanur-1 Village, Alathur Taluk. The Annexure A1 Clearance issued by SEIAA was duly appraised by



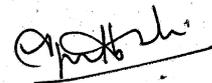
Ajitha
State Environment Impact
Assessment Authority
4th Floor, KSRTC Bus Terminal
Thiruvananthapuram - 1

SEAC considering the total environmental impacts due to this particular project. The EC was issued with all relevant and sufficient conditions to mitigate the impact on the environment.

8. It is submitted that the 2nd Respondent had uploaded the documents along with the application on 28/12/2022 on the Parivesh Portal. The shortcomings in the application were noticed by the SEAC and intimated the Project Proponent to upload in the portal. The documents were submitted by the Project Proponent which then placed in the 155th SEAC meeting held on 18th and 19th December, 2023. After verification of those documents and due appraisal, SEAC had recommended EC for the project initially for a period five years. Hence the averments of the Petitioner is baseless, as stated by the petitioner if the 2nd respondent has not submit the required documents, the proposal could not be further appraised as per Parivesh System.

9. No comments

10. It is submitted that SEAC has followed due procedure in the appraisal of the said project. Initially, the shortcoming in the application were noted by SEAC and decided for field inspection in the 139th SEAC members held on 3rd and 4th March 2023. The field Inspection was conducted by the SEAC members on 14/06/2023 and the report was placed in the 147th SEAC meeting held on 21st and 22nd July 2023. The Project Proponent had presented the Proposal in the 151st SEAC meeting and directed the Project Proponent to submit all the documents sought in 139th and 147th SEAC Meeting. The documents sought in the 139th and 147th SEAC meeting were submitted by the Project Proponent prior to the 155th meeting of SEAC. These documents were placed in the 155th meeting and SEAC deliberated the proposal along with the documents. The committee found all the documents satisfactory



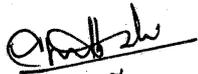
State Environment Impact
Assessment Authority
4th Floor, KSRTC Bus Terminal
Thiruvananthapuram - 1

and noted the mine life, quantity to be mined, distance to the hazard zone, the depth of water table and verified the application for wild life clearance. Based on the detailed scrutiny of these documents and relevant details, the Committee recommended EC for the Project life of 10 years with site specific conditions and the General Conditions. Hence the averments of the Petitioner are baseless.

11. It is submitted that SEAC had examined the proposal in its various meeting with all documents. The proposal includes Application Form, Mining Plan, Pre-Feasibility Report, additional documents obtained from the Project Proponent and Field Inspection Report. It is not necessary to state each document in a minutes of the meeting. Based on the specific recommendation of the SEAC, the Authority decided to issue the EC initially for 5 years then to extent to the project life of 10 years subject to review by SEAC after 5 years. Before issuing EC, the SEIAA took that much cautious and observed that for sustainable management in the project region, the approved mining plan is revised every five years till the project life of mine as per KMMC Rules, incorporating scheme of activities to be carried out for the next 5 years. Authority is of the opinion that it is essential to match these procedures and time lines followed in the department of Mining and Geology with the time lines of ECs issued for the sustainable management of quarry operations and protection of environment in the project region. Hence the EC is initially issued for 5 years and then to extent to project life.

12 & 13. It is submitted that the certificate produced by the 2nd Respondent from the District Geologist stated that there is no quarry operations within 500 m radius from the quarrying lease

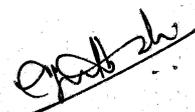



State Environment Impact
Assessment Authority
4th Floor, KSRTC Bus Terminal
Thiruvananthapuram - 1

applied area of the 2nd Respondent. As per the notification on cluster condition, the statement of the District Geologist clarifies that there is no cluster situation exists in the proposed mine lease area. The field inspection team of SEAC had verified the lease area in the filed and identified an abandoned quarry within 500 m with an area of 1.9320 Ha as an old lease area. The sum total of the proposed area including the abandoned quarry area is about 4.5582 Ha. Since, the Cluster area is less than 5 ha, the appraisal with the submitted document with Environment Management Plan is enough. Also, a specific instruction for proper fencing around the nearby abandoned quarry was proposed by the team.

14. The application from the 2nd respondent vide proposal No.SIA/KL/MIN/409809/2022 was received through Parivesh Portal in which a Common Application Form and Form-1 are the filling-in slots for the 2nd Respondent. Earlier, the slot was Form-2. Since the Selection of category of a project directs the Project Proponent to the suitable forms in Parivesh Portal, the Authority is only capable of Scrutinizing the application in its original form as displays in the web portal, as the portal is maintained commonly for the whole country. The abandoned quarry details was mentioned in Form-1 submitted by the 2nd Respondent and the same was verified by SEAC during its filed inspection. As per Form-1, it was stated that the nearest house is located at a distance beyond 200m from the proposed quarry and it was verified by the SEAC team. Hence the averments of the petitioner are baseless.

15. The certificate issued by the District Geologist, Palakkad clearly states that there is no quarry operation within 500m radius from the quarrying lease applied area of the 2nd respondent and is evident in the field inspection report also. Even though the documents stated by the Petitioner are the integral part of a fresh



State Environment Impact
Assessment Authority
4th Floor, KSRTC Bus Terminal
Thiruvananthapuram - 1

EC application, the Annexure 10 OM has no relevance for the appraisal of a fresh application as it is issued by the MoEF & CC for the re-appraisal of DEIAA issued EC's.

16. It is true that the proposal was appraised by considering the DSR prepared in the year 2016. The said DSR was prepared by the Mining & Geology Department based on the S.O.141 (e) of MoEF & CC dated 15.01.2016. Later the MoEF & CC vide its OM dated 25.07.2018 published the guidelines for the preparation of DSR. The Mining & Geology Department is revising the 2016 DSR based on the revised guideline and as the judgment 16.02.2022, in WP (C) No.5209/2022, the Hon'ble High Court gave permission to use the existing DSR.

17, 18 & 19. It is submitted that the averments of the Appellant is baseless as the DSR prepared by the Department of Mining & Geology in November 2016 was submitted by the Project Proponent along with the application for EC and the same was considered while appraising the application for EC. Also as per the order of the Hon'ble High Court in WP (C) No.5209/2022 of Ananthu Sunil v. State of Kerala, the DSR 2016 should be considered by SEIAA while finalizing the orders regarding the Environmental Clearance. Regarding the implementation of Annexure A11 Notification, the Authority informed the Mining and Geology Department to expedite the revision of the DSRs and they had prepared draft DSR for the minor minerals of Kollam and Kannur and submitted to SEIAA and is under scrutiny of SEAC. After through verification, the DSRs, will be approved with changes or modifications if any and also the process will follow for other districts. A DO Letter reminding the expeditious process of the DSR preparation was also sent to the



[Handwritten signature]

State Environment Impact
Assessment Authority
4th Floor, KSRTC Bus Terminal
Thiruvananthapuram - 1

Director, Mining and Geology Department, vide Letter No.412/A2/2022/SEIAA dated 07.02.2024.

20. It is submitted that the Environmental Clearance was issued by the SEIAA following the due procedure prescribed by the EIA Notification 2006. The appraisal was carried out by the SEAC in an efficient way considering all the essential documents submitted by the Project Proponent including the additional documents, filed inspection report by the Committee and presentation of the Project Proponent. The issuance of EC for a period does not mean that it is the consent to other departments to issue license/clearance under their mandate.

21. It is submitted that as per the O.M. F.No.J-11013/77/2004-IA II (I), by the MoEF & CC no EIA/EMP shall be entertained prepared by the non-accredited consultant. Consequently, in category B2 projects in which EIA is not mandatory, the EMP is prepared by the RQP, who is having the valid RQP certification from Mining & Geology Department. The biodiversity report in category B2 projects is a part of the Environmental Management Plan and the same is insisted by SEAC to assess the current biodiversity status and its impacts to impose site specific mitigation measures for Environmental safeguards of that project area. Also, the expertise of the biodiversity assessment team was also assessed by the Committee during the appraisal of the project.

22. It is submitted that the contention of the appeal is baseless as he has not submitted any complaints during the stage of appraisal of till date. Since SEIAA had followed the procedure of appraisal of this project in an efficient way, considering all the additional documents and ground truth verification the averments of the Appellant is baseless.


State Environment Impact
Assessment Authority
4th Floor, KSRTC Bus Terminal
Thiruvananthapuram - 1

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the plea and pass such order or orders as this Hon'ble tribunal may deem fit and proper in circumstances of the case and thus render justice.

Dated at Chennai on this the 20th day of July, 2024.

1ST RESPONDENT

VERIFICATION

I, Ajitha kumari V R, aged 49 years, D/o Rajeswari Amma, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby verify that the contents of paras are true to the best of my personal knowledge and paras believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 20th day of July, 2024.



1ST RESPONDENT

State Environment Impact
Assessment Authority
4th Floor, KSRTC Bus Terminal
Thiruvananthapuram - 1