

BEFORE THE NATIONAL GREEN TRIBUNAL, ZONAL BENCH AT CHENNAI

ORIGINAL APPLICATION (O.A)No.102 OF 2020

IN THE MATTER OF

Nishanth Gopal, Aged 38,  
S/o.Gopalakrishnan M.V.,  
Residing at Mundakathil House,  
Thottappally P.O, Alappuzha District,  
Kerala, PIN - 688561  
Ph:- +91 9895604098  
Email ID:-[connectnishanth@gmail.com](mailto:connectnishanth@gmail.com)

Applicant

Versus

1. Union of India  
Through Secretary  
Ministry of Environment and Forests & Climate Change  
Indira Pariyavaran Bhavan  
Jorbagh,  
New Delhi, PIN - 110003.  
Ph:- 011 24695268  
Email ID:- [gyanesh.bharti@ias.nic.in](mailto:gyanesh.bharti@ias.nic.in)

&amp; others

Respondents

**COUNTER STATEMENT FILED ON BEHALF OF RESPONDENT NO.11**The 11<sup>th</sup> Respondent respectfully submits as follows:

1. The 11<sup>th</sup> Respondent is IREL (India) Limited (formerly Indian Rare Earths Limited (hereinafter referred to as "IREL") having its Office at Chavara, Kollam District, Pin 691583
2. The address for service of all notices and processes on the 11<sup>th</sup> Respondent (IREL) is that of their counsel, M/s. S. Ramasubraminam & Associates, 6/1, Bishop Wallers Avenue (West), Mylapore, Chennai - 600 004.
3. At the outset, all the allegations and averments made in the Application filed on behalf of the Applicant including but not limited to the documents filed by the Applicant are denied except those that are specifically admitted hereunder. None of the allegations and averments contained in the Application including but not limited to the documents filed by the Applicant shall be deemed to be admitted merely for want of a specific denial / traverse.



*(Signature)*  
HTANAWZIV V.S.  
आर.वी.विश्वनाथ / R.V. VISWANATH  
म प्र एवं प्रधान / G M & HEAD  
आईआरईएल (इंडिया) लिमिटेड, चवरा  
IREL (India) Limited, Chavara  
कोल्लम / Kollam - 691 583

4. The answering Respondent is raising the following preliminary objections questioning the maintainability of the present application without prejudice to its reply on the merits of the case:
- The decision to dredge the mouth of Thottapally estuary was taken as a preventive measure by the Government of Kerala under the National Disaster Management Act, 2005 and the said Act does not permit such issues to be agitated before any other court or forum except the Hon'ble High Court or the Supreme Court (Section 71). The said Act will have overriding effect over any other laws (Section 72). Further, no suit or prosecution or any other proceeding will lie against any authority or person working for and on behalf of the government in respect of work undertaken in good faith under the provisions of the said Act (Section 73).
  - The issue in the present application is pending a decision of the Hon'ble Kerala High Court in WP(C)No.11060 of 2020 and being well aware of the same, the Applicant cannot be permitted to agitate the very same issue before this Hon'ble Tribunal.
5. It is submitted that the present Application has no basis in law, facts and equity, as the present Application has been filed by the Applicant without any iota of evidence to substantiate the frivolous allegations of the Applicant. Hence, the present Application deserves to be dismissed at the threshold with exemplary costs.
6. The answering Respondent is filing its reply to the application filed praying to prohibit the 7<sup>th</sup> and 8<sup>th</sup> Respondents from extracting mineral sands from Thottapally Estuary and transporting the same in terms of GO(rt)No.385/2019/WRD dated 31.05.2019 issued by the 12<sup>th</sup> Respondent and to set aside the said GO. The application casts aspersions on the sand mining activities alleged to be carried out by the 7<sup>th</sup> and 8<sup>th</sup> respondents in collusion with the answering Respondent hereinbeing completely oblivious to the fact that answering Respondent is a full-fledged Government of India undertaking, functioning under the aegis of the Department of Atomic Energy. The Company is engaged in the business of mining and separation of beach sand minerals along coastline of India through an environment friendly procedure.
7. There is absolutely no averment as to how or in what manner the answering Respondent is colluding with the 7<sup>th</sup> and 8<sup>th</sup> Respondents in their mining activities. The answering Respondent is not carrying out any mining activity at the Thottapally estuary, which fact is also admitted by Applicant. The allegations pertaining to the requirement of obtaining various approvals from statutory authorities for carrying out mining operations by the 7<sup>th</sup> and 8<sup>th</sup> or the 11<sup>th</sup> Respondents do not merit a reply

Amrith  
 आर.वी.विश्वनाथ / A.R.V. VISWANATH  
 म प्र एवं प्रधान / G.M. & M. Pradhan

India (India) Limited, Kollam - 691 583  
 कोल्लम / Kollam - 691 583

Page No.  
 No. of corns.



since the activities carried out by the 7<sup>th</sup>, 8<sup>th</sup> and 11<sup>th</sup> Respondents are not mining activities.

8. Moreover, the issue as to whether the 7<sup>th</sup> and 8<sup>th</sup> Respondents are entitled to dredge the Thottapally estuary or not is a matter to be decided by the Hon'ble Kerala High Court where Writ Petition No. 11060 of 2020 has been filed seeking for directions restraining the 7<sup>th</sup> and 8<sup>th</sup> Respondents from extracting/excavating mineral sand from the estuary.
9. Plagued by the recurrent floods causing extensive damage to areas in and around the Kuttanad region, the Government of Kerala entrusted the task of assessing flood control measures that could be adopted to an eminent scientist, Mr.M.S. Swaminathan and IIT Madras. A report was submitted to the Government of Kerala on the measures that could be undertaken by the State Government to alleviate any loss or damage as a result of the frequent floods in the Kuttanad region which was to remove the sand blocking the Thottapally Spillway. Since it was found that the sand contained atomic and other rare earth minerals, the State Government decided to award the removal of sand to public sector undertakings .The 7<sup>th</sup> and 11<sup>th</sup> Respondents were given the task to deepen and widen the mouth of the estuary and the leading channel and remove the sand to their respective Plants in Chavara, at a price fixed by the Government of Kerala.
10. The admitted fact is that the 7<sup>th</sup>, 8<sup>th</sup> and answering Respondents are carrying out dredging activities in the Thottapally estuary as permitted by the Government of Kerala. The answering respondent is engaged along with the 7<sup>th</sup> and 8<sup>th</sup> Respondents in dredging to deepen and widen the spillway channel as part of disaster management and thereafter ferrying the sand removed upon such dredging. For the said purpose, there is no requirement to obtain environmental clearance by the answering Respondent. Vide Clause 7 of Appendix IX of the Notification dated 28.03.2020 issued by the Ministry of Environment, Forest and Climate Change, dredging and desilting of dams, reservoirs, weirs, barrages, rivers and canals for the purpose of their maintenance, upkeep and disaster management have been exempted from Environmental Clearance. A copy of the said Notification is produced herewith and marked as Exhibit P1. The answering Respondent is carrying on mining operations only in those areas which have been leased to it by the Government of Kerala and for such operations, all necessary approvals have been obtained.
11. Now reverting to the various averments made in the application, as regards paragraph 1, the same refers to the address for service and hence there is no denial from the answering Respondent.



आर.बी.विश्वनाथ / R.V. VISWANATH  
म.प्र. एवं प्रधान / G.M. & HEAD  
आईआरईएल (इंडिया) लिमिटेड, चवरा  
IREL (India) Limited, Chavara  
कोल्लम / Kollam - 691 583

12. As regards paragraph 2, it is vehemently denied that the answering Respondent is any way concurred, much less actively, with the 7<sup>th</sup> and 8<sup>th</sup> Respondents to facilitate an alleged illegal mining and transportation of mineral sand from the Thottapally estuary. It is not denied that the answering Respondent is a Government of India undertaking. As regards all other averments made in the said paragraph, the Applicant is put to strict proof of the same.
13. As regards paragraph 3 & 4, all averments made therein are denied. It is submitted that the Government of Kerala permitted the 7<sup>th</sup>, 8<sup>th</sup> and answering Respondents for deepening and widening the "Thottapally Spillway Channel and Spillway mouth" and to remove the sand in the leading channel to facilitate free flow of water to ensure the safety of the people and to avoid any flooding in Kuttanadu area as a disaster management. The work entails removal of sand deposited on the mouth of the Pozhy, which happens to contain atomic minerals. Removal of these minerals by the 7<sup>th</sup> and 8<sup>th</sup> Respondents, a State Public Sector Undertaking, and the answering Respondent, a Central Public Sector Undertaking, so as to ensure that no minerals in the sand are wasted or frittered away, does not fall within the meaning of Section 3 (d) of the Mines and Minerals (Development And Regulation) Act, 1957 ('MMDR Act') which defines "mining operations" as operations undertaken for the purpose of winning any mineral.
14. The process of grant of mining lease (for Atomic Minerals) contained in MMDR Act, 1957 & Atomic Minerals Concession Rules, 2016 (AMCR, 2016) would involve detailed processes such as prospecting operations, submission of geological report, identification and demarcation of the precise area by State Government, nomination of the Government Company by Dept. of Atomic Energy as prospective lessee, submission of the Mining Plan by the prospective lessee, obtaining Environment Clearance ('EC'), Forest Clearance, Coastal Regulatory Zone Clearance, etc. from the Ministry of Environment, Forest and Climate Change ('MoEFCC'), Government of India and the necessary clearance from the Pollution Control Board and thereafter granting mining lease. The entire process afore mentioned would take an average of 4-5 years to be completed. The present case does not fall within the ambit of "mining operations" as defined under the MMDR Act but is a preventive measure taken by the Government of Kerala to thwart any harm that maybe posed by the vagaries of nature, particularly the flooding of Thottapally Spillway which has, in the past, caused extensive damage to the people living in and around the said areas.
15. As regards paragraph 5, all averments made therein are denied. It is submitted that

recent past. Steps have been taken in line with the report submitted by experts in the field, M.S.Swaminathan Committee constituted to study the impact of floods in Kerala and to provide methods to prevent the recurrence of such calamity. The Hon'ble Kerala High Court, while hearing WP(C)No.11060 of 2020, has prima facie found to merit in similar contentions raised by the Petitioner in the said Writ Petition as can be seen from the order dated 19.06.2020.

16. As regards paragraph 6, all averments made therein are denied. It is denied that several trees, mostly casuarina trees have been cut to extract mineral sand causing erosion.

17. It is submitted that while the averments in the above paragraphs 3-6 have been made in respect of 7<sup>th</sup> and 8<sup>th</sup> Respondents, the answering Respondent is only seeking to place on record the position of law in this regard without prejudice to its contention that the answering Respondent has no other role to play except dredging, desilting and transport the sand to its plant in Chavara.

18. As regards paragraphs (a) under the heading "Facts in brief", all averments made therein are denied as being false and baseless. It is denied that the 7<sup>th</sup> and 8<sup>th</sup> Respondents are engaged in extraction of mineral sand with the concurrence of 3<sup>rd</sup>, 11<sup>th</sup> and 12<sup>th</sup> Respondents that too without obtaining requisite permissions under the Kerala Atomic Mineral Rules 2016 or conducting studies on the adverse impact of such activities on the environment. No such rules as Kerala Atomic Mineral Rules 2016 are in existence. Perhaps, the applicant's reference is to Atomic Mineral Concession Rules (AMCR, 2016). These allegations are wholly misplaced in as much as the removal of sand from the mouth of the Thottapally estuary is only to prevent the flooding of adjoining areas when faced by a natural disaster in the form of unprecedented rainfall. This removal of sand is also as per the recommendation of experts who have submitted a report on the ways and means to mitigate the impact of a natural calamity, M.S.Swaminthan Report. The preventive measures being adopted by the Government of Kerala cannot be described as an activity covered either under the Kerala Atomic Minerals Rules 2016 or AMCR, 2016 or the Environment Impact Assessment Notification 2006.

19. Insofar as the reference to the provisions of the National Disaster Management Act is concerned, the same being extracts of the provisions are not denied by the answering Respondent. However, the averment that the proposed removal of sand from the mouth of the Thottapally estuary lacks planning or organization is nothing but a complete display of the Applicant's ignorance of the elaborate steps taken by

the Government of Kerala in consultation with the Kerala State Disaster Management Authority to mitigate the threat posed due to flooding of Kuttanad

region. As stated earlier, no proceeding will lie against the State Government in respect of directions issued under the National Disaster Management Act except in the Hon'ble Supreme Court or the Hon'ble High Court (Sections 71 & 73 of the National Disaster Management Act, 2005). This Hon'ble Tribunal will not have jurisdiction to entertain the present application.

20. As regards paragraph b, the same deals with the provisions of the MMDR Act and the AMCR 2016 and the same are not denied. Reference to the judgment of the Hon'ble Supreme Court in Bhagwan Dass Vs. State of UP is also denied. However, whether the same is applicable or even necessary in the present case is a question to be decided by this Hon'ble Tribunal. It is an admitted fact that the MMDR Act is applicable even in the case of sand mining together with the AMCR 2016.
21. Paragraphs c, d & f are facts pertaining to the 7<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> Respondent. Hence this Respondent is not reverting on the same. As regards paragraph e, it is not denied that any company engaged in mining of atomic minerals is required to comply with AMCR 2016.
22. As regards paragraph (g) & (h), all averments made therein are denied. In so far as the answering Respondent is concerned, it has no role to play either in granting sanction for extraction of minerals or for carrying out mining operation. The State Government and the Central Government are alone authorised by law to confer rights upon a company to carry out mining operations. Therefore, it is incorrect to even state that the answering Respondent has no authority to grant any sanction of extraction of minerals or carrying out mining operations. It is further submitted that the letter issued by the answering Respondent to the President of the 10<sup>th</sup> Respondent dated 06.12.2010 is in respect of the dredging operations permitted by the Government of Kerala to prevent the flooding of areas adjoining the Thottapally Harbour. This issue is the subject matter of O.A. No. 151 of 2020 in which the answering Respondent has filed a detailed reply. Be that as it may, the answering Respondent once again reiterates that dredging operations carried out at the instance of the Government of Kerala to prevent the flooding in Kuttanad region cannot be described to be "mining operation" as defined under the MMDR Act. It is also to be noted that dredging operations have been exempted from environmental clearance under the Notification dated 28.03.2020 issued by the MoEF&CC.
23. As regards paragraph (i), all averments made therein are denied except the reference made to the decision of the Hon'ble Supreme Court in Deepak Kumar Vs State of Haryana which is completely inapplicable to the facts of the present case.

24. As regards Paragraph (j) the same are the facts pertaining to the Writ Petition filed by the answering Respondent and to that extent the averments are not denied.

25. As regards Paragraph (k), the averments made therein are denied. While the Applicant has stated that several private studies have been conducted on the issue of sand mining, it has chosen to file only one report which cannot be stated to be an independent evaluation of the situation. Considering the fact that there is no mining operation being carried by the 7<sup>th</sup>, 8<sup>th</sup> or 11<sup>th</sup> Respondent, the report which deals with the impact of sand mining has no relevance and ought to be ignored. The decision to widen the mouth of the estuary has been taken to mitigate the loss that maybe caused on account of flooding under the National Disaster Management Act, 2005 which this report fails to consider. The issue presently before this Hon'ble Tribunal cannot be termed as "illegal mining" and the provisions of the MMDR Act or the Environment Protection Act or the rules and regulations made thereunder will not come into play.

26. As regards Paragraph (l), the averments made therein are not denied to the extent the same refers to the interim order passed by the Hon'ble Kerala High Court in WP(C). No. 11060 of 2020. In this regard, it is necessary to mention here that the interim order clearly sets out the reason for which the Hon'ble High Court has refused to interfere and interdict the transportation of dredged sand.

27. As regards Paragraph (m), the Applicant is put to strict proof of the same.

28. Now dealing with the grounds raised by the Applicant, the challenge in the present petition has been mounted on the following grounds:

- i. That the Respondents, more particularly 7<sup>th</sup>, 8<sup>th</sup> and 11<sup>th</sup> Respondents, have failed to obtain prior environmental clearance for extracting sand as per the EIA Notification 2006, when the said activity falls clearly within the purview of the Entry (1) (a) of the Schedule to the EIA Notification.
- ii. that the removal of 2,00,000 metric ton of minerals sand will not be an activity exempted under clause 7 (i) (B) and Entry No. 6 of Appendix IX of EIA Notification 2006 in respect of 7<sup>th</sup> and 8<sup>th</sup> Respondents.
- iii. That the National Disaster Management Act, 2005 also envisages planning, organisation, co-ordination, etc. for prevention of disaster which means an environmental study is necessary to consider the defects impact of such acts on the environment.
- iv. That the sand being transported by the answering Respondent and the 7<sup>th</sup> Respondent contains minerals which will be processed and hence the same is a commercial activity. Therefore, such activity will be subject to the provisions of

EIA Notification 2006 as well as AMCR 2016; and



them under the various enactments. If an activity requires environmental clearance, all necessary steps required to obtain such clearance will be taken.

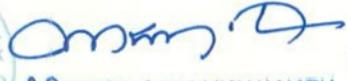
32. The references to the judgements of the Hon'ble High Court is completely misplaced and they are not applicable to the facts of the present case.

33. It is most respectfully submitted that the present application is a gross abuse of law as despite being well aware of a similar issue pending in the Hon'ble Kerala High Court has been raised once again before this Hon'ble Tribunal. The application is vexatious and bereft of any merit, particularly in the light of the fact that the decisions under challenge have been taken under the National Disaster Management Act, 2005.

34. It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the application with exemplary costs and thereby render justice.

Dated at Chennai on this the 15<sup>th</sup> day of July, 2021.

  
COUNSEL FOR THE 11<sup>th</sup> RESPONDENT

  
11<sup>th</sup> RESPONDENT  
R.V. VISWANATH  
म प्र एवं प्रधान / G M & HEAD  
आईआरईएल (इंडिया) लिमिटेड, चवरा  
IREL (India) Limited, Chavara  
कोल्लम / Kollam - 691 583

#### VERIFICATION

I, Mr. R.V. Viswanath, son of Mr. R.M. Warriar, aged 56 years, the General Manager & Head of Chavara Unit of the 11<sup>th</sup> Respondent, having office at Chavara, Kollam, Kerala-691583 do hereby declare that what is stated above is true to the best of my knowledge, information and belief.

  
COUNSEL FOR THE 11<sup>th</sup> RESPONDENT

  
आर.वी.विश्वनाथ / R.V. VISWANATH  
म प्र एवं प्रधान / G M & HEAD  
आईआरईएल (इंडिया) लिमिटेड, चवरा  
IREL (India) Limited, Chavara  
कोल्लम / Kollam - 691 583  
11<sup>th</sup> RESPONDENT

The above said R.V. Viswanath  
Signed this before me

  
15/07/2021



R. SANTHOSH KUMAR  
Advocate & Notary  
Enrl. No. K/423/1990  
Bhavaniswaram, Uliyacovil P.O.,  
Kollam - 691019. Mob: 9447223256

**NATIONAL GREEN TRIBUNAL**

**(SZ)**

**O.A No. 102 of 2020**

Nishant Gopal

.. Applicant

Vs.

Union of India & others

.. Respondents

**COUNTER STATEMENT FILED**  
**BY THE 11<sup>TH</sup> RESPONDENT**

**M/s. S. RAMASUBRAMANIAM &  
ASSOCIATES  
COUNSEL FOR 11<sup>th</sup> RESPONDENT  
9884312566/8754586171**



*Handwritten:* 10/6/2019  
10/6/2019

KMML	MD No. 877/19	Date: 6/6/19
HOU (TPHR)	HOU (FMXTC)	HOU (SPMS)
HOD (P&A)	HOD (F)	HOD (MS)

001871



**GOVERNMENT OF KERALA**

**Abstract**

MS 376/2019  
10/6/19

Water Resources Department –Removal of Mineral sand from Thottappally Spillway Pozhimouth – Permission accorded to M/s Kerala Minerals & Metals Ltd (KMML) –Rate fixed - orders issued.

**WATER RESOURCES (IR) DEPARTMENT**

**G.O.(Rt)No.385/2019/WRD Dated, Thiruvananthapuram, 31/05/2019**

*Handwritten:* Hon/My  
for ex a pte  
URGENT  
CH

- Read 1 Letter No.W3 -31299/2018/R/DB-2 dated 01/11/2018 and 09/05/2019 from Chief Engineer, Irrigation & Administration, Thiruvananthapuram.
- 2 Minutes of the meeting held by Hon'ble Minister for Water Resources on 02/05/2019.
- 3 Letter No.MS/Mines/TPLY/05 dated 02/05/2019 from MD, KMML.
- 4 Minutes of the meeting held by the Secretary, Water Resources Department on 14/05/2019.
- 5 Letter No.D8-4661/2019/ISC dated 29/05/2019 from the Superintending Engineer, Irrigation South Circle, Thiruvananthapuram.

*Handwritten:* HoD (MS)  
7/6/19

**ORDER**

The accumulation of sand in the Thottappally Spillway in Alappuzha District has affected the free flow of flood water to the sea, risking the Kuttanad area by flooding during the impending Monsoon season. 2018 witnessed severe flooding in the area. The M.S. Swaminathan Research Foundation (MSSRF) & the IIT, Madras upon consultation have recommended clearance of sand bar at the mouth of spillway and deepening and widening of the leading channel for further derisking the flood problem in Kuttanad.

2) Since the sand deposit are noted to contain regulated minerals, the disposal of the sand can be entrusted only to the appropriate licensees in the public sector.

3) M/S Indian Rare Earths Ltd., Chavara & The Kerala Minerals & Metals Ltd, Chavara have approached Government for the sand and based on the decision in the meeting held by Hon'ble Minister on 24/01/2019, Superintending Engineer, Irrigation South Circle, Thiruvananthapuram invited Expression of Interest (EoI) on 26/02/2019. M/s KMML submitted their EoI and their quotation for removal of sand quoting a rate of Rs.290/M<sup>3</sup>. The firms upon negotiation by the Superintending Engineer proposed that the order for removal of mineral sand may be made in favour of M/s KMML by suitable conveyance clauses. As per the report of the Chief Engineer, (I&A) dated 09/05/2019, M/s KMML has agreed that all financial and legal obligations with the department shall be met by M/s KMML.

4) As per the proposal dated 01/11/2018 of Chief Engineer (I&A) for the removal of mineral sand from Thottappally Spillway, the amount fixed for the mineral sand was Rs.464.55/M<sup>3</sup> (excluding the cost of dredging) with reference to the G.O.(Rt)No.645/2018/F&PD dated 06/08/2018 granting sanction to dredge sand at Thottappally Harbour by Fisheries & Port Department. As per G.O.(Rt) No.571/ 2012/WRD dated 14/05/2012 permission was granted to IREL for dredging of sand bar at Thottappally Spillway (TSW) mouth at the rate of Rs.450/M<sup>3</sup>. However, as per the G.O.(Rt) No.112/19/F&PD dated 12/02/2019, the rate fixed for the dredged spoil at Neendakara Port is Rs.306.54/M<sup>3</sup> including all taxes and the bidder M/s KMML had to pay the cost of dredging to the Fisheries Department. Essentially all these were within a range, comparable rates.

5) Since the rates proposed by the IREL & KMML based on above G.O. dated 12/02/2019 was quite below the previous rates (Rs.464.55/M<sup>3</sup>, Rs.450/M<sup>3</sup>) especially considering that the sand contains regulated atomic minerals, Government had entrusted Mining & Geology Department as well as the NCESS to assess and evaluate the contents of the mineral sand. But both institutions have not replied till date conclusively recommending a different rate. Further, in response to Government letter dated 30/04/2019, M/s KMML informed that they are

ready to accept the rate of Rs.464.55/M<sup>3</sup> for the sand. In the meantime a high level meeting was convened on 02/05/2019, under the Chairmanship of the Hon'ble Minister for Water Resources Department, in which Hon'ble Ministers for Finance, Public Works Department, Food & Civil Supplies and Agriculture were also present, to decide on the removal of sand from Thottappally Spillway. The meeting assessed that the then rate quoted by IREL & KMML appeared to be low (ie.Rs. 290/M<sup>3</sup>) and therefore the Additional Chief Secretary, Water Resources Department was entrusted to have discussions with the Secretary, Industries Department and to take a decision in the matter. Also decided that the Chief Engineer(I&A) shall realize the proceeds of sale to Government heads.

6)Based on the above decision, a meeting was convened by Secretary, WRD on 14/05/2019 with officials of IREL, KMML, and representative of MD, KSIDC & Secretary to Industries Department. In the meeting it was found that sand is to be removed before the onset of current monsoon (June 2019). The KMML and Industries Department(KSIDC) refused to increase the offered rate. But agreed to review it later if necessary. The only practically feasible option before the Government is therefore to accept the highest rate offered by KMML and IREL on the date ie. Rs. 464.55/M<sup>3</sup> excluding the excavation/ dredging charges as per the terms and conditions of agreement and EoI floated. The KMML has also to bear the GST expenses such as income tax, welfare tax, royalty etc.

7) Government have examined the matter in detail and are pleased to accord sanction to Chief Engineer, (I&A) to accept the highest offered rate on date of Rs.464.55/M<sup>3</sup> for the sand excluding GST and excavations/ dredging charges offered by M/s KMML as per letter read 3<sup>rd</sup> paper above in accordance with the terms and conditions of EoI floated subject to the condition that the above rate will be in force only for three (3) months which is to be revisited at that point on recommendations of Chief Engineer (I&A).

8)The Chief Engineer (I&A) is directed to take urgent action to execute necessary agreement with the PSU mentioned above and move forward to avoid the loss of sand during the impending monsoon, so as to allow free flow of water through the pozhi mouth.

**NATIONAL GREEN TRIBUNAL**

**(SZ)**

**O.A No. 102 of 2020**

Nishant Gopal

.. Applicant

Vs.

Union of India & others

.. Respondents

**EXHIBIT P1 -**

**ORDER DT. 31.05.2019 BY THE**  
**WATER RESOURCES (IR)**  
**DEPARTMENT ( GOVERNMENT**  
**OF KERALA)**

**M/s. S. RAMASUBRAMANIAM &**  
**ASSOCIATES**  
**COUNSEL FOR 11<sup>th</sup> RESPONDENT**  
**9884312566/8754586171**