

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 304 OF 2019

2526

IN THE MATTER OF:

M. Haridasan

...Applicant

VERSUS


State of Kerala & Ors.

Respondent(s)

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VOLUME -2

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14.	<b>ANNEXURE R-12:-</b> A copy of the Order dated 21.12.2020 passed by the Hon'ble High Court of Kerala in W.P. (C) No. 16367 and other connected matters.	2527-2687

FILED BY

  
MAHESH AGARWAL  
ADVOCATE FOR THE INTERVENOR/RESPONDENT-AVVPL  
AGARWAL LAW ASSOCIATES  
19, BABAR ROAD, BENGALI MAKRET  
NEW DELHI - 110 001  
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EMAIL: mail@aglaw.in

PLACE: NEW DELHI  
DATED: 05.12.2023

W.P.(C) No.15962 of 2020 & con. cases

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- 4 STATE ENVIRONMENTAL IMPACT ASSESSMENT  
AUTHORITY (SEIAA) ,  
4TH FLOOR, KSRTC BUS TERMINAL BUILDING,  
THIRUVANANTHAPURAM-695001, REPRESENTED BY ITS  
MEMBER SECRETARY.
  - 5 ENVIRONMENTAL ENGINEER,  
KERALA STATE POLLUTION CONTROL BOARD,  
DISTRICT OFFICE, IDUKKI, ESSARAN BUILDING,  
ANAKOODU JUNCTION, THODUPUZHA-685584.
  - 6 THE GEOLOGIST,  
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT  
OFFICE, IDUKKI, MINI CIVIL STATION, THODUPUZHA-  
685608.
  - 7 SRI. M. HARIDASAN,  
S/O. MUTHAN, KONNAKALKADAVU HOUSE,  
KORENCHIRA. P. O, PALAKKAD-678684.
- SRI. KANNAN, SPL. GP  
SRI. NAVEEN T. SC  
SRI. S. SUJIN, SC  
SRI. M. P. SREEKRISHNAN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
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W.P.(C) No.15962 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP (C) .No.20581 OF 2020 (W)

PETITIONER:

JAISON LUKOSE, AGED 39 YEARS  
S/O.C.T. LUKOSE, CHIRAYIL THOMPSON VILLA,  
ETTUMANOOR P.O. 686 631. KOTTAYAM DISTRICT.

BY ADVS.

SRI.GEORGE POONTHOTTAM (SR.)  
SMT.NISHA GEORGE  
SRI.J.VISHNU

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,  
INDUSTRIOUS DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM 695 001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY,  
DIRECTORATE OF MINING AND GEOLOGY,  
PATTOM PALACE P.O. DESAVADASAPURAM,  
THIRUVANANTHAPURAM 695 004.
- 3 THE DISTRICT GELOGIST,  
CIVIL STATION, SEAPORT AIRPORT ROAD,  
KAKKANADU, ERNAKULAM 682 030.

SRI. KANNAN SPL. GP

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP (C) .No.21174 OF 2020 (V)

PETITIONERS:

- 1 SHIJITH T.,  
AGED 43 YEARS  
S/O. BALAKRISHNAN, RESIDING AT THANIYULLATHIL  
HOUSE, NADUVATHUR, KEEZHARIYOOR VILLAGE,  
KOYILANDI TALUK, KOZHIKODE DISTRICT.
- 2 PRAJEESH,  
AGED 41 YEARS  
SON OF CHATHUKUTTY,  
RESIDING AT THANIYULLATHIL HOUSE, NADUVATHUR,  
KEEZHARIYOOR VILLAGE, KOYILANDI TALUK,  
KOZHIKODE DISTRICT.
- 3 K.C. BABU,  
AGED 56 YEARS  
SON OF CHATHUKUTTY,  
RESIDING AT UDYANAM PAZHAYANA HOUSE,,  
NADUVATHUR, KEEZHARIYOOR VILLAGE, KOYILANDI  
TALUK, KOZHIKODE DISTRICT.

BY ADVS.

SRI .T.MADHU

SMT.C.R.SARADAMANI

SMT.N.P.SHIGA

SRI.SHAHID AZEEZ

SMT.CHANDRALEKHA SANU

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RESPONDENTS :

- 1 THE UNION OF INDIA  
REPRESENTED BY ITS SECRETARY MINISTRY OF  
ENVIRONMENT AND FORESTS, PARYAVARAN BHAVAN,  
LODI ROAD, NEW DELHI 110 003.
- 2 THE STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,  
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM 695 001.
- 3 THE REGIONAL CONTROLLER OF MINES,  
OFFICE OF THE REGIONAL CONTROLLER OF MINES,  
INDIAN BUREAU OF MINES, 29-INDUSTRIAL SUBRURB  
II STAGE, TUMKUR ROAD, GORGUNTAPALAYA,  
YESHWANTHPUR, BANGALORE 560 022.
- 4 THE DISTRICT ENVIROMENTAL IMPACT ASSESSMENT  
AUTHORITY  
DEIAA,  
KOZHIKODE OFFICE OF THE DISTRICT ENVIRONMENTAL  
IMPACT ASSESSMENT AUTHORITY, DEIAA, KOZHIKODE  
REPRESENTED BY ITS MEMBER SECRETARY, DISTRICT  
COLLECTOR, KOZHIKODE 673 020.
- 5 THE DISTRICT LEVEL EXPERT APPRAISAL COMMITTEE  
DEAC,  
CONSTITUTED UNDER THE PROVISIONS OF THE  
ENVIRONMENTAL PROTECTION CT 1986, REPRESENTED  
BY ITS SECRETARY, KOZHIKODE 673 020.
- 6 THE DISTRICT COLLECTOR,  
KOZHIKODE, CIVIL STATION,  
KOZHIKODE DISTRICT 673 020.
- 7 THE ENVIRONMENTAL ENGINEER,  
KERALA STATE POLLUTION CONTROL BOARD, DISTRICT  
OFFICE, KOZHIKODE PALAYAM, KOZHIKODE 673 002.

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- 8 THE DEPUTY CHIEF CONTROLLER  
OF EXPLOSIVES, ERNAKULAM, C 2-II FLOOR, CGO  
COMPLEX, KAKKANAD, ERNAKULAM 682 030.
- 9 THE GEOLOGIST  
DEPARTMENT OF MING AND GEOLOGY, DISTRICT  
OFFICE, KOZHIKODE, 6TH FLOOR, OF B BLOCK, CIVIL  
STATION, KOZHIKODE 673 020.
- 10 THE KEEZHARIYOOR GRAMA PANCHAYATH  
KEEZHARIYOOR P.O. KOZHIKODE DISTRICT 673 307,  
REPRESENTED BY ITS SECRETARY.
- 11 MOHAMMED ISMAIL MAKKI,  
S/O. MOIDEEN HAJI, RESIDING AT ANAPARACKAL  
HOUSE, UNNIKULAM POST, THAMARASSERY VILLAGE,  
KOZHIKODE DISTRICT 673 574.

R1, R3, R8 BY ADV. MR.K.ARJUN VENUGOPAL, CGC  
SRI. P. VIJAYAKUMAR, SCGC  
SRI.M.P. SREEKRISHNAN, SC  
SRI. KANNAN, SPL. GP

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP (C) .No.21465 OF 2020 (G)

PETITIONER:

DR. ABRAHAM SEBASTIAN, AGED 57 YEARS  
PROPRIETOR, NAYAMPADAM GRANITES, MUNDUR,  
PALAKKAD, RESIDING AT MEDISCAN, HOUSE NO.  
321/1399-A, PIPELINE ROAD, PALARIVATTOM,  
ERNAKULAM - 682025.

BY ADVS.

SRI.JAMES ABRAHAM (VILAYAKATTU)

SRI.P.BALAN (VYTTILA)

RESPONDENTS:

- 1 STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,  
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM - 695001,
- 2 THE DIRECTOR OF MINING AND GEOLOGY,  
DIRECTORATE OF MINING AND GEOLOGY,  
KESAVADASAPURAM, PATTAM PALACE P O,  
THIRUVANANTHAPURAM - 695004.
- 3 CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAVAN, EAST ARJUN NAGAR, DELHI -  
110032, REPRESENTED BY MEMBER SECRETARY.
- 4 KERALA STATE POLLUTION CONTROL BOARD,  
PLAMOODU JUNCTION, PATTOM PALACE P O,  
THIRUVANANTHAPURAM - 695004,

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- 5 STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY  
(SEIAA) ,  
4TH FLOOR, KSRTC BUS TERMINAL BUILDING,  
THIRUVANANTHAPURAM - 695001, REPRESENTED BY ITS  
MEMBER SECRETARY.
- 6 THE GEOLOGIST  
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT  
OFFICE, TOWN BUS STAND COMPLEX, PALAKKAD  
DISTRICT - 678014,
- 7 M. HARIDASAN  
S/O. MUTHAN, KONNAKALKADAVU HOUSE, KORENCHIRA  
PO, PALAKKAD - 678684.
- SRI. KANNAN, SPL. GP  
SRI. M.P.SREEKRISHNAN SC.  
SRI. T. NAVEEN, SC.

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP(C).No.21550 OF 2020 (P)

PETITIONER:

VIGNESWARA GRANITES  
REPRESENTED BY ITS MANAGING PARTNER, REENA P.,  
AGED 32 YEARS, W/O.HARSHAKUMAR, SEEMAVILA,  
VENCODE P.O., VATTAPARA, THIRUVANANTHAPURAM  
DISTRICT-695028, RESIDING AT KUNATHU PUTHEN  
VEEDU, KOTTUKONAM, NELLANAD VILLAGE,  
THIRUVANANTHAPURAM DISTRICT-695606.

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENT:

THE GEOLOGIST  
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT  
OFFICE, KESAVADASAPURAM, PATTOM PALACE P.O.,  
THIRUVANANTHAPURAM DISTRICT, PIN CODE-695004.

SRI. KANNAN, SPL. GP

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP(C) .No.21566 OF 2020 (U)

PETITIONERS:

- 1 L SAIJU, AGED 56 YEARS  
S/O. K. LEKSHMANAN, MANAGING DIRECTOR, M/S. K.  
LEKSHMANAN COMPANY INFRASTRUCTURES AND  
INDUSTRIES PVT. LTD. (KLCI AND IPL), AKKAVILA,  
KOLLAM-690 011
  
- 2 SAJIL SATHEEK, AGED 35 YEARS  
S/O.SHRI. L. SATHEEK, RESIDING AT AKKAVILA  
HOUSE, NO. 200, SREE SARAVANA NAGAR,  
ERAVIPURAMP.O, KOLLAM, KERALA 691 001.

BY ADVS.  
SRI.K.P.DANDAPANI (SR.)  
SRI.MILLU DANDAPANI  
SRI.PREMCHAND R.NAIR

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY ITS SECRETARY TO THE INDUSTRIAL  
DEPARTMENT, GOVERNMENT  
SECRETARIAT, THIRUVANANTHPURAM-695 001
  
- 2 THE DIRECTOR OF MINING AND GEOLOGY,  
DIRECTORATE OF MINING AND GEOLOGY, PATTOM  
PALACE P.O, KESAVADASAPURAM,  
THIRUVANANTHAPURAM-695 004

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- 3 THE CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAWAN, MAHARISHI VALKMIKI MARG, EAST  
ARJUN NAGAR NAGAR, VISHWAS NAGAR EXTENSION,  
VISWAS NAGAR, SHAHDRA, DELHI 110 032,  
REPRESENTED BY ITS MEMBER SECRETARY.
  
- 4 THE STATE POLLUTION CONTROL BOARD,  
FLAT NO. H/6TH FLOOR, KESHAVADASAPURAM, MG  
ROAD, THIRUVANANTHAPURAM, KERALA -695 001,  
REPRESENTED BY ITS MEMBER SECRETARY.
  
- 5 HARIDAS M,  
S/O. MUTHAN, KONNAKKALKADAVU HOUSE, KORANCHIRA  
P.O, PALAKKAD-678 684  
  
SRI. KANNAN, SPL. GP  
SRI. P. VIJAYAKUMAR ASG  
SRI. NAVEEN, SC

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP (C) .No.21612 OF 2020 (B)

PETITIONER:

THOPPIL GRANITES PVT.LTD. AGED 59 YEARS  
VATTAKARIKKAM, VATTAKARIKKAM P O, KOLLAYIL,  
KOLLAM - 691541, REPRESENTED BY ITS MANAGING  
DIRECTOR, SRI.THAJUDEEN A

BY ADVS.  
SRI.ENOCH DAVID SIMON JOEL  
SRI.S.SREEDEV  
SRI.RONY JOSE

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY THE SECRETARY, DEPARTMENT OF  
INDUSTRIES, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM - 695001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY  
DIRECTORATE OF MINING AND GEOLOGY, PATTOM P O,  
THIRUVANANTHAPURAM - 695004,
- 3 CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAWAN, EAST ARJUN NAGAR, NEW DELHI -  
110032, REPRESENTED BY ITS MEMBER SECRETARY.
- 4 KERALA STATE POLLUTION CONTROL BOARD,  
PLAMOODU JUNCTION, PATTOM PALACE P O,  
THIRUVANANTHAPURAM - 695004., REPRESENTED BY  
ITS MEMBER SECRETARY.

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5 M. HARIDASAN  
S/O. MUTHAN, KONNAKALKADAVU HOUSE, KORENCHIRA  
P O, PALAKKAD - 678684.

SRI. KANNAN, SPL. GP  
SRI. T. NAVEEN, SC  
SRI. SUJIN, SC

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP(C).No.21615 OF 2020(B)

PETITIONER:

V.SUDHAKARAN, AGED 64 YEARS  
ROHINI SADANAM, MELAMCODE,  
NEMOM P.O,  
THIRUVANANTHAPURAM.

BY ADVS.  
SRI.ENOCH DAVID SIMON JOEL  
SRI.S.SREEDEV  
SRI.RONY JOSE

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY THE SECRETARY, DEPARTMENT OF  
INDUSTRIES, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY  
DIRECTORATE OF MINING AND GEOLOGY, PATTOM. P.O,  
THIRUVANANTHAPURAM-695004.
- 3 CENTRAL POLLUTION CONTROL BOARD  
PARIVESH BHAWAN, EAST ARJUN NAGAR, NEW DELHI-  
110032., REPRESENTED BY ITS MEMBER SECRETARY
- 4 KERALA STATE POLLUTION CONTROL BOARD  
PLAMOODU JUNCTION, PATTOM PALACE.P.O,  
THIRUVANANTHAPURAM-695004, REPRESENTED BY ITS  
MEMBER SECRETARY

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W.P.(C) No.15962 of 2020 & con. cases

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5        M HARIDASAN  
          S/O MUTHAN, KONNAKKALKADAVU HOUSE,  
          KORENCHIRA PO, PALAKKAD-678684.  
  
          SRI.KANNAN, SPL. GP  
          SRI. NAVEEN, SC

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP(C).No.21718 OF 2020(L)

PETITIONER:

M/S. WESTERN GRANITES,  
VADAKKAN HOUSE, KUMARAPURAM POST, PALLIKKARA,  
ERNAKULAM DISTRICT, KERALA STATE-683 562,  
REPRESENTED BY ITS MANAGING PARTNER, GREEHO  
KURIAN

BY ADV. SHRI.PHILIP J.VETTICKATTU

RESPONDENTS:

- 1 THE DIRECTOR, MINING AND GEOLOGY DIRECTORATE,  
MINING AND GEOLOGY DIRECTORATE,  
KESAVADASAPURAM, PATTOM PALACE P.O.,  
TRIVANDRUM, PIN-695 004
- 2 THE DISTRICT GEOLOGIST,  
IDUKKI, MINI CIVIL STATION,  
THODUPUZHA, PIN-685 584
- 3 CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAVAN, EAST ARJUN NAGAR, DELHI-110  
032, REPRESENTED BY ITS MEMBER SECRETARY
- 4 KERALA STATE POLLUTION CONTROL BOARD,  
PLAMOODU JUNCTION, PATTAM PALACE P.O.,  
TRIVANDRUM-695 004, REPRESENTED BY ITS MEMBER  
SECRETARY

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- 5 STATE OF KERALA,  
REPRESENTED BY THE SECRETARY, INDUSTRIES  
DEPARTMENT, SECRETARIAT, TRIVANDRUM-695 001
- 6 MINISTRY OF MINES,  
GOVERNMENT OF INDIA, SHASHTRI BHAVAN,  
DR.RAJENDRA PRASAD ROAD, NEW DELHI-110 001,  
REPRESENTED BY ITS SECRETARY
- 7 INDIAN BUREAU OF MINES,  
MINISTRY OF MINES, GOVERNMENT OF INDIA, 2ND  
FLOOR, INDIRA BHAVAN, CIVIL LINES, NAGPUR, PIN-  
44 001, REPRESENTED BY ITS MEMBER SECRETARY
- 8 M.HARIDASAN  
KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD, KERALA-678 684
- SRI. KANNAN, SPL. GP  
SRI. VIJAYAKUMAR, ASG  
SRI. SUJIN, SC  
SRI. NAVEEN, SC

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP(C).No.21834 OF 2020(D)

PETITIONER:

M/S. PAYYOLI GRANITES PVT. LTD.,  
THANKAMALA ESTATE, KEEZHARIYUR P.O.KOZHICODE,  
KOYILANDY-673 307, REPRESENTED BY ITS MANAGING  
DIRECTOR, ISSAC JACOB.

BY ADV. SHRI.PHILIP J.VETTICKATTU

RESPONDENTS:

- 1 THE CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAVAN, EAST ARJUN NAGAR, DELHI-110  
32, REPRESENTED BY ITS MEMBER SECRETARY
- 2 KERALA STATE POLLUTION CONTROL BOARD,  
PLAMOODU JUNCTION, PATTAM PALACE  
P.O.TRIVANDRUM-695 004, REPRESENTED BY ITS  
MEMBER SECRETARY
- 3 STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY  
(SEIAA),  
KERALA, KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR,  
THAMPANOR, TRIVANDRUM-695 001, REPRESENTED BY  
ITS MEMBER SECRETARY
- 4 THE DIRECTOR,  
MINING AND GEOLOGY DIRECTORATE,  
KESAVADASAPURAM, PATTOM PALACE P.O.TRIVANDUM,  
PIN-695 004.

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- 5 STATE OF KERALA,  
REPRESENTED BY THE SECRETARY, INDUSTRIES  
DEPARTMENT, SECRETARIAT, TRIVANDRUM-695 001.
- 6 MINISTRY OF MINES,  
GOVERNMENT OF INDIA, SHASTRI BHAVAN, DR.  
RAJENDRA PRASAD ROAD, NEW DELHI-110 001,  
REPRESENTED BY ITS SECRETARY.
- 7 INDIAN BUREAU OF MINES,  
MINISTRY OF MINES, GOVERNMENT OF INDIA, 2ND  
FLOOR, INDIRA BHAVAN, CIVIL LINES, NAGPUR, PIN-  
440001, RESENTED BY ITS MEMBER SECRETARY
- 8 M. HARIDASAN,  
KONNAKALKAUVU, KORENCHIRA P.O., KOZHAKKECHERRY,  
PALAKKAD, KERALA-678 684.

R1, R6 BY ADV. MR.A.K.HARIDAS, CGC  
SRI.KANNAN, SPL. GP  
SRI. P. VIJAYAKUMAR ASG  
SRI. T. NAVEEN SC  
SRI. M.P.SREEKRISHNAN SC

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP (C) .No.21900 OF 2020 (J)

PETITIONER:

SETHU P. , AGED 39 YEARS  
S/O. PARAMU, K. P. V/237, JITHU BHAVAN,  
THOPPIL, MULACKALATHUKAVU P. O. , KILIMANOOR  
(VIA) , THIRUVANANTHAPURAM, PIN - 695 602.

BY ADVS.  
SRI.BOBY THOMAS  
SRI.BIJI MATHEW  
SMT.PRIYADARSINI VINCENT  
SMT.RESHMI JACOB

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY THE PRINCIPAL SECRETARY TO  
GOVERNMENT, DEPARTMENT OF INDUSTRIES AND  
COMMERCE, SECRETARIAT, THIRUVANANTHAPURAM - 695  
001.
- 2 THE CENTRAL POLLUTION CONTROL BOARD  
REPRESENTED BY ITS SECRETARY, PARIVESH BHAWAN,  
EAST ARJUN NAGAR, DELHI - 110032.
- 3 THE KERALA STATE POLLUTION CONTROL BOARD  
REPRESENTED BY ITS SECRETARY, PATTOM P. O. ,  
THIRUVANANTHAPURAM - 695 004.

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- 4 CHIEF ENVIRONMENTAL ENGINEER  
THE KERALA STATE POLLUTION CONTROL BOARD,  
THIRUVANANTHAPURAM REGIONAL OFFICE, PATTOM P.  
O., THIRUVANANTHAPURAM - 695 004.
  - 5 THE DIRECTOR  
DIRECTORATE OF MINING AND GEOLOGY,  
KESAVADASAPURAM, PATTOM PALACE P. O.,  
THIRUVANANTHAPURAM - 695 004.
  - 6 THE GEOLOGIST  
THIRUVANANTHAPURAM DISTRICT OFFICE, DEPARTMENT  
OF MINING AND GEOLOGY, KESAVADASAPURAM, PATTOM  
PALACE P. O., THIRUVANANTHAPURAM - 695 004.
  - 7 KILIMANOOR GRAMA PANCHAYATH  
REPRESENTED BY ITS SECTARY, KILIMANOOR  
PANCHAYATH OFFICE, KILIMANOOR MADAVOOR RD,  
KILIMANOOR, KERALA - 695 601.
  - 8 OMANA  
W/O. AJITHKUMAR, SUKUMARA VILASAM PONGADU P.  
O., KILIMANOOR - 695 601.
- SRI. NAVEEN, SC  
SRI. KANNAN, SPL. GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
11-11-2020, ALONG WITH WP(C).15962/2020 AND CONNECTED  
CASES, THE COURT ON 21-12-2020 DELIVERED THE FOLLOWING:

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP(C).No.21918 OF 2020(L)

PETITIONER:

THOMSON GRANITES  
WEST KODIKULAM POST, THODUPUZHA,  
REPRESENTED BY ITS PARTNER, KURUVILLA THOMAS,

BY ADV. SHRI.PHILIP J.VETTICKATTU

RESPONDENTS:

- 1 THE ENVIRONMENTAL ENGINEER  
POLLUTION CONTROL BOARD, DISTRICT OFFICE,  
ESSAREN BUILDING, AANAKOODU ROAD, THRIKARIYOOR,  
IDUKKI-685584.
- 2 KERALA STATE POLLUTION CONTROL BOARD,  
PLAMOODU JUNCTION, PATTAM PALACE P.O.,  
TRIVANDRUM-695004, REPRESENTED BY ITS MEMBER  
SECRETARY.
- 3 CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAVAN, EAST ARJUN NAGAR, DELHI-  
110032, REPRESENTED BY ITS MEMBER SECRETARY.
- 4 STATE OF KERALA,  
REPRESENTED BY THE SECRETARY, INDUSTRIES  
DEPARTMENT, SECRETARIAT, TRIVANDRUM-695001.

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SRI. T. NAVEEN, SC  
SRI. KANNAN, SPL GP  
SRI. S. SUJIN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
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CASES, THE COURT ON 21-12-2020 DELIVERED THE FOLLOWING:

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP (C) .No.22019 OF 2020 (B)

PETITIONER:

BINU CHERIAN, AGED 47 YEARS  
THAKKIRICKAL HOUSE, CHELAD P. O.,  
KOTHAMANGALAM, ERNAKULAM.

BY ADV. SHRI.PHILIP J.VETTICKATTU

RESPONDENT:

- 1 CENTRAL POLLUTION CONTROL BOARD  
PARIVESH BHAVAN, EAST ARJUN NAGAR, DELHI - 110  
032, REPRESENTED BY ITS MEMBER SECRETARY.
- 2 KERALA STATE POLLUTION CONTROL BOARD  
PLAMOODU JUNCTION, PATTAM PALACE P. O.,  
TRIVANDRUM - 695 004, REPRESENTED BY ITS MEMBER  
SECRETARY.
- 3 THE DISTRICT GEOLOGIST  
MALAPPURAM, MINI CIVIL STATION, MANJERI,  
MALAPPURAM.
- 4 THE DIRECTOR  
MINING AND GEOLOGY DIRECTORATE,  
KESAVADASAPURAM, PATTOM PALACE P. O.  
TRIVANDRUM, PIN - 695 004.

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- 5 STATE OF KERALA  
REPRESENTED BY THE SECRETARY, INDUSTRIES  
DEPARTMENT, SECRETARIAT, TRIVANDRUM- 695 001.
- 6 MINISTRY OF MINES  
GOVERNMENT OF INDIA, SHASTRI BHAVAN, DR.  
RAJENDRA PRASAD ROAD, NEW DELHI - 110 001,  
REPRESENTED BY ITS SECRETARY.
- 7 INDIAN BUREAU OF MINES  
MINISTRY OF MINES, GOVERNMENT OF INDIA, 2ND  
FLOOR, INDIRA BHAVAN, CIVIL LINES, NAGPUR, PIN  
- 440 001, REPRESENTED BY ITS MEMBER SECRETARY.
- 8 M. HARIDASAN  
KONNAKALKADAVU, KORENCHIRA P. O.,  
KIZHAKKECHERRY, PALAKKAD, KERALA - 678 684.
- R6-7 BY SRI.S.BIJU, CGC  
SRI. S. BINDU, CGS  
SRI. P. VIJAYAKUMAR ASG  
SRI. S. KANNAN, SPL. GP  
SRI. T. NAVEEN SC

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP (C) .No.22371 OF 2020 (V)

PETITIONER:

ROBIN P.R., AGED 31 YEARS  
S/O. RAJU, PADINJAREKUDIYIL HOUSE, KARACHAL P.O,  
WAYANAD -673 593.

BY ADVS.

SRI.PAUL JACOB (P)  
SRI.ENOCH DAVID SIMON JOEL  
SRI.S.SREEDEV  
SRI.RONY JOSE  
SMT.SHERU JOSEPH

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY THE SECRETARY, DEPARTMENT OF  
INDUSTRIES, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-695 001
- 2 THE DIRECTOR OF MINING AND GEOLOGY,  
DIRECTORATE OF MINING AND GEOLOGY, PATTOM P.O,  
THIRUVANANTHAPURAM-695 004.
- 3 DISTRICT GEOLOGIST,  
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT  
OFFICE, MEENANGADI, WAYANAD-673 591
- 4 CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAWAN, EAST ARJUN NAGAR, NEW DELHI-  
110 032, REPRESENTED BY ITS MEMBER SECRETARY.

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5 KERALA STATE POLLUTION CONTROL BOARD,  
PLAMOODU JUNCTION, PATTOM PALACE P.O,  
THIRUVANANTHAPURAM-695 004, REPRESENTED BY ITS  
MEMBER SECRETARY.

6 M. HARIDASAN,  
S/O.MUTHAN, KONNAKALKADAVU HOUSE, KORENCHIRA  
P.O, PALAKKAD-678 684.

SRI. S. KANNAN, SPL. GP

SRI. S. SUJIN, SC

SRI. T.NAVEEN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP (C) .No.22847 OF 2020 (E)

PETITIONER:

SATHIAMMA, AGED 52 YEARS  
W/O. VIJAYA NATHA KURUP, R/O. IRATTAKALAYIL  
HOUSE, THENGAMAM P.O, SOORANAD, PATHANAMTHITTA-  
690522

BY ADVS.  
SRI.M.K.CHANDRA MOHANDAS  
SRI.SHAKTHI PRAKASH  
SRI.PRATHEEK VISWANATHAN  
SHRI.HARIKRISHNAN M.S.

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY THE SECRETARY, DEPARTMENT OF  
INDUSTRIES, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-695 001
- 2 THE DIRECTOR OF MINING AND GEOLOGY,  
DIRECTORATE OF MINING AND GEOLOGY, PATTOM P.O,  
THIRUVANANTHAPURAM-695 004.
- 3 GEOLOGIST,  
PATHANAMTHITTA MINING AND GEOLOGY DEPARTMENT,  
DISTRICT OFFICE, MINI CIVIL STATION, ARANMULA  
P.O, PATHANAMTHITTA-689 645

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- 4 CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAWAN, EAST ARJUN NAGAR, NEW DELHI-  
110 032, REPRESENTED BY ITS MEMBER SECRETARY.
  
- 5 KERALA STATE POLLUTION CONTROL BOARD,  
PLAMOODU JUNCTION, PATTOM PALACE P.O,  
THIRUVANANTHAPURAM-695 004, REPRESENTED BY ITS  
MEMBER SECRETARY.

SRI. KANNAN, SPL. GP  
SRI. T. NAVEEN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
11-11-2020, ALONG WITH WP(C).15962/2020 AND CONNECTED  
CASES, THE COURT ON 21-12-2020 DELIVERED THE FOLLOWING:

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA,  
1942

WP (C) .No.23150 OF 2020 (P)

PETITIONER:

REMESH KUMAR J., AGED 54 YEARS  
S/O. JANARDHANAN, RESIDING AT PADMAVILASAM,  
THEKKETHERY P.O, KOTTARAKKARA,  
KOLLAM, PIN-691 522

BY ADVS.

SRI.M.K.CHANDRA MOHANDAS  
SRI.SHAKTHI PRAKASH  
SRI.PRATHEEK VISWANATHAN  
SHRI.HARIKRISHNAN M.S.

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY THE SECRETARY, DEPARTMENT OF  
INDUSTRIES, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-695 001
- 2 THE DIRECTOR OF MINING AND GEOLOGY,  
DIRECTORATE OF MINING AND GEOLOGY, PATTOM P.O,  
THIRUVANANTHAPURAM-695 004
- 3 GEOLOGIST,  
MINING AND GEOLOGY DEPARTMENT, KOLLAM DISTRICT  
OFFICE, ASRAMAM, KOLLAM, PIN-691 002.
- 4 CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAWAN, EAST ARJUN NAGAR, NEW DELHI  
110 032, REPRESENTED BY ITS MEMBER SECRETARY.

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5 KERALA STATE POLLUTION CONTROL BOARD,  
PLAMOODU JUNCTION, PATTOM PALACE P.O,  
THIRUVANANTHAPURAM-695 004, REPRESENTED BY ITS  
MEMBER SECRETARY.

SRI. S. SUJIN, SC  
SRI. T. NAVEEN, SC  
SRI. KANNAN, SPL. GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
11-11-2020, ALONG WITH WP(C).15962/2020 AND CONNECTED  
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**C.R.**

**P.B.SURESH KUMAR, J.**

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**W.P.(C) Nos.15962, 15305, 15309, 15435, 15858,  
16153, 16367, 16455, 16474, 16762, 16864, 16953,  
17022, 17391, 19600, 19710, 19760, 20581,  
21174, 21465, 21550, 21566, 21612, 21615,  
21718, 21834, 21900, 21918, 22019,  
22371, 22847 & 23150 of 2020**

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**Dated this the 21<sup>st</sup> day of December, 2020.**

**J U D G M E N T**

The basic challenge in this batch of writ petitions is against an order of the National Green Tribunal (NGT), in terms of which minimum distance criteria from residential buildings and other human inhabited sites have been fixed for permitting stone quarrying by the Central and State Pollution Control Boards functioning under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

2. The issues arising for consideration in these matters being common, they are disposed of by this common judgment. The

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parties and Exhibits are referred to in this judgment, unless otherwise mentioned, as they appear in W.P.(C) No.16367 of 2020.

3. On 13.02.2019, respondents 3 to 115 preferred Ext.P6 representation to the Prime Minister of India with a copy to the Chairperson of the NGT complaining *inter alia* about the permissions and licenses granted for conducting stone quarrying at a place called Konnakkalkadavu in Palakkad District in the State, mainly on the ground that the proposed stone quarrying would affect the flora and fauna in the area adversely. The copy of Ext.P6 representation received by the Chairperson of the NGT has been treated by the Principal Bench of the NGT as an application, and Ext.P7 order was passed on the same on 06.05.2019, directing the State Pollution Control Board (SPCB) and the District Magistrate, Palakkad to look into the matter and take appropriate action and furnish an action taken report in the matter within two months. Pursuant to Ext.P7 order, the SPCB has submitted a report before the NGT on 10.07.2019 stating, among others, that environmental clearance has already been granted for the quarry referred to in the representation and since the quarry is located beyond 50 meters from residential houses and public roads, there is no impediment in operating the quarry. After considering the

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said report, and placing reliance on the decisions of the Apex Court in **M.C.Mehta v. Union of India and others**, (1996) 8 SCC 462 and **Mohd. Haroon Ansari v. District Collector, Rangareddy District, A.P.**, (2004) 1 SCC 491, the NGT passed Ext.P8 order on 09.10.2019, holding that stone quarries would cause air and noise pollution even beyond 50 meters, and consequently directed the SPCB to revisit the existing criteria based on an appropriate study. Pursuant to Ext.P8 order, the SPCB had deliberations with the various stakeholders and arrived at the conclusion that the existing distance criterion can be maintained, provided the quarry operators comply with certain conditions. A report to that effect was accordingly filed by the SPCB. Ext.P9 is the report filed by the SPCB in this regard. The conditions to be fulfilled for maintaining the distance criterion at 50 meters, as found by the SPCB, and as disclosed by them in Ext.P9 report are the following:

1. Scientific mining methods shall be carried out in the quarrying area.
2. Department of Mining & Geology has to be strengthened with the induction of Mining Engineer having 10 years of field experience,
3. Quarrying permit for one year or lesser period shall not be issued; instead, it shall be given for a longer period of time,

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4. Proper mine plan having proposal for mine closure shall be submitted with lease,
5. Quarrying shall be carried out in the presence of a Mine Manager, certified by Directorate General of Mines Safety,
6. Wet drilling method shall be promoted,
7. Owner should submit copy of the lease to Directorate General of Mines Safety,
8. For Dust control, Water sprinkling shall be done for blasting, breaking and transportation operations,
9. Maximum 2 kg explosive/ hole shall be allowed only with DGMS written permission,
10. Shock tube detonation system alone should be followed in the quarries,
11. Stemming with wet material and water cartridge should be used in quarries with limited distance from sensitive locations,
12. Ergonomically designed Pneumatic drills machines with dust collector attachment only to be used in case of small diameter holes,
13. Wire mesh with sand bag shall be used for avoiding fly rocks. The quarrying area shall be wetted before quarrying in soil overburden areas,
14. Compressor shall have noise enclosure.

4. After considering Ext.P9 report, the NGT Passed Ext.P10 order reiterating its earlier stand that the distance of 50 meters from human inhabited sites for permitting stone quarrying, particularly when blasting is involved in the activity, is grossly

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inadequate and will have deleterious effect on environment and public health, and directing the Central Pollution Control Board (CPCB) to examine and lay down appropriate stringent distance restrictions for stone quarrying from human inhabited sites within a month and convey the same to the SPCBs in the country. It was also directed by the NGT in Ext.P10 order that the SPCBs will have to take further action accordingly. Pursuant to Ext.P10 order, the CPCB submitted Ext.P11 report before the NGT, fixing a distance criteria of 100 meters when blasting is not involved, and 200 meters when blasting is involved, from residential buildings and other human inhabited sites, for stone quarrying. Ext.P11 report has been accepted by the NGT and accordingly, Ext.P12 order, which is impugned in the writ petitions, was passed directing that the said distance criteria shall be implemented in the country.

5. Petitioners challenge Ext.P12 order of the NGT on various grounds. Before considering the sustainability or otherwise of the challenge, it is necessary to refer to the nature of grievance voiced by the petitioners in the writ petitions. Among the writ petitions, W.P. (C) No.16367 of 2020 is one filed by the State alleging that if Ext.P12 order is given effect to, in the peculiar geographical nature of the

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State, all the stone quarries in the State have to be closed down and that the same would adversely affect the development activities taking place in the State. As evident from the case put forward, the writ petition of the State proceeds on the premise that the direction in the impugned order is to implement the distance criteria retrospectively. Among the remaining writ petitions, some are instituted by persons/companies who are presently undertaking stone quarrying in the State on the strength of the requisite licences and permissions, some are instituted by persons/companies intending to undertake stone quarrying in the State and applied for permissions and licences for the same, and some are instituted by persons/companies who have been undertaking stone quarrying in the State, but had to stop the same on account of various reasons such as prohibitory orders, expiry of the term of licence/permission/environmental clearance/consent. As far as the existing operators are concerned, they also proceed on the premise that the impugned order is retrospective in nature and they will have, therefore, to close down their quarries as they are situated within the prohibited distance mentioned in the impugned order. Similar is the apprehension voiced by the operators who had to stop their activities temporarily as their quarries are also

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situated within the prohibited distance mentioned in the impugned order. As far as the prospective operators are concerned, the apprehension voiced is that in the light of the impugned order, they may not be granted the permissions and licences applied for by them as their quarries are also situated within the prohibited distance. W.P. (C) No.23150 of 2020 is one filed by a person who was issued a quarrying permit on 27.07.2020 without taking note of the impugned order. He challenges in the said writ petition, the order cancelling the quarrying permit issued to him on the strength of the order of the NGT. W.P.(C) No.15305 of 2020 is a writ petition filed by a person who secured environmental clearance to run the stone quarry at Konnakkalkadavu, which is referred to by respondents 3 to 115 in their representation. His apprehension is that the permissions and licences granted to him are likely to be recalled by the concerned authorities, as the proposed quarry is situated within the prohibited distance. W.P. (C) Nos.17022, 21174 and 21900 of 2020 are writ petitions instituted to enforce the order of the NGT which is impugned in the remaining writ petitions.

6. On 06.08.2020, this court passed an interim order in W.P.(C) Nos.15305, 15309, 15435, 15858 and 15962 of 2020.

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Paragraph 9 of the said order containing the operative portion reads thus:

“9. Accordingly, it is ordered that in cases where a quarrying permit/quarrying lease issued under the provisions of the Kerala Minor Mineral Concession Rules, 2015 is valid and current as on 21.7.2020 (date of the impugned order rendered by the Tribunal), which do not fulfill the new distance norms stipulated by the NGT order, then it shall be ensured that status quo regarding the distance criteria based on Rule 10(f) and Rule 40(i) of the Kerala Minor Mineral Concession Rules may be maintained by the respondent authorities concerned during validity period of such current permits/lease. Needless to say, in such cases, the competent authorities concerned can insist for strict compliance of the other applicable norms, guidelines, orders, etc. However, it is made clear that in the case of the applications of fresh grant of quarrying permits/quarrying leases or applications for renewal of quarrying permits/leases, which do not fulfill the abovesaid impugned distance criteria stipulated in the order of the Tribunal, then such requests need not be granted for the time being. But at the same time, in those cases, such fresh or renewal application, including that for EC, PCB consent, explosive licence, local body licences, etc. in that regard may be processed and such applications need not be rejected solely on the ground of non-fulfillment of the new distance norms stipulated in the impugned order dated 21.7.2020 of the NGT. This order will be in force for a period of 2 weeks.”

The said interim order has been extended from time to time, and the

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same is even now in force.

7. Heard the learned counsel for the petitioners, learned Standing Counsel for SPCB and CPCB as also the learned counsel for the party respondents, including those who have got themselves impleaded in the proceedings to support the order of the NGT.

8. The essence of the submissions made by the learned counsel for the petitioners in the writ petitions are the following:

(i) The NGT being a creature of the National Green Tribunal Act, 2010 (the NGT Act), it can exercise only the powers conferred on it under the said statute; that in terms of the said statute, the NGT can exercise power only in respect of a dispute falling within the scope of Section 14 of the NGT Act and grant only the relief provided for in Section 15 of the NGT Act; that the grievance/dispute raised by respondents 3 to 115 is not a dispute that falls within the scope of Section 14 of the NGT Act and that the impugned order is one that falls within the scope of Section 15 of the NGT Act.

(ii) Even if it is accepted that the grievance/dispute

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voiced by respondents 3 to 115 is one that falls within the scope of Section 14 of the NGT Act, the NGT is empowered to deal with the same only if an application is filed for the same in terms of the National Green Tribunal (Practices and Procedures) Rules, 2011 (NGT Rules); that the NGT Act and the NGT Rules do not confer authority on the NGT to treat a representation as an application, and the impugned order being one passed on a representation, the same is without jurisdiction.

(iii) Even if it is accepted that the grievance/dispute voiced by respondents 3 to 115 is one that falls within the scope of Section 14 of the NGT Act and that the NGT is justified in treating the representation as an application, the alleged cause of action for invoking the jurisdiction of the NGT on the application as disclosed in the representation being one arose in the State of Kerala, the Principal Bench of the NGT which does not have territorial jurisdiction over the State of Kerala, has acted without jurisdiction in passing the impugned order.

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(iv) Even if it is accepted that the grievance/dispute voiced by respondents 3 to 115 is one that falls within the scope of Section 14 of the NGT Act, and the Principal Bench of the NGT was justified in treating the representation preferred by respondents 3 to 115 as an application, the impugned order is vitiated by procedural irregularities in as much as the same was passed without hearing all the affected parties.

(v) The impugned order, at any rate, is unjustified in so far as respondents 3 to 115 have not voiced any grievance in their representation concerning the minimum distance to be maintained for permitting stone quarrying from human inhabited sites.

(vi) A distance requirement of 50 meters from human inhabited sites for permitting stone quarrying has already been prescribed by the State Government in the Kerala Minor Mineral Concession Rules, 2015 (the KMMC

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Rules), framed in exercise of the powers under the Mines and Minerals (Development and Regulation) Act, 1957 (the MMDR Act), and the impugned order modifying the aforesaid statutory prescription is one issued without jurisdiction, for such orders could be issued only by constitutional courts having powers of judicial review.

(vii) The provisions of the Water (Prevention and Control of Pollution) Act and the Air (Prevention and Control of Pollution) Act, do not confer any authority on the CPCB to lay down any standards for the suitability of any premises or location for carrying on any industry, and that such prescriptions for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution, could be made only by the Central Government under Section 3(2)(v) of the Environment (Protection) Act, 1986. The impugned order of the NGT directing implementation of the prescriptions made by CPCB in usurpation of the power of the Central Government is illegal.

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(viii) The impugned order is unjustified since Ext.P11 report of the CPCB, on the basis of which the said order was passed is not one made based on any study or scientific data.

9. The learned Standing Counsel for the SPCB submitted that the SPCB has power in terms of the Water (Prevention and Control of Pollution) Act and the Air (Prevention and Control of Pollution) Act to issue circulars prescribing the minimum distance criteria for permitting industrial/commercial activities like stone quarrying and that they are also bound to implement such distance criteria prescribed by the CPCB. The learned Standing Counsel also submitted that the general power reserved by the Central Government under Section 3(2)(v) of the Environment (Protection) Act does not curtail in any manner the powers of the CPCB and SPCBs to issue circulars prescribing minimum distance criteria for permitting stone quarrying and similar activities under the Water (Prevention and Control of Pollution) Act and the Air (Prevention and Control of Pollution) Act. As regards the merits of the matter, the learned

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Standing Counsel reiterated the stand of SPCB in Ext.P9 report that if all the 14 conditions mentioned in the said report are fulfilled, stone quarrying can be permitted at a distance beyond 50 meters from human inhabited sites. On a query from the Court, it was, however, conceded by the learned Standing Counsel that the said conditions are not insisted at present in the matter of granting consent to operate stone quarries. In reply to the specific questions put by the Court, it was submitted by the learned Standing Counsel that SPCB had prescribed 100 meters as minimum distance required to be maintained for stone quarrying from human inhabited sites in terms of its circular dated 13.06.2007 for the new quarries and for expansion of existing quarries, and the same was later modified and made applicable for both existing as also new quarries as per the circular dated 20.07.2011. It was also submitted by the learned Standing Counsel that later as per circular dated 06.08.2014, the earlier circular dated 20.07.2011 was modified retaining the distance requirement as 50 metres for quarries operating before 20.07.2011 and for those who have applied for permission for quarrying operations prior to 20.07.2011. It was also submitted by the learned Standing Counsel that on 10.10.2017, the SPCB has issued a circular revising all the

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earlier circulars and bringing down the minimum distance requirement for stone quarrying from residential buildings and human inhabited sites to 50 metres in tune with the requirement in the KMMC Rules.

10. The learned Standing Counsel for the CPCB submitted that Ext.P11 report is one prepared based on a circular issued by the Directorate General of Mines Safety and the criteria fixed for permitting blasting by the Indiana Department of Natural Resources, USA. It is conceded by the learned Standing Counsel that the CPCB has not conducted any independent study as to the distance to be maintained from residential buildings and human inhabited sites for permitting stone quarrying.

11. The essence of the submissions made by the learned counsel for the contesting respondents are the following:

(i) This court cannot exercise the powers of judicial review over the orders of the NGT and that if at all it is found that this court can exercise the power of judicial review over the orders of the NGT, the same can be done only by a Division Bench. The writ petitions are, therefore, not maintainable.

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(ii) In the light of the alternative remedy available to the petitioners against the impugned order by way of appeal under Section 22 of the NGT Act, it is not desirable for this court to entertain writ petitions challenging an order passed by the NGT.

(iii) The jurisdiction of the NGT is not strictly confined to Section 14 of the NGT Act and it is empowered to issue even directions in the nature of the impugned order.

(iv) Section 19(2) of the NGT Act conferring power on the NGT to regulate its own procedure, and Rule 24 of the NGT Rules conferring power on the NGT to make such orders or give such directions as may be necessary or expedient to secure the ends of justice, confer authority on the NGT to treat a representation received by it as an application.

(v) Since, on consideration of the representation

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received from respondents 3 to 115, the Principal Bench of the NGT felt the need to fix distance criteria from residential buildings and other human inhabited sites for permitting stone quarrying applicable throughout the country, it cannot be contended that the Principal Bench of the NGT had no territorial jurisdiction to pass the impugned order on that representation.

(vi) Going by the scheme of the NGT Act, the NGT has power to initiate proceedings even *suo-motu* and therefore, the contention of the petitioners that respondents 3 to 115 have not voiced any grievance in their representation concerning the minimum distance to be maintained from residential buildings and other human inhabited sites for permitting stone quarrying is of no relevance.

(vii)The CPCB is empowered in terms of the provisions of the Water (Prevention and Control of Pollution) Act and the Air (Prevention and Control of Pollution) Act to fix

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distance criteria for permitting activities in the nature of stone quarrying and the distance criteria once fixed by CPCB will prevail over the distance criteria fixed by the State Government in terms of the KMMC Rules, in the light of the provisions in the said statutes to the effect that the provisions therein shall have effect notwithstanding anything inconsistent therewith contained in any other enactments.

(viii) The distance criteria, if any, fixed by the CPCB for an industry will prevail over the general restriction imposed by the Central Government under the Environment (Protection) Act.

(ix) The precautionary principle governing the law of environment allows public authorities to take, on provisional basis, preventive protective measures in the interest of environment pending availability of scientific evidence, and such preventive protective measures cannot be challenged in courts for want of scientific data.

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12. I shall now consider the contentions relevant for the disposal of the matters, topic wise.

13. **The maintainability of the writ petitions.** The grounds on which the respondents challenge the maintainability of the writ petitions are; 1) this court cannot exercise the power of judicial review over an order of the NGT; 2) if at all it is found that this court can exercise the power of judicial review over an order of the NGT, the said power can be exercised only by a Division Bench; and 3) at any rate, in the light of the alternative remedy available to the petitioners against the impugned order by way of appeal before the Apex Court under Section 22 of the NGT Act, it is not desirable for this Court to entertain the writ petitions against the said order.

14. Identical contentions arose for consideration before this court in **Society of Indian Automobile Manufacturers v. State of Kerala**, 2016 (3) KLT 285, where an interim order passed by the NGT was under challenge, and the contentions were rejected by this court, placing reliance on the decision of the Constitution Bench of the Apex Court in **L.Chandrakumar v. Union of India**, (1997) 3 SCC 261, holding that the power vested in the High Court under Articles 226 and 227 of the Constitution to exercise judicial superintendence over the

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decisions of all courts and Tribunals within their respective jurisdiction is also part of the basic structure of the Constitution and it cannot be deemed to have been taken away merely for the reason that an appeal is provided for against the decisions of the Tribunal under the statute before the Apex court and that NGT being not a Tribunal coming either under Article 323A or Article 323B of the Constitution, the power of judicial review over orders of such Tribunals can be exercised even by a Single Judge. It was, however, clarified in the said judgment that this Court can nevertheless consider the desirability to entertain a writ petition against a particular order of the NGT and that such decision has to be rendered on the facts of that case. Paragraphs 4, 5 and 8 to 10 of the judgment in **Society of Indian Automobile Manufacturers** read thus:

“4. Article 323A of the Constitution empowers the Parliament to create Administrative Tribunals, for adjudication of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or any local or other authority. Art.323B of the Constitution empowers the Parliament to create Tribunals for resolution of disputes and complaints with respect to matters specified therein. Clause 2(d) of Art.323A and Clause 3(d) of Art.323B, as it stood when the said Articles were introduced by virtue of the Constitution (42nd Amendment) Act, 1976, empowered the Parliament to exclude the jurisdiction of all

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courts except the Supreme Court under Art.136 with respect to all or any of the matters falling within the jurisdiction of the tribunals coming under the said Articles. It is in exercise of the power conferred under Art.323A, the Parliament enacted the Administrative Tribunals Act, 1985 for constituting Administrative Tribunals to deal with matters enumerated under Art.323A of the Constitution. S.28 of the Administrative Tribunals Act when it was introduced contained a provision that no court except the Apex Court shall have the power to interfere with the decisions of the Administrative Tribunals constituted under the said Act. In L.Chandrakumar (supra), the Apex Court held that the power vested in the High Courts under Articles 226 and 227 of the Constitution to exercise judicial superintendence over the decisions of all courts and Tribunals within their respective jurisdictions is also part of the basic structure of the Constitution. Paragraph 79 of the judgment in the case reads thus;

“79. We also hold that the power vested in the High Courts to exercise judicial superintendence over the decisions of all courts and tribunals within their respective jurisdictions is also part of the basic structure of the Constitution. This is because a situation where the High Courts are divested of all other judicial functions apart from that of constitutional interpretation, is equally to be avoided.”

In the light of the said finding, the Apex Court struck down Clause (2)(d) of Art.323A and Clause (3)(d) of Art.323B, to the extent they excluded the jurisdiction of the High Courts and the Supreme Court as unconstitutional. The Apex Court also declared S.28 of the Administrative Tribunals Act, to the extent it excluded the jurisdiction of the High Court, as unconstitutional.

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Consequently, it was directed by the Apex Court in the said case that thereafter, a party aggrieved by the decision of the Administrative Tribunal will be entitled to challenge the order before the High Court under Articles 226 and 227 of the Constitution. Later, in *State of Karnataka v. Vishwabharathi House Building Co-operative Society* (2003 (1) KLT SN 100 (C.No.133) SC = (2003) 2 SCC412), in the context of the provisions contained in the Consumer Protection Act, the Apex Court clarified that the power of judicial superintendence being part of the basic structure of the Constitution, the same cannot be taken away and the same would operate as an adequate safeguard for persons who are aggrieved by the decisions of the forums constituted under the said Act. Later, a Five Judges Bench of the Apex Court in *State of West Bengal & Others v. Committee for Protection of Democratic Rights, West Bengal & Ors.* (2010 (1) KLT 723 (SC) = (2010) 3 SCC 571), again clarified that the power of judicial superintendence being part of the basic structure of the Constitution, cannot be ousted or abridged even by a Constitutional amendment. It is thus evident that the power of judicial superintendence conferred on this Court under Articles 226 and 227 of the Constitution being part of the basic structure of the Constitution, cannot be taken away by virtue of the provisions contained in a statute.

5. As far as the present case is concerned, the Act does not exclude the jurisdiction of this Court under Articles 226 and 227 of the Constitution. It excludes only the jurisdiction of the civil courts under S.29 of the Act. The essence of the argument of the learned counsel for the applicant before the Green Tribunal was

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that there is an implied exclusion of the jurisdiction of this Court under Articles 226 and 227 of the Constitution. When the Apex Court has struck down the provisions of the statutes which expressly exclude the judicial superintendence of this Court under Articles 226 and 227 of the Constitution, one cannot be heard to contend that there is implied exclusion, for, had there been an express exclusion, the same would have been struck down as unconstitutional. The Bombay High Court in Anil Hoble v. Kashinath Jairam Shetye (2015 SCC Online Bombay 3699) has also taken the same view in an identical matter challenging an order passed by the Green Tribunal.

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8. Above all, in a democracy governed by Rule of Law, the only acceptable repository of absolute discretion should be the courts. As noted above, Judicial review is the basic and essential feature of the constitutional scheme entrusted to the judiciary and it cannot be dispensed with even by the Constitution. Any institutional mechanism or authority in negation of judicial review is destructive of the basic structure. So long as the alternative institutional mechanism is not less effective than the High Court, it is consistent with the constitutional scheme. But, wherever the alternative institutional mechanism fails, the power of judicial review shall be the safeguard for the common people. In the said view of the matter, I have no hesitation to hold that the Writ Petition filed against the decision of the Green Tribunal is maintainable.

9. I shall now proceed to deal with the contention raised by the learned counsel for the applicant before the Green Tribunal that if it is found that this Court can exercise the power of judicial

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review over the orders of the Green Tribunal, the Writ Petitions filed for the said purpose shall be dealt with only by a Division Bench. The learned counsel has relied on paragraph 93 of the decision of the Apex Court in L.Chandrakumar (supra), in support of the said contention. To examine the aforesaid contention, it is necessary to take note of some important events that followed the Constitution (42nd Amendment) Act, 1976. As noted above, it is by virtue of Art.323A introduced as per the said amendment, the Parliament enacted the Administrative Tribunals Act, 1985. The Act created Administrative Tribunals as an alternate institutional mechanism or authority to adjudicate service disputes. It was contemplated that the tribunal shall be effective and efficacious to exercise the power of judicial review. In the said context, having regard to the provisions contained in the Administrative Tribunals Act, in R.K. Jain v. Union of India ((1993) 4 SCC 119), the Apex Court took the view that the dispensation of justice by the Tribunals constituted under the said Act is much to be desired and the remedy of appeal by special leave before the Apex Court under Art.136 of the Constitution being costly and prohibitive, is working as constant constraint to litigant public who could ill afford to reach the Apex Court. It was also observed in the said case, in the context of the disputes to be resolved by the Administrative Tribunal, that an appeal to a bench of two Judges of the respective High Court over the orders of the Tribunal within its territorial jurisdiction on questions of law would assuage the growing feeling of injustice of those who can ill afford to approach the Supreme Court. Paragraph 76 of the judgment in R.K.Jain (supra) reads thus:

**76.** Before parting with the case it is necessary to express our anguish over the ineffectivity of the alternative

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mechanism devised for judicial reviews. The judicial review and remedy are fundamental rights of the citizens. The dispensation of justice by the tribunals is much to be desired. We are not doubting the ability of the members or ViceChairman (non-Judges) who may be experts in their regular service. But judicial adjudication is a special process and would efficiently be administered by advocate Judges. The remedy of appeal by special leave under Art.136 to this Court also proves to be costly and prohibitive and far-flung distance too is working as constant constraint to litigant public who could ill afford to reach this Court. An appeal to a Bench of two Judges of the respective High Courts over the orders of the tribunals within its territorial jurisdiction on questions of law would assuage a growing feeling of injustice of those who can ill afford to approach the Supreme Court. Equally the need for recruitment of members of the Bar to man the tribunals as well as the working system of the tribunals need fresh look and regular monitoring is necessary. An expert body like the Law Commission of India would make an in-depth study in this behalf including the desirability to bring CEGAT under the control of Law and Justice Department in line with Income Tax Appellate Tribunal and to make appropriate urgent recommendations to the Government of India who should take remedial steps by an appropriate legislation to overcome the handicaps and difficulties and make the tribunals effective and efficient instruments for making judicial review efficacious, inexpensive and satisfactory. Paragraph 91 of the decision of the Apex Court in L.Chandrakumar (supra), indicates that it is in the light of the observations made by the Apex Court in R.K.Jain (supra), the Apex Court directed in the said case that

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the decisions of the Tribunals constituted under 323A and 323B of the Constitution can be challenged before a Division Bench of the High Court within whose territorial jurisdiction, the Tribunal falls. Paragraphs 91 and 93 of the judgment of the Apex Court in L.Chandrakumar (supra) read thus:

**91.** It has also been contended before us that even in dealing with cases which are properly before the Tribunals, the manner in which justice is dispensed by them leaves much to be desired. Moreover, the remedy provided in the parent statutes, by way of an appeal by special leave under Art.136 of the Constitution, is too costly and inaccessible for it to be real and effective. Furthermore, the result of providing such a remedy is that the docket of the Supreme Court is crowded with decisions of Tribunals that are challenged on relatively trivial grounds and it is forced to perform the role of a first appellate court. We have already emphasised the necessity for ensuring that the High Courts are able to exercise judicial superintendence over the decisions of the Tribunals under Art.227 of the Constitution. In R.K. Jain case , after taking note of these facts, it was suggested that the possibility of an appeal from the Tribunal on questions of law to a Division Bench of a High Court within whose territorial jurisdiction the Tribunal falls, be pursued. It appears that no follow-up action has been taken pursuant to the suggestion. Such a measure would have improved matters considerably. Having regard to both the aforestated contentions, we hold that all decisions of Tribunals, whether created pursuant to Art.323-A or Art.323-B of the Constitution, will be subject to the High Court's writ jurisdiction under Articles 226/227 of the Constitution, before

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a Division Bench of the High Court within whose territorial jurisdiction the particular Tribunal falls.

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**93.** Before moving on to other aspects, we may summarise our conclusions on the jurisdictional powers of these Tribunals. The Tribunals are competent to hear matters where the vires of statutory provisions are questioned. However, in discharging this duty, they cannot act as substitutes for the High Courts and the Supreme Court which have, under our constitutional set-up, been specifically entrusted with such an obligation. Their function in this respect is only supplementary and all such decisions of the Tribunals will be subject to scrutiny before a Division Bench of the respective High Courts. The Tribunals will consequently also have the power to test the vires of subordinate legislations and rules. However, this power of the Tribunals will be subject to one important exception. The Tribunals shall not entertain any question regarding the vires of their parent statutes following the settled principle that a Tribunal which is a creature of an Act cannot declare that very Act to be unconstitutional. In such cases alone, the High Court concerned may be approached directly. All other decisions of these Tribunals, rendered in cases that they are specifically empowered to adjudicate upon by virtue of their parent statutes, will also be subject to scrutiny before a Division Bench of their respective High Courts. We may add that the Tribunals will, however, continue to act as the only courts of first instance in respect of the areas of law for which they have been constituted. By this, we mean that it

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will not be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except, as mentioned, where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the Tribunal concerned.

A close reading of the decision of the Apex Court in L.Chandrakumar (supra) in the backdrop of the decision of the Apex Court in R.K Jain (supra) would indicate beyond doubt that what was intended by the Apex Court in paragraph 93 of the judgement in L.Chandrakumar (supra) is that Writ Petitions preferred under Articles 226 and 227 of the Constitution challenging the orders passed by the Tribunals constituted under Articles 323A and 323B shall be entertained only by a Division Bench of the High Court. As noted above, Art.323A of the Constitution deals with Administrative Tribunal for adjudication of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or any local or other authority. Likewise, Art.323B of the Constitution deals with Tribunals for resolution of disputes and complaints with respect to matters specified therein. Articles 323A and 323B of the Constitution read thus:

**323A. Administrative tribunals**

(1) Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection

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with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government.

(2) A law made under clause (1) may-

(a) provide for the establishment of an administrative tribunal for the Union and a separate administrative tribunal for each State or for two or more States;

(b) specify the jurisdiction, powers (including the power to punish for contempt) and authority which may be exercised by each of the said tribunals;

(c) provide for the procedure (including provisions as to limitation and rules of evidence) to be followed by the said tribunals;

(d) exclude the jurisdiction of all courts, except the jurisdiction of the Supreme Court under Article 136, with respect to the disputes or complaints referred to in clause (1);

(e) provide for the transfer to each such administrative tribunal of any cases pending before any court or other authority immediately before the establishment of such tribunal as would have been within the jurisdiction of such tribunal if the cause of action on which such suits or proceedings are based had arisen after such establishment;

(f) repeal or amend any order made by the President under clause (3) of Article 371 D;

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(g) contain such supplemental, incidental and consequential provisions (including provisions as to fees) as Parliament may deem necessary for the effective functioning of, and for the speedy disposal of cases by, and the enforcement of the orders of, such tribunals.

(3) The provisions of this Article shall have effect notwithstanding anything in any other provision of this Constitution or in any other law for the time being in force.

### **323B. Tribunals for other matters**

(1) The appropriate Legislature may, by law, provide for the adjudication or trial by tribunals of any disputes, complaints, or offences with respect to all or any of the matters specified in clause (2) with respect to which such Legislature has power to make laws.

(2) The matters referred to in clause (1) are the following, namely:-

(a) levy, assessment, collection and enforcement of any tax;

(b) foreign exchange, import and export across customs frontiers;

(c) industrial and labour disputes;

(d) land reforms by way of acquisition by the State of any estate as defined in Article 31A or of any rights therein or the extinguishment or modification of any such rights or by way of ceiling on agricultural land or in any other way;

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(e) ceiling on urban property;

(f) elections to either House of Parliament or the House or either House of the Legislature of a State, but excluding the matters referred to in Article 329 and Article 329A;

(g) production, procurement, supply and distribution of foodstuffs (including edible oilseeds and oils) and such other goods as the President may, by public notification, declare to be essential goods for the purpose of this article and control of prices of such goods;

[(h) rent, its regulation and control and tenancy issues including the rights, title and interest of landlords and tenants;]

[(i) offences against laws with respect to any of the matters specified in sub-clauses (a) to [(h)] and fees in respect of any of those matters;

[(j) any matter incidental to any of the matters specified in sub-clauses (a) to [(i)].

(3) A law made under clause (1) may-

(a) provide for the establishment of hierarchy of tribunals;

(b) specify the jurisdiction, powers (including the power to punish for contempt) and authority which may be exercised by each of the said tribunals;

(c) provide for the procedure (including provisions as to limitation and rules of evidence) to be followed by the said

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tribunals;

(d) exclude the jurisdiction of all courts, except the jurisdiction of the Supreme Court under Article 136, with respect to all or any of the matters falling within the jurisdiction of the said tribunals;

(e) provide for the transfer to each such tribunal of any cases pending before any court or any other authority immediately before the establishment of such tribunal as would have been within the jurisdiction of such tribunal if the causes of action on which such suits or proceedings are based had arisen after such establishment;

(f) contain such supplemental, incidental and consequential provisions (including provisions as to fees) as the appropriate Legislature may deem necessary for the effective functioning of, and for the speedy disposal of cases by, and the enforcement of the orders of, such tribunals.

(4) The provisions of this article shall have effect notwithstanding anything in any other provision of this constitution or in any other law for the time being in force.

**Explanation.** -- In this article, "appropriate Legislature", in relation to any matter, means Parliament or, as the case may be, a State Legislature competent to make laws with respect to such matter in accordance with the provisions of Part XI.

The National Green Tribunal is not a tribunal coming either under Art.323A or under Art.323B of the Constitution. The learned counsel for the applicant before the Tribunal has also

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not disputed the said fact. According to him, all Writ Petitions challenging decisions of every Tribunal shall be dealt with by a Division Bench of this Court. I cannot agree. In the said circumstances, I am of the view that the provision dealing with the powers of the Single Judges under the Kerala High Court Act would govern the field as far as the jurisdiction of the Single Judges is concerned. The applicant before the Green Tribunal has no case that a Single Judge of this Court cannot exercise the jurisdiction under Art.226 of the Constitution. The contention that Writ Petitions of the instant nature can be entertained only by a Division Bench of this Court is thus rejected.

10. Once it is found that this Court can entertain Writ Petitions against orders of the Green Tribunal in exercise of the power of judicial review, and that the Writ Petitions preferred challenging the orders passed by the Green Tribunal are maintainable, the question whether it is desirable for this Court to entertain a Writ Petition against a particular order of the Green Tribunal is a question to be considered in the light of the facts of each case. The rule that the power under Art.226 of the Constitution shall not be permitted to be invoked when the party has an effective alternate remedy is a rule of policy, convenience and discretion, rather than a rule of law. (See State of U.P v. Mohammad Nooh (AIR 1958 SC 86)). It is settled that in cases where the orders impugned are passed violating the principles of natural justice or where vires of statutes are challenged or where the orders are passed without jurisdiction, this Court would normally exercise the jurisdiction under Art.226 of the Constitution, not

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withstanding the alternate remedy available to the parties. But, that does not mean that in all cases where orders are passed violating the principles of natural justice or where orders are passed without jurisdiction, this Court shall exercise the jurisdiction under Art.226 of the Constitution. In a case of the said nature, the question whether the jurisdiction of this Court under Art.226 of the Constitution is to be invoked is again a question to be examined on the facts of that case. With these principles in mind, I must examine the question whether the Writ Petitions against the impugned order are to be entertained.”

In the light of the said decision of this court, the contention that the writ petitions are not maintainable, is liable to be rejected and I do so.

15. **The desirability to entertain the writ petitions.**

Even while sub-section (4) of Section 19 of the NGT Act provides that the NGT shall have, for the purposes of discharging its functions under the NGT Act, the same powers as are vested in a civil court under the Code of Civil Procedure while trying a suit in respect of the matters specified therein, sub-section (1) of Section 19 clarifies that the NGT shall not be bound by the procedure laid down by the Code of Civil Procedure, but shall be guided only by the principles of natural justice. Similarly, sub-section (4)(i) of Section 19 of the NGT Act conferring jurisdiction on the NGT to pass interim orders clarifies that interim orders shall be passed by the NGT only after providing the parties

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concerned an opportunity to be heard. The scheme of the NGT Act therefore, is that strict adherence to the principles of natural justice is a mandatory prerequisite for the NGT to exercise its jurisdiction.

16. Reverting to the facts, as noted, the grievance voiced by respondents 3 to 115 in their representation was concerning the stone quarry proposed by the petitioner in W.P.(C) No.15305 of 2020. It is seen from the materials on record that having regard to the facts divulged in the report dated 10.07.2019 filed by the SPCB, the NGT felt the need to prescribe a stringent distance criteria from residential buildings and other human inhabited sites for permitting stone quarrying involving blasting and it is on that premise, the impugned order was passed. The report of the SPCB dated 10.07.2019 filed before the NGT, which was made available to the court by the Standing Counsel for the SPCB indicates that there are human inhabited sites within 100 meters of the proposed quarry referred to by respondents 3 to 115 in their representation. Even then, when the NGT was proposing to prescribe a distance restriction of 200 meters from residential buildings and other human inhabited sites for permitting stone quarrying, without any clarification as to whether the same would interdict the operation of the quarry referred to in the representation, it

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did not choose to issue notice to the quarry operator who has secured all the requisite permissions and licences for the same and who would be affected by the proposed order. Further, even when the NGT felt the need to prescribe and proposed to prescribe a stringent distance requirement other than what is prevailing in the State as informed to it by the SPCB, it did not choose to issue a public notice before passing orders in that regard, when it is common knowledge that existing and proposed stone quarries in the State would be affected directly or indirectly by such orders, especially when the NGT Rules enable the NGT to issue substituted service in such cases. Such a public notice, according to me, was necessary also for the reason that it was brought to the notice of the NGT that the Rules framed by the State Government under the MMDR Act prescribe only a distance criterion of 50 meters from residential buildings and other human inhabited sites for permitting stone quarrying involving blasting. It is thus evident that the impugned order is vitiated for non compliance of the principles of natural justice.

17. That apart, the averments in the writ petitions indicate that applications for renewal of consent issued under the Water (Prevention and Control of Pollution) Act and the Air (Prevention

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and Control of Pollution) Act, applications for re-validation of the environmental clearance issued by the competent authority under the Environment (Protection) Act, applications for renewal of quarrying lease/quarrying permits issued under the KMMC Rules, applications for lifting prohibitory orders etc., concerning existing quarries situated within the prohibited distance in terms of the impugned order, are kept pending by the concerned regulatory authorities taking the view that the impugned order is retrospective in nature. Again, it is a fact that writ petitions instituted seeking orders for disposal of applications in the nature of those referred to above are opposed by the concerned regulatory authorities on the basis of the impugned order. In other words, there is confusion among the various regulatory authorities in the State as regards the applicability of the impugned order. The fact that large number of writ petitions have come up before this court voicing grievance of divergent nature relating to the correctness as also the applicability of the impugned order also demonstrates the said confusion. It appears, it is in the said circumstances, this court intervened and passed the interim order dated 06.08.2020 referred to above so as to maintain status quo as regards the operation of stone quarries as on the date of the impugned order. In the aforesaid facts

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and circumstances, I am of the view that the petitioners in the writ petitions have made out a case for interference, in exercise of the power of judicial review of this court.

18. Having found that the impugned order is vitiated for non-compliance of the principles of natural justice, this court could have set aside the impugned order and remitted the matter to the NGT to decide the application afresh. The said course, however, was stiffly opposed by the learned counsel for the petitioners contending that the NGT lacks jurisdiction to pass any order, especially in the nature of one impugned in the writ petitions, on the representation of respondents 3 to 115. In the light of the said stand of the petitioners, it has become necessary for this court to consider the various contentions raised by the petitioners as regards the jurisdiction of the NGT to pass an order in the nature of one impugned in the writ petitions.

19. **The scope of Sections 14 and 15 of the NGT Act.** The contention of the petitioners is that the NGT can exercise jurisdiction only in respect of a dispute falling within the scope of Section 14 of the NGT Act and grant only the relief provided for in Section 15 of the NGT Act; that the grievance/dispute raised by

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respondents 3 to 115 is not a dispute that falls within the scope of Section 14 of the NGT Act and that the impugned order is one that falls within the scope of Section 15 of the NGT Act. To be precise, the contention is that the representation of respondents 3 to 115 which was treated by the NGT as an application does not disclose any cause of action for the NGT to exercise the jurisdiction vested in it under Section 14 of the NGT Act and the general direction in the nature of one issued by the NGT cannot be issued under Section 15 of the NGT Act.

20. The statement of objects and reasons of the NGT Act indicates that taking into account the large number of environmental cases pending in higher courts and the involvement of multidisciplinary issues in such cases, the Supreme Court has requested the Law Commission of India to consider the need for constitution of specialized environmental courts; that pursuant to the same, the Law Commission of India has recommended setting up of environmental courts having both original and appellate jurisdiction relating to environmental laws; that a need has been felt in the said background to establish a specialized tribunal to handle the multidisciplinary issues involved in environmental cases, and the NGT has been established accordingly in

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terms of the NGT Act for effective and expeditious disposal of cases relating to environment protection and conservation of forests and other natural resources, including enforcement of any legal right relating to environment and also for giving relief and compensation for damages to persons and property and for matters connected therewith and incidental thereto. In **Bhopal Gas Peedith Mahila Udyog Sangathan and others v. Union of India and others**, (2012) 8 SCC 326, the Apex Court has recognised the NGT as a statutory specialized forum to deal with any issues relating to environment and on the establishment of the NGT, all matters required to be dealt with by the NGT in terms of the NGT Act including matters which were pending before the Apex Court and various High Courts were transferred to the NGT and are being dealt with thereafter by the NGT.

21. Though the NGT was established as a statutory specialized forum for enforcement of all legal rights relating to environment, having felt the need to have such a forum for effective and expeditious disposal of cases relating to environment protection, it is a fact that the provisions in the NGT Act are not exhaustive and often capable of bearing different constructions. It is seen that in the circumstances, the courts in India, especially the Apex Court was all

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along adopting the rule of purposive interpretation while interpreting the provisions of the NGT Act. That apart, in **Mantri Techzone Pvt.Ltd. v. Forward Foundation**, (2019) SCC Online SC 322, it was held by the Apex Court that the NGT Act being a beneficial legislation, the power bestowed upon the NGT shall not be read narrowly; that the provisions therein shall be interpreted in favour of cloaking the NGT with effective authority to take preventative and restorative measures in the interest of environment and not in a manner making the NGT ineffective and toothless and thereby betraying the legislative intent in setting up a specialized Tribunal like NGT to address environmental concerns. Paragraphs 44, 46 and 47 of the judgment in the said case read thus:

44. The NGT Act being a beneficial legislation, the power bestowed upon the Tribunal would not be read narrowly. An interpretation which furthers the interests of environment must be given a broader reading. ([See Kishore Lal v. Chairman, Employees' State Insurance Corpn.](#) (2007) 4 SCC 579, para 17). The existence of the Tribunal without its broad restorative powers under [Section 15\(1\)\(c\)](#) read with [Section 20](#) of the Act, would render it ineffective and toothless, and shall betray the legislative intent in setting up a specialized Tribunal specifically to address environmental concerns. The Tribunal, specially constituted with Judicial Members as well as with Experts in the field of environment, has a legal obligation to

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provide for preventive and restorative measures in the interest of the environment.

x x x x x

46. Further, [Section 18](#) of the Act recognizes the right to file applications each under [Sections 14](#) as well as 15. Therefore, it cannot be argued that [Section 14](#) provides jurisdiction to the Tribunal while [Section 15](#) merely supplements the same with powers. As stated supra. the typical nature of the Tribunal, its breadth of powers as provided under the statutory provisions of the Act as well as the Scheduled enactments, cumulatively, leaves no manner of doubt that the only tenable interpretation to these provisions would be to read the provisions broadly in favour of cloaking the Tribunal with effective authority. An interpretation that is in favour of conferring jurisdiction should be preferred rather than one taking away jurisdiction.

47. Section 33 of the Act provides an overriding effect to the provisions of the Act over anything inconsistent contained in any other law or in any instrument having effect by virtue of law other than this Act. This gives the Tribunal overriding powers over anything inconsistent contained in the KIAD Act, Planning Act, Karnataka Municipal Corporations Act, 1976 ("KMC Act"); and the Revised Master Plan of Bengaluru, 2015 ("RMP"). A Central legislation enacted under Entry 13 of List I Schedule VII of the Constitution of India will have the overriding effect over State legislations. The corollary is that the Tribunal while providing for restoration of environment in an area, can specify buffer zones around specific lakes & water bodies in contradiction with zoning regulations under these statutes or the RMP.

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22. The provisions of the NGT Act are therefore, to be interpreted keeping in mind the aforesaid principles. The provisions of the NGT Act which are relevant in the context of examining the sustainability of the contentions raised by the petitioners in the writ petitions are Sections 2(c), 2(m), 14, 15, 18, 19 and 20 and Schedule 1. The said provisions read thus:

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

x x x x x

(c) "environment" includes water, air and land and the inter-relationship, which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property;

x x x x x

(m) "substantial question relating to environment" shall include an instance where,—

(i) there is a direct violation of a specific statutory environmental obligation by a person by which,—

(A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or

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(B) the gravity of damage to the environment or property is substantial; or

(C) the damage to public health is broadly measurable;

(ii) the environmental consequences relate to a specific activity or a point source of pollution;

x x x x x x

x x x x x x

14. Tribunal to settle disputes. -

(1)The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.

(2)The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.

(3)No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose: Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application

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within the said period, allow it to be filed within a further period not exceeding sixty days.

15. Relief, compensation and restitution.—(1) The Tribunal may, by an order, provide,—

(a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);

(b) for restitution of property damaged;

(c) for restitution of the environment for such area or areas, as the Tribunal may think fit.

(2) The relief and compensation and restitution of property and environment referred to in clauses (a), (b) and (c) of sub-section (1) shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991 (6 of 1991).

(3) No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

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(4) The Tribunal may, having regard to the damage to public health, property and environment, divide the compensation or relief payable under separate heads specified in Schedule II so as to provide compensation or relief to the claimants and for restitution of the damaged property or environment, as it may think fit.

(5) Every claimant of the compensation or relief under this Act shall intimate to the Tribunal about the application filed to, or, as the case may be, compensation or relief received from, any other court or authority.

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X X X X X X

18. Application or appeal to Tribunal.—(1) Each application under sections 14 and 15 or an appeal under section 16 shall, be made to the Tribunal in such form, contain such particulars, and, be accompanied by such documents and such fees as may be prescribed.

(2) Without prejudice to the provisions contained in section 16, an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal by—

- (a) the person, who has sustained the injury; or
- (b) the owner of the property to which the damage has been caused; or

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(c) where death has resulted from the environmental damage, by all or any of the legal representatives of the deceased; or

(d) any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be; or

(e) any person aggrieved, including any representative body or organisation; or

(f) the Central Government or a State Government or a Union territory Administration or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under the Environment (Protection) Act, 1986 (29 of 1986) or any other law for the time being in force:

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation or relief or settlement of dispute, the application shall be made on behalf of, or, for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined shall be impleaded as respondents to the application:

Provided further that the person, the owner, the legal representative, agent, representative body or organisation shall not be entitled to make an application for grant of relief or compensation or settlement of dispute if such person, the owner, the legal representative, agent, representative body or organisation have preferred appeal under section 16.

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(3) The application, or as the case may be, the appeal filed before the Tribunal under this Act shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the application, or, as the case may be, the appeal, finally within six months from the date of filing of the application, or as the case may be, the appeal, after providing the parties concerned an opportunity to be heard.

19. Procedure and powers of Tribunal.—(1) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice.

(2) Subject to the provisions of this Act, the Tribunal shall have power to regulate its own procedure.

(3) The Tribunal shall also not be bound by the rules of evidence contained in the Indian Evidence Act, 1872 (1 of 1872).

(4) The Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;

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- (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or copy of such record or document from any office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) reviewing its decision;
- (g) dismissing an application for default or deciding it ex parte;
- (h) setting aside any order of dismissal of any application for default or any order passed by it ex parte;
- (i) pass an interim order (including granting an injunction or stay) after providing the parties concerned an opportunity to be heard, on any application made or appeal filed under this Act;
- (j) pass an order requiring any person to cease and desist from committing or causing any violation of any enactment specified in Schedule I;
- (k) any other matter which may be prescribed.

(5) All proceedings before the Tribunal shall be deemed to be the judicial proceedings within the meaning of sections 193, 219 and 228 for the purposes of section 196 of the Indian Penal Code and the Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (45 of 1860) (2 of 1974).

20. Tribunal to apply certain principles.—The Tribunal shall, while passing any order or decision or award, apply the

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principles of sustainable development, the precautionary principle and the polluter pays principle.

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SCHEDULE 1

[See sections 14(1), 15(1), 17(1)(a), 17(2), 19(4)(j) and 34(1)]

1. The water (Prevention and Control of Pollution) Act, 1974;
2. The Water (Prevention and Control of Pollution) Cess Act, 1977;
3. The Forest (Conservation) Act, 1980;
4. The Air (Prevention and Control of Pollution) Act, 1981;
5. The Environment (Protection) Act, 1986;
6. The Public Liability Insurance Act, 1991;
7. The Biological Diversity Act, 2002.

Going by the definitions of “environment” and “substantial question relating to environment” contained in the NGT Act, especially the provision in clause (ii) of Section 2(m) that the environmental consequences relate to a specific activity or a point source of pollution

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would also constitute a substantial question relating to environment, it cannot be contended that the grievance/dispute raised by respondents 3 to 115 in their representation would not fall within the scope of Section 14. It is all the more so since the representation of respondents 3 to 115 raises a question arising out of the implementation of the Water (Prevention and Control of Pollution) Act and the Air (Prevention and Control of Pollution) Act also, in so far as it is not disputed that stone quarrying would inevitably pollute air and water in the area. The aforesaid conclusion is inevitable also, since the NGT is the only forum now in the country which could grant relief in respect of the grievance voiced by respondents 3 to 115 in their representation.

23. Rule 24 of the NGT Rules reads thus:

“The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its order or to prevent abuse of its process or to secure the ends of justice.”

The scope of Rule 24 of the NGT Rules has been explained by the Apex Court in **State of Meghalaya v. All Dimasa Students Union, Dima - Hasao District Committee and others**, (2019) 8 SCC 177, in the

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context of the power of the NGT to direct appointment of a committee and to obtain a report from them. Paragraphs 160 to 164 of the said judgment read thus:

“160. Rule 24 empowers the Tribunal to make such orders or give such directions as may be necessary or expedient to give effect to its order or to secure the ends of justice. Rule 24 gives wide powers to the Tribunal to secure the ends of justice. Rule 24 vests special power to the Tribunal to pass orders and issue directions to secure the ends of justice. Use of words “may”, “such orders”, “gives such directions”, “as may be necessary or expedient”, “to give effect to its orders”, “order to prevent abuse of process”, are words which enable the Tribunal to pass orders and the above words confer wide discretion.

161. Professor Justice G.P. Singh, in *Principles of Statutory Interpretation*, 14th Edn. while dealing with enabling words says:

“Ordinarily, the words ‘may’ and ‘it shall be lawful’ are not words of compulsion. They are enabling words and they only confer capacity, power or authority and imply discretion. ‘They are both used in a statute to indicate that something may be done which prior to it could not be done’. The use of words ‘shall have power’ also connotes the same idea.”

162. The enabling powers given to the Tribunal under Rule 24 are for the purpose and object to decide the subjects which are to be examined, decided and an appropriate relief is to be granted by the Tribunal. Further, subjects contain wide range of subjects which

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require technical and scientific inputs. The Tribunal can pass such orders as it may think fit necessary or expedient to secure the ends of justice.

163. The object for which the said power is given is not far to seek. To fulfil the objective of the NGT Act, 2010, NGT has to exercise a wide range of jurisdiction and has to possess wide range of powers to do justice in a given case. The power is given to exercise for the benefit of those who have right for clean environment which right they have to establish before the Tribunal. The power given to the Tribunal is coupled with duty to exercise such powers for achieving the objects. In this regard reference is made to the judgment of this Court in *L. Hirday Narain v. CIT* [*L. Hirday Narain v. CIT*, (1970) 2 SCC 355] , wherein this Court was examining provision empowering authority to do something. This Court laid down in para 14: (SCC p. 359)

“14. The High Court observed that under Section 35 of the Indian Income Tax Act, 1922, the jurisdiction of the Income Tax Officer is discretionary. If thereby it is intended that the Income Tax Officer has discretion to exercise or not to exercise the power to rectify, that view is in our judgment erroneous. Section 35 enacts that the Commissioner or Appellate Assistant Commissioner or the Income Tax Officer may rectify any mistake apparent from the record. If a statute invests a public officer with authority to do an act in a specified set of circumstances, it is imperative upon him to exercise his authority in a manner appropriate to the case when a party interested and having a right to apply moves in that behalf and circumstances for exercise of authority are shown to exist. Even if the words used in the statute are prima facie enabling, the courts will readily infer a duty to exercise power which is

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invested in aid of enforcement of a right—public or private—of a citizen.”

164. We, thus, are of the considered opinion that there is no lack of jurisdiction in NGT to direct for appointment of committee or to obtain a report from a committee in the given facts of the case.”

Having regard to the purpose for which the NGT is established and having regard to the provisions in the NGT Act and in the NGT Rules, especially Rule 24 of the NGT Rules, and having regard to the interpretation given to the said rule by the Apex Court in the case referred to above, the petitioners cannot be heard to contend that the NGT is not empowered under Section 15 of the NGT Act to grant relief in the nature of general directions as done in the case on hand.

24. I am fortified in the view aforesaid by the decision of the Apex Court in **State of Madhya Pradesh v. Centre for Environment Protection Research and Development and others**, (2020) SCC Online SC 687. Paragraphs 41, 42 and 46 of the said judgment read thus:

41. The Tribunal constituted under the NGT Act has jurisdiction under

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Section 14 of the said Act to decide all civil cases where any substantial question relating to environment including enforcement of any right relating to environment is involved and such question arises out of the implementation of the enactments specified in Schedule I to the said Act, which includes The Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

42. In view of the definition of "substantial question of environment in Section 2(m) of the NGT Act, the learned Tribunal can examine and decide the question of violation of any specific statutory environmental obligation, which affects or is likely to affect a group of individuals, or the community at large.

x x x x x x

46. On a combined reading of Sections 3, 7, 10, 11 and 23 of the Environment (Protection) Act, with particular reference to Section 3(1), 3(2)(i)(a) and (b), 3(2)(iii, iv) and 3(2)(x) with Section 20 of the 1981 Act and Sections 14, read with 2(c), and 2(m) of the NGT Act and Rules 115 and 116 of the 1989 Rules, the learned Tribunal had the power, authority and/or jurisdiction to direct the appellant State Government to strictly implement the requirement of vehicles to possess and/or display a valid PUC Certificate, and also to direct the appellant State Government and/or the other authorities concerned to take penal action in accordance with law, that is, Rules 115/116 of the 1989 Rules.

(underline supplied)

As evident from the extracted paragraphs of the judgment, the

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jurisdiction of the NGT to deal with a question relating to enforcement of a statutory environmental obligation which is likely to affect a group of individuals or the community at large as also the jurisdiction of the NGT to issue general directions for enforcement of such environmental obligation have been recognized by the Apex Court in the said case. Similarly, the power of the NGT to issue directions to prevent future occurrence of incidents that impact the environment has been recognized by the Apex Court in **Director General (Road Development) National Highways Authority of India v. Aam Aadmi Lokmanch**, (2020) SCC Online SC 572. Paragraphs 76 and 77 of the said judgment read thus:

“76. The power and jurisdiction of the NGT under Sections 15(1)(b) and (c) are not restitutionary, in the sense of restoring the environment to the position it was before the practise impugned, or before the incident occurred. The NGT's jurisdiction in one sense is a remedial one, based on a reflexive exercise of its powers. In another sense, based on the *nature of the abusive practice*, its powers can also be preventive.

77. As a quasi-judicial body exercising both appellate jurisdiction over regulatory bodies' orders and directions (under Section 16) and its original jurisdiction under Sections 14, 15 and 17 of the NGT Act, the tribunal, based on the cases and applications made before it, is an

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expert regulatory body. Its personnel include technically qualified and experienced members. The powers it exercises and directions it can potentially issue, impact not merely those before it, but also state agencies and state departments whose views are heard, after which general directions to prevent the future occurrence of incidents that impact the environment, are issued.”

The following observation made by the Apex Court in **Hanuman Laxman Aroskar v. Union of India**, (2019) 15 SCC 401 also gives strength to this Court to interpret the scope of Sections 14 and 15 of the NGT Act in the aforesaid manner:

“In cases concerning environmental governance, it is a duty of courts to assess the case on its merits based on the materials present before it. Matters concerning environment governance concern not just the living, but generations to come. The protection of the environment, as an essential facet of human development ensures sustainable development for today and tomorrow.”

In the light of the said discussion, the contention raised by the petitioners that the grievance/dispute raised by respondents 3 to 115 is not a dispute that falls within the scope of Section 14 of the NGT Act and that the impugned order is one that falls within the scope of Section 15 of the NGT Act is only to be rejected and I do so.

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25. **The epistolary jurisdiction of the NGT.** The contention of the petitioners is that the NGT is empowered to exercise its powers only if an application is filed in accordance with Rule 8 of the NGT Rules and it has no power to treat a representation as an application for the purpose of exercising its jurisdiction under the NGT Act. True, Rule 8 of the NGT Rules provides that an application to the NGT shall be presented by the applicant in the prescribed form. Placing reliance on the word “shall” used in Rule 8 of the NGT Rules, the petitioners would contend that it is a mandatory provision and the same cannot be dispensed with. In the context of the said contention, it is worth referring to a passage from the decision of the Apex Court in **Hari Vishnu Kamath v. Syed Ahmad Ishaque and others**, AIR 1955 SC 233, in which it was held that a provision in form mandatory might in substance be directory and the use of the word “shall” does not conclude the matter and what is to be seen for the purpose of ascertaining the true nature of the provision is to understand the intention of the legislation. The passage reads thus :

“It is well established that an enactment in form mandatory might in substance be directory, and that the use of the word “shall” does not conclude the matter. The question was examined at length in *Julius v. Bishop of Oxford* [5 AC 214] and various rules were laid

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down for determining when a statute might be construed as mandatory and when as directory. They are well-known, and there is no need to repeat them. But they are all of them only aids for ascertaining the true intention of the legislature which is the determining factor, and that must ultimately depend on the context”.

In **Collector of Monghyr v. Keshav Prasad Goenka**, AIR 1962 SC 1694, the Apex Court has held that the question whether any requirement is mandatory or directory has to be decided not merely on the basis of any specific provision which, for instance, sets out the consequences of the omission to observe the requirement, but on the purpose for which the requirement has been enacted, particularly in the context of the other provisions of the Act and the general scheme thereof. Paragraph 11 of the said judgment reads thus :

“11. We feel unable to accept the submission of learned counsel that in the context in which the words “for the reasons to be recorded by him” occur in Section 5-A and considering the scheme of Chapter II of the Act, the requirement of these words could be held to be otherwise than mandatory. It is needless to add that the employment of the auxiliary verb “shall” is inconclusive and similarly the mere absence of the imperative is not conclusive either. The question whether any requirement is mandatory or directory has to be decided not merely on the basis of any specific provision which, for instance, sets out the consequences of the omission to observe the requirement, but on the purpose for which the requirement has been enacted, particularly in the context of the other provisions of the Act

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and the general scheme thereof. It would, inter alia, depend on whether the requirement is insisted on as a protection for the safeguarding of the right of liberty of person or of property which the action might involve.”

In the light of the principles aforesaid, having regard to the purpose for which the NGT is established and the power conferred on the NGT in terms of Rule 24 of the NGT Rules to make such orders or give such directions as may be necessary or expedient to secure the ends of justice, I am of the view that the word “shall” used in Rule 8 of the NGT Rules is to be construed only as “may” and the said rule does not preclude the NGT from treating a representation received by it as an application invoking its power under Rule 24 of the Rules for taking preventive and restorative measures in the interest of the environment. The contention aforesaid is also therefore one to be rejected and I do so.

26. **The territorial jurisdiction of the Principal Bench of the NGT.** The contention of the petitioners in the writ petitions is that in exercise of the power under Sub-section (3) of Section 4 of the NGT Act, the Central Government has notified the territorial jurisdiction of the various Benches of the NGT and in terms of the said notification, the Principal Bench of the NGT has no jurisdiction

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over the State of Kerala and therefore, the impugned order is vitiated for want of territorial jurisdiction. True, the impugned order is one rendered on a representation of respondents 3 to 115 voicing their grievance concerning the proposed stone quarrying in the State of Kerala. The materials on record, however, indicate that on receipt of the said representation and on perusal of the reports called for from the SPCB and CPCB, the Principal Bench of the NGT felt the need to have stringent distance criteria for permitting stone quarrying involving blasting throughout the country and the impugned order was passed accordingly, having application not only in the State of Kerala but also in the other States. I have found that the NGT has powers to issue such general directions. In so far as it is found that the NGT has powers to issue such general directions having application throughout the country, the petitioners cannot be heard to contend that no part of the cause of action for passing such an order arose within the territorial limits of the Principal Bench of the NGT. That apart, though the Central Government is empowered in terms of sub-section (3) of Section 4 of the NGT Act to specify the ordinary place or places of sitting of the NGT and the territorial jurisdiction falling under such places of sitting, Rule 11 of the NGT Rules framed by the Central Government in consultation

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with the Chairperson of the NGT, in exercise of the power of the Central Government under sub-section (4) of Section 4 of the NGT Act only provides that an application shall ordinarily be filed by an applicant with the Registrar of the NGT at its ordinary place of sitting falling within the jurisdiction, where the cause of action, wholly or in part, has arisen. Rule 11 reads thus:

**“11. Place of filing application or appeal:-** an application or appeal, as the case may be, shall ordinarily be filed by an applicant or appellant, as the case may be, with the Registrar of the Tribunal at its ordinary place of sitting falling within the jurisdiction, the cause of action, wholly or in part, has arisen.”

The word 'ordinarily' in the provision indicates that the requirement of the Rule is only that the application shall normally be filed with the Registrar of the Tribunal at its place of sitting falling within the jurisdiction, where the cause of action, wholly or in part as arisen. In other words, it cannot be said that an application preferred before one Bench of the NGT otherwise than in accordance with the said Rule shall not be entertained by the NGT. It is, therefore, seen that the scheme of the NGT Act is that in extraordinary situations, the applications instituted otherwise than in accordance with the said Rule can also be entertained by the NGT. Even otherwise, it is trite that want of

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territorial jurisdiction would not render the proceedings void unless erroneous exercise of jurisdiction has occasioned failure of justice [See **Sneh Lata Goel v. Pushplata**, (2019) 3 SCC 594]. The petitioners do not have a case of failure of justice on account of the fact that the application of respondents 3 to 115 has been entertained by the Principal Bench of the NGT. The contention raised by the petitioners concerning the territorial jurisdiction of the Principal Bench of the NGT is also, therefore, to be rejected and I do so.

27. **The jurisdiction of the NGT to initiate suo motu proceedings.** As rightly pointed out by the learned counsel for the contesting respondents, if the NGT has powers to initiate proceedings *suo motu* for the purpose of taking preventive and restorative measures in the interest of the environment, the contention advanced by the petitioners that respondents 3 to 115 have not voiced any grievance in their representation about the inadequacy of the distance requirement from residential buildings for permitting stone quarrying, is of no consequence.

28. In the course of the arguments, the learned counsel appearing for the petitioners in some of the cases have brought to my

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notice the particulars of a few cases where the Apex Court has issued notice on the question relating to the jurisdiction of the NGT to initiate proceedings *suo motu*. It is however, conceded by the learned counsel that the Apex Court has so far not decided the said issue. If that be so, the fact that the Apex Court has admitted a few matters raising questions relating to the jurisdiction of the NGT to initiate proceedings *suo motu* is not an impediment for this court for deciding that question.

29. I have already dealt with in the preceding paragraphs of this judgment, the background of the establishment of the NGT and the judgments of the Apex Court providing guidelines as to the manner in which the provisions of the NGT Act are to be interpreted. I have also referred to the judgments of the Apex Court recognizing the NGT as the sole statutory specialized forum in the country to deal with the enforcement of any legal right relating to environment. I have also taken note of the fact that on the establishment of the NGT, all matters required to be dealt with by the NGT in terms of the NGT Act pending before the Apex Court and various High Courts including proceedings initiated *suo motu* by the Apex Court and the High Courts were transferred to the NGT and are being dealt with by the NGT. The

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question whether NGT has jurisdiction to initiate proceedings *suo motu* has to be decided keeping in mind the aforesaid facts.

30. It is settled that tribunals and statutory bodies are bound by the statute which created them and cannot claim any powers other than the powers conferred on it by the statute. But, one should remember that when a forum is created for adjudication of cases involving public interest, that too, cases involving fundamental rights of the citizens, the adjudication process shall be inquisitorial and the forum should be presumed to be equipped with the powers necessary for such inquisitorial adjudication, as otherwise, the purpose of the establishment of the forum cannot be achieved. The power to initiate proceedings *suo motu* is only a matter of procedure. As noted, the NGT is not bound by the procedures contained in the Code of Civil Procedure and it is free to choose and regulate its own procedure. Further, Rule 24 of the NGT Rules specifically confers discretion on the NGT to pass such order as may be necessary to secure the ends of justice. That apart, the NGT is performing judicial function and though judicial tribunals are not part of ordinary courts of civil judicature, their functions are not different from courts and it has been held by the courts that such tribunals shall be presumed to have incidental and

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ancillary powers to make fully effective the express grant of statutory powers [See **Union of India v. Paras Laminates (P) Ltd.**, (1990) 4 SCC 453]. Again, the doctrine of implied power can be legitimately invoked by judicial tribunals, if a duty has been imposed on it by statute and such duty cannot be discharged unless some incidental and ancillary power for discharging that duty is assumed to exist [See **Bidi, Bidi Leaves and Tobacco Merchants Association v. The State of Bombay**, AIR 1962 SC 486]. In the circumstances, in the absence of any provision in the NGT Act precluding the NGT from exercising *suo motu* power for initiating proceedings, I am of the view that the NGT must be presumed to have the power to initiate proceedings *suo motu* as well, or otherwise, the victims of pollution and environmental damage, having regard to the peculiar social fabric of our country, may not have access to justice.

31. In short, the contention of the petitioners that the NGT lacked jurisdiction to pass any order, especially an order in the nature of one impugned in the writ petitions, on the representation of respondents 3 to 115 is also liable to be rejected and I do so.

32. The questions remaining to be considered are mainly questions relating to the sustainability of the impugned order, and if it

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is found that the impugned order is sustainable in law, the questions relating to its applicability. insofar as it is found that the impugned order is vitiated for non-compliance of the principles of natural justice, the matter is liable to be remitted to the NGT for fresh consideration. Even otherwise, on the facts of the present case, the questions remaining to be considered are questions that could be decided only by the NGT, the specialized tribunal constituted for the said purpose. I am fortified in this view by the observations made by the Apex Court in **Executive Engineer, Southern Electricity Supply Company of Orissa Limited (SOUTHCO) and Another v. Sri Seetaram Rice Mill**, (2012) 2 SCC 108, while examining the correctness of the judgment rendered by the High Court in exercise of the power under Article 226 of the Constitution, in the context of a case arising under the Electricity Act, 2003. The said observations read thus :

“Should the courts determine on merits of the case or should they preferably answer the preliminary issue or jurisdictional issue arising in the facts of the case and remit the matter for consideration on merits by the competent authority? Again, it is somewhat difficult to state with absolute clarity any principle governing such exercise of jurisdiction. It always will depend upon the facts of a given case. We are of the considered view that interest of administration of justice shall be better subserved if the

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cases of the present kind are heard by the courts only where they involve primary questions of jurisdiction or the matters which go to the very root of jurisdiction and where the authorities have acted beyond the provisions of the Act. However, it should only be for the specialised tribunal or the appellate authorities to examine the merits of assessment or even the factual matrix of the case”.

Needless to say that the matter has to go back to the NGT.

33. Should the *status quo* prevailing as on the date of the impugned order as regards the distance criteria to be maintained for permitting stone quarrying from residential buildings and other human inhabited sites be restored pending disposal of the matter by the NGT, is the next question to be considered. As noted, pursuant to Ext.P8 order of the NGT, the SPCB had deliberations with the various stakeholders and arrived at the conclusion that the existing distance criterion of 50 meters from residential buildings and other human inhabited sites for permitting stone quarrying involving blasting could be considered as adequate for the purpose of abating pollution, only if the various conditions stipulated in Ext.P9 report filed by them before the NGT are complied with by the operators, and that the compliance of the said conditions are not insisted at present. It has also come out that SPCB had earlier prescribed stringent distance criteria from

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residential houses and other human inhabited sites for permitting stone quarrying and the same was brought down to 50 meters to make it in tune with the requirement in the KMMC Rules which has nothing to do with the environment pollution caused by the stone quarrying activity. In other words, even according to the SPCB, the present distance criterion of 50 meters from residential buildings and other human inhabited sites for permitting stone quarrying involving blasting is not adequate to prevent, control and abate the pollution arising from stone quarrying activity. Restoring *status quo* as on the date of the impugned order as regards the distance criterion from residential buildings and other human inhabited sites for permitting stone quarrying pending disposal of the matter by NGT, in the said circumstances, would amount to infringement of the fundamental rights of the citizens of this State under Article 21 of the Constitution. In the circumstances, in the interests of justice, I deem it appropriate to order that the interim order passed by this court on 6.8.2020 as referred to in paragraph 6 shall continue till the disposal of the matter by the NGT.

In the result, the writ petitions are allowed in part, the impugned order of the NGT is set aside and the NGT is directed to dispose of the representation of respondents 3 to 115 which was

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treated by the NGT as an application, afresh after notice by way of publication to those who are affected by the prescription of the stringent distance criteria from residential building and other human inhabited sites other than what is prevailing in the State, for permitting stone quarrying. It is also ordered that the interim order passed by this court on 6.8.2020 will continue till the disposal of the said application by the NGT. It is also ordered that the NGT would be free to modify the said interim order pending disposal of the application, if situation warrants. All other issues which are not dealt with in this judgment are left open.

**Sd/-  
P.B.SURESH KUMAR, JUDGE.**

PV/rkj/Mn

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**APPENDIX OF WP (C) 15962/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF ORDER DATED 30.10.2018 OF THE ADDITIONAL DIRECTOR OF MINING AND GEOLOGY GRANTING QUARRYING LEASE TO THE PETITIONER.
- EXHIBIT P2 TRUE COPY OF ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 9.8.2018.
- EXHIBIT P3 TRUE COPY OF CONSENT TO OPERATE THE QUARRY DATED 28.9.2018 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- EXHIBIT P4 TRUE COPY OF LICENCE DATED 29.3.2019 ISSUED BY THE JOINT CHIEF CONTROLLER OF EXPLOSIVES.
- EXHIBIT P5 TRUE COPY OF TRADE LICENCE DATED 8.4.2019 ISSUED BY THE POOYAPPILLY GRAMA PANCHAYAT.
- EXHIBIT P6 TRUE COPY OF ORDER DATED 6.5.2019 OF THE NATIONAL GREEN TRIBUNAL CALLING FOR REPORT FROM 3RD RESPONDENT KERALA STATE POLLUTION CONTROL BOARD AND THE DISTRICT MAGISTRATE, PALAKKAD.
- EXHIBIT P7 TRUE COPY OF ORDER DATED 28.2.2020 OF THE NATIONAL GREEN TRIBUNAL FOUND THAT THE DISTANCE RULE IN KERALA IN INADEQUATE.
- EXHIBIT P8 TRUE COPY OF REPORT DATED 9.7.2020 OF THE 4TH RESPONDENT RECOMMENDING MINIMUM DISTANCE OF 200M.
- EXHIBIT P9 TRUE COPY OF THE ORDER OF THE NATIONAL GREEN TRIBUNAL IN O.A.NO.304 OF 2019

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DIRECTING THE 3RD RESPONDENT THAT THE  
DISTANCE RULE SHALL BE 200 M.

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R3 (A) A TRUE PHOTOCOPY OF THE DIRECTION DATED  
12/05/2020 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT R3 (B) A TRUE PHOTOCOPY OF AN ENVIRONMENTAL  
CLEARANCE GRANTED BY THE SEIAA DATED  
04/08/2020.
- EXHIBIT R3 (C) A TRUE PHOTOCOPY OF THE CIRCULAR  
NO.PCB/TAC/WP/236/2006 DATED 13/06/2007  
ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT R3 (D) A TRUE PHOTOCOPY OF THE DRAFT REPORT OF  
TECHNICAL COMMITTEE.
- EXHIBIT R3 (E) A TRUE PHOTOCOPY OF THE CIRCULAR DATED  
20/07/2011 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT R3 (F) A TRUE PHOTOCOPY OF THE CIRCULAR DATED  
06/08/2014 PASSED BY THE 2ND RESPONDENT.
- EXHIBIT R3 (G) A TRUE PHOTOCOPY OF THE RELEVANT PAGES  
OF THE REPORT OF LEGISLATIVE COMMITTEE  
ON ENVIRONMENT (2019-2021).
- EXHIBIT R3 (H) A TRUE PHOTOCOPY OF THE JUDGMENT  
REPORTED IN 2014 (3) KHC 797.

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**APPENDIX OF WP (C) 15305/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE LETTER OF INTENT DATED 25.03.2017 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER
- EXHIBIT P2 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE DATED 29.11.2018 VALID FOR A PERIOD OF FIVE YEARS
- EXHIBIT P3 TRUE COPY OF THE CONSENT TO OPERATE THE QUARRY COVERED VIDE EXHIBIT P1 DATED 19.12.2018 ISSUED THE 4TH RESPONDENT TO THE PETITIONER
- EXHIBIT P4 TRUE COPY OF THE FORM-LE3 LICENSE DATED 13.11.2018 VALID UPTO 31.03.2023 ISSUED BY THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES, ERNAKULAM
- EXHIBIT P5 TRUE COPY OF THE ORDER DATED 06.05.2019 IN OA 304/2019 ISSUED B THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI
- EXHIBIT P6 TRUE COPY OF THE ORDER DATED 09.10.2019 IN OA 304/2019 ISSUED BY THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH , NEW DELHI
- EXHIBIT P7 TRUE COPY OF THE COMMUNICATION NO.CPCB/IPC-II/NGT-OA 304 OF 2019/2019/DATED 24/10/2019 ISSUED BY THE CENTRAL POLLUTION CONTROL BOARD
- EXHIBIT P8 TRUE COPY OF THE REPORT DATED 17.12.2019 SUBMITTED BY THE 4TH RESPONDENT BEFORE NATIONAL GREEN TRIBUNAL

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- EXHIBIT P9 TRUE COPY OF ORDER DATED 28.02.2020  
PASSED BY THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI IN  
O.A.NO.304 OF 2019
- EXHIBIT P10 TRUE COPY OF THE REPORT DATED  
09.07.2020 SUBMITTED BY THE 3RD  
RESPONDENT BEFORE THE NATIONAL GREEN  
TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN  
OA NO.304/2019
- EXHIBIT P11 TRUE COPY OF THE ORDER DATED 21.07.2020  
IN THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI IN OA  
NO.304/2019

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R1 NIL.
- EXHIBIT R2 NIL.
- EXHIBIT R3 NIL.
- EXHIBIT R3 A A TRUE PHOTOCOPY OF THE DIRECTION DATED  
12.05.2020 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT R3 B A TRUE PHOTOCOPY OF AN ENVIRONMENTAL  
CLEARANCE GRANTED BY THE SEIAA DATED  
04.08.2020.
- EXHIBIT R3 C A TRUE PHOTOCOPY OF THE CIRCULAR  
NO.PCB/TAC/WP/236/2006 DATED 13.06.2007  
ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT R3 D A TRUE PHOTOCOPY OF THE DRAFT REPORT OF  
TECHNICAL COMMITTEE.
- EXHIBIT R3 E A TRUE PHOTOCOPY OF THE CIRCULAR DATED  
20.07.2011 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT R3 F A TRUE PHOTOCOPY OF THE CIRCULAR DATED  
06.08.2014 ISSUED BY THE 2ND RESPONDENT.

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EXHIBIT R3 G                    A TRUE PHOTOCOPY OF THE RELEVANT PAGES  
OF THE REPORT OF LEGISLATIVE COMMITTEE  
ON ENVIRONMENT (2019-2021) .

EXHIBIT R3 H                    A TRUE PHOTOCOPY OF THE JUDGMENT  
REPORTED IN 2014 (3) KHC 797 .

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**APPENDIX OF WP (C) 15309/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE CONSENT VARIATION ORDER DATED 7.1.2020 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD TO THE PETITIONER
- EXHIBIT P2 TRUE COPY OF THE ORDER DATED 6.5.2019 IN ORIGINAL APPLICATION NO 304/2019 OF THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI
- EXHIBIT P3 TRUE COPY OF THE ORDER DATED 9.10.2019 IN ORIGINAL APPLICATION NO 304/2019 OF THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI
- EXHIBIT P4 TRUE COPY OF THE REPORT DATED 17.12.2019 FILED BY THE KERALA STATE POLLUTION CONTROL BOARD BEFORE THE NATIONAL GREEN TRIBUNAL
- EXHIBIT P5 TRUE COPY OF THE ORDER DATED 28.2.2020 IN ORIGINAL APPLICATION NO 304/2019 OF THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI
- EXHIBIT P6 TRUE COPY OF THE REPORT DATED 9.7.2020 FILED BEFORE THE NATIONAL GREEN TRIBUNAL BY THE CENTRAL POLLUTION CONTROL BOARD
- EXHIBIT P7 TRUE COPY OF GO (P) NO 25/2017/ID DATED 22.6.2017
- EXHIBIT P8 TRUE COPY OF THE ORDER DATED 21.7.2020 IN ORIGINAL APPLICATION NO 304/2019 OF THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

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EXHIBIT P9 TRUE COPY OF THE JUDGMENT OF THIS  
HONOURABLE COURT REPORTED IN 2016(5)  
KHC 456.

EXHIBIT P10 TRUE COPY OF THE CIRCULAR NO  
PCB/HO/CIRCULAR 01/3/2017 B DATED  
10.10.2017 ISSUED BY THE KERALA STATE  
POLLUTION CONTROL BOARD

RESPONDENT'S/S EXHIBITS:

EXHIBIT R1A A TRUE COPY OF THE SUMMARY OF E-PASSES  
PRINTED FROM 01/01/2020 TO 31/07/2020,  
DOWNLOADED FROM THE KOMPAS (KERALA  
ONLINE MINING PERMIT AWARDING SERVICES  
- E-GOVERNANCE INITIATIVE OF THE  
DEPARTMENT OF MINING AND GEOLOGY) .

EXHIBIT R4 (a) TRUE COPY OF THE CIRCULAR DATED 18-10-  
2006 ISSUED BY THE KERALA STATE  
POLLUTION CONTROL BOARD.

EXHIBIT R4 (b) TRUE COPY OF THE CIRCULAR DATED 13-6-  
2007 ISSUED BY THE KERALA STATE  
POLLUTION CONTROL BOARD.

EXHIBIT R4 (c) TRUE COPY OF THE CIRCULAR DATED 20-7-  
2011 ISSUED BY THE KERALA STATE  
POLLUTION CONTROL BOARD.

EXHIBIT R4 (d) TRUE COPY OF THE CIRCULAR DATED 6-8-  
2014 ISSUED BY THE KERALA STATE  
POLLUTION CONTROL BOARD.

EXHIBIT R5 (A) A TRUE PHOTOCOPY OF THE SITING CRITERIA  
GUIDELINE PRESCRIBED BY THE KERALA  
STATE POLLUTION CONTROL BOARD TO  
VARIOUS INDUSTRIES IN THEIR WEBSITE  
VIZ. WWW.KERALAPCB.NIC.IN.

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**APPENDIX OF WP (C) 15435/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE RENEWED INTEGRATED  
CONSENT VARIATION TO OPERATE DATED  
29.5.2020 ISSUED BY THE KERALA STATE  
POLLUTION CONTROL BOARD TO THE  
PETITIONER.
- EXHIBIT P2 TRUE COPY OF THE ORDER DATED 6.5.2019  
IN ORIGINAL APPLICATION NO. 304/2019 OF  
THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI .
- EXHIBIT P3 TRUE COPY OF THE ORDER DATED 9/10/2019  
IN ORIGINAL APPLICATION NO. 304/2019 OF  
THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI .
- EXHIBIT P4 TRUE COPY OF THE REPORT DATED  
17.12.2019 FILED BY THE KERALA STATE  
POLLUTION CONTROL BOARD BEFORE THE  
NATIONAL GREEN TRIBUNAL.
- EXHIBIT P5 TRUE COPY OF THE ORDER DATED 28.2.2020  
IN ORIGINAL APPLICATION NO. 304/2019 OF  
THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI .
- EXHIBIT P6 TRUE COPY OF THE REPORT DATED 9.7.2020  
FIELD BEFORE THE NATIONAL GREEN  
TRIBUNAL BY THE CENTRAL POLLUTION  
CONTROL BOARD.
- EXHIBIT P7 TRUE COPY OF G.O.(P) NO. 25/2017/ID  
DATED 22.6.2017.
- EXHIBIT P8 TRUE COPY OF THE ORDER DATED 21.7.2020  
IN ORIGINAL APPLICATION NO. 304/2019 OF  
THE NATIONAL GREEN TRIBUNAL PRINCIPAL

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BENCH, NEW DELHI.

EXHIBIT P9 TRUE COPY OF THE JUDGMENT OF THIS  
HONOURABLE OF THIS HONOURABLE COURT  
REPORTED IN 2016 (5) KHC 456.

EXHIBIT P10 TRUE COPY OF THE CIRCULAR NO.  
PCB/HO/CIRCULAR -01/03/2017/B DATED  
10.10.2017 ISSUED BY THE KERALA STATE  
POLLUTION CONTROL BOARD.

RESPONDENT'S/S EXHIBITS:

EXHIBIT R3(A) A TRUE PHOTOCOPY OF THE DIRECTION DATED  
12.05.2020 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT R3(B) A TRUE COPY OF AN ENVIRONMENTAL  
CLEARANCE GRANTED BY THE SEIAA DATED  
04.08.2020.

EXHIBIT R3(C) A TRUE COPY OF THE CIRCULAR NO.  
PCB/TAC/WP/236/2006 DATED 13.06.2007  
ISSUED BY THE 2ND RESPONDENT.

EXHIBIT R3(D) A TRUE PHOTOCOPY OF THE DRAFT REPORT OF  
TECHNICAL COMMITTEE.

EXHIBIT R3(E) A TRUE COPY OF THE CIRCULAR DATED  
20.07.2011 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT R3(F) A TRUE COPY OF THE CIRCULAR DATED  
06.08.2014 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT R3(G) A TRUE PHOTOCOPY OF THE RELEVANT PAGES  
OF THE REPORT OF LEGISLATIVE COMMITTEE  
ON ENVIRONMENT (2019-2021)

EXHIBIT R3(H) A TRUE PHOTOCOPY OF THE JUDGMENT  
REPORTED IN 2014(3) KHC 797

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**APPENDIX OF WP (C) 15858/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE PHOTOCOPY OF THE LETTER OF INTENT NO.2125/M3/2016 DATED 9.8.2016 ISSUED FROM THE MINING AND GEOLOGY DIRECTOR, THIRUVANANTHAPURAM TO THE PETITIONER.
- EXHIBIT P1 (A) READABLE TYPEWRITTEN COPY OF EXHIBIT P-1 DATED 9.8.2016.
- EXHIBIT P2 TRUE PHOTOCOPY OF THE ENVIRONMENTAL CLEARANCE NO.20/2017 DATED 31.8.2017 ISSUED BY ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY, MALAPPURAM TO THE PETITIONER.
- EXHIBIT P3 TRUE PHOTOCOPY OF THE CONSENT TO OPERATE NO.PCB/CO/9387/19 DATED 29.10.2019 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD TO THE PETITIONER.
- EXHIBIT P4 TRUE PHOTOCOPY OF THE LICENSE NO.71/2020-2021/A-3/3077/2020 DATED 16.7.2020 ISSUED BY PULIKKAL GRAMA PANCHAYATH TO THE PETITIONER.
- EXHIBIT P5 TRUE PHOTOCOPY OF THE LICENSE NO.E/SE/KL/22/249(E97639) DATED 10.6.2020 ISSUED BY THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES, ERNAKULAM TO THE PETITIONER.
- EXHIBIT P6 TRUE PHOTOCOPY OF THE ORDER DATED 6.5.2019 OF THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI IN ORIGINAL APPLICATION NO.134/2019.
- EXHIBIT P7 TRUE COPY OF THE ORDER DATED 9.10.2019

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IN ORIGINAL APPLICATION NO.304/2019 OF  
THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI.

- EXHIBIT P8 TRUE COPY OF THE REPORT DATED  
17.12.2019 FILED BY THE KERALA STATE  
POLLUTION CONTROL BOARD BEFORE THE  
NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI.
- EXHIBIT P9 TRUE COPY OF THE ORDER DATED 28.2.2020  
IN ORIGINAL APPLICATION NO.304/2019 OF  
THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI.
- EXHIBIT P10 TRUE COPY OF THE REPORT DATED 9.7.2020  
FILED BY THE CENTRAL POLLUTION CONTROL  
BOARD BEFORE THE NATIONAL GREEN  
TRIBUNAL PRINCIPAL BENCH, NEW DELHI.
- EXHIBIT P11 TRUE COPY OF THE NOTIFICATION, G.O.  
(P)NO.25/2017/ID (SRO NO.346/2017)  
DATED 22.6.2017 ISSUED BY GOVERNMENT OF  
KERALA.
- EXHIBIT P12 TRUE COPY OF THE CIRCULAR  
NO.PCB/HO/CIRCULAR-01/03/2017B DATED  
10.10.2017 ISSUED BY KERALA STATE  
POLLUTION CONTROL BOARD.
- EXHIBIT P13 TRUE COPY OF THE ORDER DATED 21.7.2020  
IN ORIGINAL APPLICATION NO.304/2019 OF  
THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI.
- EXHIBIT P14 TRUE COPY OF NOTIFICATION S.O.2582(E)  
DATED 10.8.2014 ISSUED BY MINISTRY OF  
ENVIRONMENT, FOREST AND CLIMATE CHANGE,  
GOVERNMENT OF INDIA AND PUBLISHED IN  
THE GAZETTE OF INDIA DATED 11.8.2017.
- EXHIBIT P15 TRUE COPY OF THE STUDY REPORT DATED

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19.6.2019 BY DEPARTMENT OF MINING  
ENGINEERING, NATIONAL INSTITUTE OF  
TECHNOLOGY KARNATAKA, SURATHIKAL,  
MANGALORE.

EXHIBIT P16

TABLE PREPARED BY THE PETITIONER  
SHOWING THE PEAK PARTICLE VELOCITY AT  
VARIOUS DISTANCE FROM THE BLASTING  
POINTS AS SHOWN IN EXHIBIT P-15 REPORT.

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## APPENDIX OF WP (C) 16153/2020

### PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE RENEWAL OF INTEGRATED  
CONSENT TO OPERATE DATED 4.9.2018  
ISSUED TO PETITIONER NO.1 BY RESPONDENT  
NO.5.
- EXHIBIT P2 TRUE COPY OF THE QUARRYING PERMIT  
ISSUED BY DISTRICT GEOLOGIST DATED  
28.11.2019 ISSUED TO PETITIONER NO.1.
- EXHIBIT P3 TRUE COPY OF THE ENVIRONMENT CLEARANCE  
DATED 12.3.2018 ISSUED BY THE DISTRICT  
ENVIRONMENT IMPACT ASSESSMENT  
AUTHORITY, KOZHIKODE TO PETITIONER NO.1.
- EXHIBIT P4 TRUE COPY OF THE LICENSE DATED  
14.8.2018 ISSUED BY DEPUTY CHIEF  
CONTROLLER OF EXPLOSIVES, ERNAKULAM IN  
FAVOUR OF PETITIONER NO.1.
- EXHIBIT P5 TRUE COPY OF THE ORDER DATED 28.2.2020  
PASSED BY THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH IN ORIGINAL APPLICATION  
NO.304/2019.
- EXHIBIT P6 TRUE COPY OF THE REPORT DATED 9.7.2020  
FILED BY RESPONDENT NO.4 BEFORE THE  
NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH IN ORIGINAL APPLICATION  
NO.304/2019.
- EXHIBIT P7 TRUE COPY OF THE ORDER DATED 21.7.2020  
PASSED BY THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH IN ORIGINAL APPLICATION  
NO.304/2019.
- EXHIBIT P8 TRUE COPY OF THE QUARRYING PERMIT DATED  
30.6.2020 ISSUED TO PETITIONER NO.1 BY

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**RESPONDENT NO.2.**

**EXHIBIT P9**

**TRUE COPY OF THE QUARRYING PERMIT DATED  
16.07.2020 ISSUED TO PETITIONER NO.2 BY  
RESPONDENT NO.2.**

**EXHIBIT P10**

**TRUE COPY OF THE ORDER DATED 05.05.2018  
ISSUED BY THE ADDITIONAL DIRECTOR OF  
MINING AND GEOLOGY.**

**EXHIBIT P11**

**TRUE COPY OF ORDER DATED 04.02.2020  
ISSUED BY ADDITIONAL DIRECTOR OF MINING  
AND GEOLOGY.**

*As*  
**TRUE COPY**

W.P.(C) No.15962 of 2020 & con. cases

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**APPENDIX OF WP (C) 16367/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1                    A TRUE COPY OF G.O.DATED 22/06/2017.
- EXHIBIT P2                    A TRUE COPY OF CIRCULAR DATED  
13/10/2015 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P3                    A TRUE COPY OF CIRCULAR DATED  
10/10/2017 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P4                    A TRUE COPY OF JUDGMENT DATED  
14/08/2006 IN WRIT APPEAL NO.880 OF  
2006.
- EXHIBIT P5                    A TRUE COPY OF JUDGMENT DATED  
12/09/2006 IN WRIT APPEAL NO.868 OF  
2006.
- EXHIBIT P6                    A TRUE COPY OF THE REPRESENTATION DATED  
13/02/2019 SUBMITTED BY THE 3RD  
RESPONDENT AND OTHERS BEFORE THE  
HON'BLE PRIME MINISTER OF INDIA, WITH  
COPY TO THE CHAIRPERSON OF THE NATIONAL  
GREEN TRIBUNAL.
- EXHIBIT P7                    A TRUE COPY OF THE ORDER DATED  
06/05/2019 ISSUED BY THE LEARNED  
TRIBUNAL IN OA NO.304/2019.
- EXHIBIT P8                    A TRUE COPY OF THE ORDER DATED  
09/10/2019 ISSUED BY THE LEARNED  
TRIBUNAL IN OA NO.304/2019.
- EXHIBIT P9                    A TRUE COPY OF THE REPORT DATED  
17/12/2019 SUBMITTED BY THE 2ND  
RESPONDENT WITH ANNEXURES BEFORE THE  
LEARNED TRIBUNAL.
- EXHIBIT P10                    A TRUE COPY OF THE ORDER DATED  
28/02/2020 ISSUED BY THE LEARNED

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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TRIBUNAL IN OA NO.304/2019.

EXHIBIT P11                   A TRUE COPY OF THE REPORT DATED  
09/07/2020 ALONG WITH ANNEXURES  
SUBMITTED BY THE 1ST RESPONDENT BEFORE  
THE LEARNED TRIBUNAL.

EXHIBIT P12                   A TRUE COPY OF THE ORDER DATED  
21/07/2020 ISSUED BY THE LEARNED  
TRIBUNAL IN OA NO.304/2019.

RESPONDENT'S/S EXHIBITS:

EXHIBIT R3(A)                A TRUE PHOTOCOPY OF THE DIRECTION DATED  
12.5.2020 ISSUED BY THE 1ST RESPONDENT

EXHIBIT R3(B)                A TRUE PHOTOCOPY OF AN ENVIRONMENTAL  
CLEARANCE GRANTED BY THE SEIAA DATED  
4.8.2020

EXHIBIT R3(C)                A TRUE PHOTOCOPY OF THE CIRCULAR NO  
PCB/TAC/WP/236/2006 DATED 13.6.2007  
ISSUED BY THE 2ND RESPONDENT

EXHIBIT R3(D)                A TRUE PHOTOCOPY OF THE DRAFT REPORT OF  
TECHNICAL COMMITTEE

EXHIBIT R3(E)                A TRUE PHOTOCOPY OF THE CIRCULAR DATED  
20.7.2011 ISSUED BY THE 2ND RESPONDENT

EXHIBIT R3(F)                A TRUE PHOTCOPY OF THE CIRCULAR DATED  
6.8.2014 ISSUED BY THE 2ND RESPONDENT

EXHIBIT R3(G)                A TRUE PHOTOCOPY OF THE RELEVANT PAGES  
OF THE REPORT OF LEGISLATIVE COMMITTEE  
ON ENVIRONMENT (2019-2021)

EXHIBIT R3(H)                A TRUE PHOTCOPY OF THE JUDGMENT  
REPORTED IN 2014(3) KHC 797

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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**APPENDIX OF WP (C) 16455/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF MINUTES OF MEETING DTD 03-07-2018 WHICH WAS COMMUNICATED TO THE DISTRICT COLLECTOR, KOLLAM VIDE COMMUNICATION DTD 05-07-2018
- EXHIBIT P2 TRUE COPY OF NOC BEARING NO. B7-40269/2017 DTD 30-04-2018
- EXHIBIT P3 TRUE COPY OF ENVIRONMENTAL CLEARANCE NO. 02/2019 ISSUED BY SEIAA BY ITS PROCEEDINGS NO. 1200/EC2/2018/SEIAA DTD 01-03-2019
- EXHIBIT P4 TRUE COPY OF CONSENT NO. PCB/TVM/DO/ICO/QRY/103/2019 DTD 05-03-2019 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- EXHIBIT P5 TRUE COPY OF D AND O LICENSE BEARING NO. A2-1379/19 DTD 11-03-2019
- EXHIBIT P6 TRUE COPY OF APPROVAL LETTER BEARING NO. 1716/DOT/ML/18 DTD 20-05-2019
- EXHIBIT P7 TRUE COPY OF PROCEEDINGS BEARING NO. 79/2019-20/9363/M3/2018/DMG DTD 20-05-2019
- EXHIBIT P8 TRUE COPY OF QUARRYING LEASE ENTERED IN FORM H AS PER RULE 43 DTD 22-05-2019 BETWEEN THE PETITIONER AND THE 6TH RESPONDENT ON BEHALF OF STATE GOVERNMENT
- EXHIBIT P9 TRUE COPY OF ORDER DATED 06-05-2019 IN ORIGINAL APPLICATION NO. 304/2019 OF THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI.

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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EXHIBIT P10 TRUE COPY OF ORDER DATED 09-10-2019 IN ORIGINAL APPLICATION NO. 304/2019 OF THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI.

EXHIBIT P11 TRUE COPY OF REPORT DATED 17-12-2019 FILED BY THE KERALA STATE POLLUTION CONTROL BOARD BEFORE THE NATIONAL GREEN TRIBUNAL

EXHIBIT P12 TRUE COPY OF ORDER DATED 28-02-2020 IN ORIGINAL APPLICATION NO. 304/2019 OF THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI.

EXHIBIT P13 TRUE COPY OF REPORT DATED 09-07-2020 FILED BEFORE THE NATIONAL GREEN TRIBUNAL BY THE 3RD RESPONDENT

EXHIBIT P14 TRUE COPY OF G.O(P) NO. 25/2017 ID DATED 22-06-2017

EXHIBIT P15 TRUE COPY OF ORDER DATED 21-07-2020 IN ORIGINAL APPLICATION NO. 304/2019 OF THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI.

EXHIBIT P16 TRUE COPY OF CIRCULAR NO. PCB/HO/CIRCULAR 01-03-2017/ B DTD 10-10-2017 ISSUED BY 4TH RESPONDENT.

RESPONDENT'S/S EXHIBITS:

EXHIBIT R3(A) A TRUE PHOTOCOPY OF THE DIRECTION DATED 12.05.2020 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT R3(B) A TRUE PHOTOCOPY OF AN ENVIRONMENTAL CLEARANCE GRANTED BY THE SEIAA DATED 04.08.2020.

EXHIBIT R3(C) A TRUE PHOTOCOPY OF THE CIRCULAR NO.PCB/TAC/WP/236/2006 DATED 13.06.2007

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TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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ISSUED BY THE 2ND RESPONDENT.

- EXHIBIT R3(D) A TRUE PHOTOCOPY OF THE DRAFT REPORT OF TECHNICAL COMMITTEE.
- EXHIBIT R3(E) A TRUE PHOTOCOPY OF CIRCULAR DATED 20.07.2011 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT R3(F) A TRUE PHOTOCOPY OF CIRCULAR DATED 06.08.2014 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT R3(G) A TRUE PHOTOCOPY OF RELEVANT PAGES OF THE REPORT OF LEGISLATIVE COMMITTEE ON ENVIRONMENT (2019-2021).
- EXHIBIT R3(H) A TRUE PHOTOCOPY OF THE JUDGMENT REPORTED IN 2014(3)KHC 797.

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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**APPENDIX OF WP (C) 16474/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE QUARRYING PERMIT DATED 07.06.2016.
- EXHIBIT P2 TRUE COPY OF THE CONSENT INTEGRATED CONSENT TO OPERATE DATED 23.7.2018.
- EXHIBIT P3 TRUE COPY OF THE ORDER OF NATIONAL GREEN TRIBUNAL DATED 6.5.2019.
- EXHIBIT P4 TRUE COPY OF THE ORDER DATED 9.10.2019 IN ORIGINAL APPLICATION NO. 304/2019 OF THE NGT, PRINCIPAL BENCH, NEW DELHI.
- EXHIBIT P5 TRUE COPY OF THE REPORT DATED 17.12.2019 FILED BY THE KERALA STATE POLLUTION CONTROL BOARD BEFORE THE NATIONAL GREEN TRIBUNAL.
- EXHIBIT P6 TRUE COPY OF THE ORDER DATED 28.2.2020 IN ORIGINAL APPLICATION 304/2019 OF THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI.
- EXHIBIT P7 TRUE COPY OF THE REPORT DATED 9.7.2020 FILED BEFORE THE NATIONAL GREEN TRIBUNAL BY CENTRAL POLLUTION CONTROL BOARD.
- EXHIBIT P8 TRUE COPY OF THE ORDER DATED 21.7.2020 IN ORIGINAL APPLICATION NO. 304/2019 OF NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI.

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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**APPENDIX OF WP (C) 16762/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1**                      A TRUE COPY OF THE LEASE DEED BEARING NO.16 OF 2011 OF KOZHIKODE SUB REGISTRY DATED 18.11.2010.
- EXHIBIT P2**                      A TRUE COPY OF THE LEASE DEED BEARING NO.16 OF 2011 OF KOZHIKODE SUB REGISTRY DATED 22.12.2017 FOR AN EXTENT OF 2.280 HECTARES OF LAND.
- EXHIBIT P3**                      A TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 16.01.2016 FOR CONDUCTING QUARRYING OPERATION IN 5.8680 HECTARES OF LAND.
- EXHIBIT P4**                      A TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 23.09.2017 FOR CONDUCTING QUARRYING OPERATION IN 2.280 HECTARES OF LAND.
- EXHIBIT P5**                      TRUE COPY OF THE INTEGRATED CONSENT DATED 12.03.2018 KERALA STATE POLLUTION CONTROL BOARD ISSUED TO OPERATE THE QUARRY IN THE LEASE COVERED BY EXT.P1.
- EXHIBIT P6**                      KERALA STATE POLLUTION CONTROL BOARD ISSUED INTEGRATED CONSENT DATED 05.12.2017 TO OPERATE THE QUARRY IN THE LEASE COVERED BY EXT.P2.
- EXHIBIT P7**                      TRUE COPY OF LICENCE DATED 16.01.2020 IN FORM LE-3 ISSUED BY JOINT CHIEF CONTROLLER OF EXPLOSIVES TO POSSESS EXPLOSIVES.
- EXHIBIT P8**                      TRUE COPY OF THE D & O LICENCE DATED 01.04.2016 ISSUED BY THE KODIYATHUR GRAMA PANCHAYAT FOR OPERATING THE

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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QUARRY FOR A PERIOD OF 5 YEARS IN THE  
LEASE AREA COVERED BY EXT.P1.

- EXHIBIT P9 TRUE COPY OF THE D & O LICENCE DATED  
01.04.2018 ISSUED BY THE KODIYATHUR  
GRAMA PANCHAYAT FOR OPERATING THE  
QUARRY FOR A PERIOD OF 5 YEARS IN THE  
LEASED AREA COVERED BY EXT.P2.
- EXHIBIT P10 TRUE COPY OF THE ORDER DATED 28.02.2020  
PASSED BY THE NATIONAL GREEN TRIBUNAL.
- EXHIBIT P11 TRUE COPY OF THE REPORT DATED  
09.07.2020 SUBMITTED BY THE 4TH  
RESPONDENT IN PURSUANCE OF EXHIBIT P10.
- EXHIBIT P12 TRUE COPY OF THE ORDER DATED 21.07.2020  
IN OA NO.304 OF 2019 PASSED BY THE  
NATIONAL GREEN TRIBUNAL.
- EXHIBIT P13 TRUE COPY OF THE INTERIM ORDER DATED  
06.08.2020 IN WPC NO.15962/2020 PASSED  
BY THIS HN'BLE COURT.

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R3 (A) A TRUE PHOTOCOPY OF THE DIRECTION DATED  
12.5.2020 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT R3 (B) A TRUE PHOTOCOPY OF AN ENVIRONMENTAL  
CLEARANCE GRANTED BY THE SEIAA DATED  
4.8.2020
- EXHIBIT R3 (C) A TRUE PHOTOCOPY OF THE CIRCULAR  
NO.PCB/TAC/WP/236/2006 DATED 13.6.2007  
ISSUED BY THE 2ND RESPONDENT
- EXHIBIT R3 (D) A TRUE PHOTOCOPY OF THE DRAFT REPORT OF  
TECHNICAL COMMITTEE
- EXHIBIT R3 (E) A TRUE PHOTOCOPY OF THE CIRCULAR DATED  
20.7.2011 ISSUED BY THE 2ND RESPONDENT

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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- EXHIBIT R3 (F)            A TRUE PHOTOCOPY OF THE CIRCULAR DATED  
6.8.2014 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT R3 (G)            A TRUE PHOTOCOPY OF THE RELEVANT PAGE  
OF THE REPORT OF LEGISLATIVE COMMITTEE  
OF ENVIRONMENT (2019-2021)
- EXHIBIT R3 (H)            A TRUE PHOTOCOPY OF THE JUDGMENT  
REPORTED IN 2014 (3) KHC 797

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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**APPENDIX OF WP (C) 16864/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1                    A TRUE COPY OF THE QUARRYING PERMIT DATED 11/7/2019 HAVING VALIDITY UP TO 10/07/20 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.
- EXHIBIT P2                    A TRUE COPY OF THE ENVIRONMENTAL CLEARANCE GRANTED BY THE DEIAA, IDUKKI TO THE PETITIONER DATED 26/6/2018.
- EXHIBIT P3                    A TRUE COPY OF THE CONSENT TO OPERATE DATED 3/7/2018 VALID UP TO 26/06/2013 ISSUED BY THE KERALA STATE POLLUTION BOARD TO THE PETITIONER.
- EXHIBIT P4                    A TRUE COPY OF THE FORM LE-3 LICENSE DATED 19/2/2018 HAVING VALIDITY UP TO 31/03/2023 ISSUED BY THE JOINT CHIEF CONTROLLER OF EXPLOSIVES, SOUTH CIRCLE, CHENNAI TO THE PETITIONER UNDER THE EXPLOSIVES RULES, 2008.
- EXHIBIT P5                    A TRUE COPY OF THE TRADE LICENSE ISSUED BY THE KUDAYATHOOR GRAMA PANCHAYAT DATED 12/7/2019 FOR THE FINANCIAL YEARS 2020-2023.
- EXHIBIT P6                    A TRUE COPY OF THE JUDGMENT DATED 9/3/20 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WP(C) NO.4280/2020 FILED BY THE PETITIONER.
- EXHIBIT P7                    A TRUE COPY OF THE ORDER DATED 23/3/20 ISSUED BY THE FIRST RESPONDENT TO THE SECOND RESPONDENT.
- EXHIBIT P8                    A TRUE COPY OF THE PROCEEDINGS DATED 5/6/20 ISSUED BY THE SECOND RESPONDENT

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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TO THE PETITIONER RECALLING THE  
INTERDICTIONARY ORDER FROM OPERATING HER  
QUARRY.

EXHIBIT P9

A TRUE COPY OF THE JUDGMENT DATED  
22/7/20 PASSED BY THE LEARNED SINGLE  
JUDGMENT OF THIS HON'BLE COURT IN WPC  
NO.14803/2020.

EXHIBIT P10

A TRUE COPY OF THE ORDER DATED 9/7/20  
PASSED BY THE PRINCIPLE BENCH, NATIONAL  
GREEN TRIBUNAL, NEW DELHI IN  
OA.NO.304/2019.

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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**APPENDIX OF WP (C) 16953/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 COPY OF THE CHELAN RECEIPT DATED 30.06.2020 EFFECTING PAYMENT OF APPLICATION FEE.
- EXHIBIT P2 COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 12.04.2018.
- EXHIBIT P3 COPY OF TH EXPLOSIVE LICENSE DATED 20.1.2020 OF THE PETITIONER.
- EXHIBIT P4 COPY OF THE INTEGRATED CONSENT TO OPERATE ISSUED BY THE PCB DATED 11.05.2018.
- EXHIBIT P5 COPY OF THE MINING PLAN DATED 20.11.2017
- EXHIBIT P6 COPY OF THE LEASE DATED 12.02.2020.
- EXHIBIT P7 COPY OF THE APPOINTMENT LETTER OF MINES MANAGER DATED 20.01.2020 WITH HIS CERTIFICATE AND CONSENT.
- EXHIBIT P8 COPY OF THE APPOINTMENT LETTER OF MINES MATE DATED 10.01.2020 WITH HIS CERTIFICATE AND CONSENT.
- EXHIBIT P9 COPIES OF THE CHELAN DATED 23.07.2020 PROVING THE PAYMENT OF ROYALTY ETC, BEFORE TREASURY.
- EXHIBIT P10 COPY OF THE PERMIT DATED 27.07.2020 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P11 COPY OF THE D AND O LICENSE DATED 01.04.2020 ISSUED BY THE VELIYAN GRAMA PANCHAYATH.

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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- EXHIBIT P12** COPY OF THE ORDER DATED 21.07.2020 OF THE NGT IN OA NO.304.2019.
- EXHIBIT P13** COPY OF THE ORDER DATED 06.08.2020 OF THE HON'BLE COURT IN WP(C) NO.15309/20 AND CONNECTED CASES.
- EXHIBIT P14** COPY OF THE HEARING NOTICE DATED 12.08.2020 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P15** COPY OF THE ORDER DATED 12.08.2020 CANCELING THE PERMIT ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.

*As*  
**TRUE COPY**

W.P.(C) No.15962 of 2020 & con. cases

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## APPENDIX OF WP (C) 17022/2020

### PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 THE TRUE COPY OF THE PROCEEDINGS DATED 16/1/2018 OF THE FIFTH RESPONDENT.
- EXHIBIT P2 THE TRUE COPY OF THE PROCEEDINGS DATED 29/1/2018 OF THE FOURTH RESPONDENT.
- EXHIBIT P3 THE TRUE COPY OF THE ORDER DATED 28/2/2020 OF THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI O.A.NO.304/2019 ON ITS FILE.
- EXHIBIT P4 THE TRUE COPY OF THE REPORT DATED 9/7/2020 FILED BY THE CENTRAL POLLUTION CONTROL BOARD, PARIVESH BHAVAN, EAST ARJUN NAGAR, NEW DELHI.
- EXHIBIT P5 THE TRUE COPY OF THE ORDER DATED 21/7/2020 OF THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN O.A.NO.304/2019.
- EXHIBIT P6 THE TRUE COPY OF THE MINING AND MINE CLOSURE PLAN ISSUED TO THE PETITIONER DATED NIL.
- EXHIBIT P7 THE TRUE COPY OF THE CERTIFICATE DATED 29/1/2020 ISSUED BY ASSISTANT ENGINEER, ELECTRICAL SECTION, KSEB, NAGAROOR.
- EXHIBIT P8 THE TRUE COPY OF THE PROCEEDINGS DATED 10/5/2018 OF THE BIODIVERSITY COMMITTEE OF THE NAGAROOR GRAMA PANCHAYAT.
- EXHIBIT P9 THE TRUE COPY OF THE CONSENT ISSUED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, THIRUVANANTHAPURAM (7TH RESPONDENT

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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HEREIN) .

EXHIBIT P10

THE TRUE COPY OF THE QUARRYING LEASE  
EXECUTED BETWEEN THE 8TH AND 10TH  
RESPONDENT DATED 24/10/2019.

EXHIBIT P11

THE TRUE COPY OF THE REPRESENTATION  
DATED 26/7/2020 SUBMITTED BY THE  
PETITIONERS 1 TO 3 BEFORE THE  
RESPONDENTS 3,6,7 AND 8.

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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## APPENDIX OF WP (C) 17391/2020

### PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE CONSENT TO ESTABLISH DATED 26.08.2019 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD TO THE PETITIONER.
- EXHIBIT P2 TRUE COPY OF THE APPLICATION DATED 3.10.2019 WITHOUT ANNEXURES SUBMITTED BY THE PETITIONER.
- EXHIBIT P3 TRUE COPY OF THE LETTER OF INTENT DATED 03.06.2020 ISSUED BY THE DIRECTOR OF MINING AND GEOLOGY.
- EXHIBIT P4 TRUE COPY OF THE APPLICATION DATED 17.08.2020 SUBMITTED BY THE PETITIONER TO THE GEOLOGIST.
- EXHIBIT P5 TRUE COPY OF THE APPLICATION ALONG WITH THE COVERING LETTER WITHOUT ANNEXURES SUBMITTED BY THE PETITIONER TO THE SEIAA.
- EXHIBIT P6 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE MEETING OF SEIAA APPROVING THE TERMS OF REFERENCE.
- EXHIBIT P7 TRUE COPY OF THE ORDER DATED 6.5.2019 IN ORIGINAL APPLICATION NO.304/2019 OF THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI.
- EXHIBIT P8 TRUE COPY OF THE ORDER DATED 9.10.2019 IN ORIGINAL APPLICATION NO.304/2019 OF THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI.
- EXHIBIT P9 TRUE COPY OF THE REPORT DATED

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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17.12.2019 FILED BY THE KERALA STATE  
POLLUTION CONTROL BOARD BEFORE THE  
NATIONAL GREEN TRIBUNAL.

- EXHIBIT P10 TRUE COPY OF THE ORDER DATED 28.02.2020  
IN ORIGINAL APPLICATION NO.304/2019 OF  
THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI.
- EXHIBIT P11 TRUE COPY OF THE REPORT DATED 9.7.2020  
FILED BEFORE THE NATIONAL GREEN  
TRIBUNAL BY THE CENTRAL POLLUTION  
CONTROL BOARD.
- EXHIBIT P12 TRUE COPY OF G.O.(P) NO.25/2017/ID  
DATED 22.06.2017.
- EXHIBIT P13 TRUE COPY OF THE ORDER DATED 21.7.2020  
IN ORIGINAL APPLICATION NO.304/2019 OF  
THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI.
- EXHIBIT P14 TRUE COPY OF THE JUDGMENT OF THIS  
HONOURABLE COURT REPORTED IN 2016(5)  
KHC 456.
- EXHIBIT P15 TRUE COPY OF THE CIRCULAR  
NO.PCB/HO/CIRCULAR-01/03/2017/B DATED  
10.10.2017 ISSUED BY THE KERALA STATE  
POLLUTION CONTROL BOARD.
- EXHIBIT P16 TRUE COPY OF THE ORDER DATED 24.08.2018  
IN OA NO.597/2018 OF THE NATIONAL GREEN  
TRIBUNAL.
- EXHIBIT P17 TRUE COPY OF THE DRAFT NOTIFICATION  
DATED 03.10.2018 ISSUED BY THE MINISTRY  
OF ENVIRONMENT, FOREST AND CLIMATE  
CHANGE.

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R3(A) A TRUE PHOTOCOPY OF THE DIRECTION DATED

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TRUE COPY

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12,5,2929 ISSUED BY TH3E 1ST RESPONDENT

- EXHIBIT R3 (B) A TRUE PHOTOCOPY OF AN ENVIRONMENTAL CLEARANCE GRANTED BY THE SEIAA DATED 4.8.2020
- EXHIBIT R3 (C) A TRUE PHOTOCOPY OF THE CIRCULAR NO PCB/TAC/2P/236/2006 DATED 13.6.2007 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT R3 (D) A TRUE PHOTOCOPY OF THE DRAFT REPORT OF TECHNICAL COMMITTEE
- EXHIBIT R3 (E) A TRUE PHOTOCOPY OF THE CIRCULAR DATED 20.7.2011 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT R3 (F) A TRUE PHOTOCOPY OF THE CIRCULAR DATED 6.8.2014 ISSUED BY THE 2ND RESPONDENT
- EXHIBIT R3 (G) A TRUE PHOTOCOPY OF THE RELEVANT PAGES OF THE REPORT OF LEGISLATIVE COMMITTEE ON ENVIRONMENT (2019-2021)
- EXHIBIT R3 (H) A TRUE PHOTOCOPY OF THE JUDGMENT REPORTED IN 2014 (30 KHC 797)

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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## APPENDIX OF WP (C) 19600/2020

### PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 TRUE PHOTOCOPY OF THE TAX FOR THE YEAR 2019-2020 DATED 04/04/2019 WITH NO.KL07051301978/2019.
- EXHIBIT P2 TRUE PHOTOCOPY OF THE TAX FOR THE YEAR 2019-2020 WITH NO.KL07051304812/2019.
- EXHIBIT P3 TRUE PHOTOCOPY TAX FOR THE YEAR 2019-2020 WITH NO.KL07051304811/2019.
- EXHIBIT P4 TRUE PHOTOCOPY TAX FOR THE YEAR 2019-2020 WITH NO.KL07051304813/2019.
- EXHIBIT P5 TRUE PHOTOCOPY TAX FOR THE YEAR 2019-2020 WITH NO.KL07051304810/2019.
- EXHIBIT P6 TRUE PHOTOCOPY OF THE APPLICATION FOR ENVIRONMENTAL CLEARANCE SUBMITTED BEFORE THE 3RD RESPONDENT.
- EXHIBIT P7 TRUE PHOTOCOPY OF THE LETTER OF INTENT ISSUED BY THE 2ND RESPONDENT DATED 11/10/2019.
- EXHIBIT P8 TRUE PHOTOCOPY OF THE MINING PLAN.
- EXHIBIT P9 TRUE PHOTOCOPY OF THE JUDGMENT IN WPC 595/2020 DATED 10/01/2020.
- EXHIBIT P10 THE TRUE PHOTOCOPY OF THE PROCEEDINGS OF THE SEAC COMMITTEE.
- EXHIBIT P11 TRUE PHOTOCOPY OF THE ORDER OF THE NATIONAL GREEN TRIBUNAL IN OA 304/2019 DATED 21/07/2020.

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TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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**EXHIBIT P12**

**TRUE PHOTOCOPY OF THE ORDER OF THIS  
HON'BLE COURT DATED 18/08/2020 IN WPC  
16367/2020 AND CONNECTED MATTERS.**

*As*  
**TRUE COPY**

W.P.(C) No.15962 of 2020 & con. cases

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**APPENDIX OF WP (C) 19710/2020**

**PETITIONER'S/S EXHIBITS:**

EXHIBIT P1	NIL
EXHIBIT P1A	THE TRUE COPY OF THE REMITTANCES BEFORE THE 8TH RESPONDENT DATED 31.12.2018 BEFORE THE DEPARTMENT OF MINING AND GEOLOGY AT KOTTAYAM
EXHIBIT P1B	THE TRUE COPY OF THE REMITTANCES ON 07.07.2019 BEFORE THE SENIOR GEOLOGIST
EXHIBIT P1C	THE TRUE COPY OF THE SURVEY MAP WHICH WAS ACCEPTED AND ENDORSED BY VILLAGE OFFICER MANIMALA AND THAHSILDAR, KANJIRAPPALLY ON 02.05.2019
EXHIBIT P1D	THE TRUE COPY OF THE LETTER OF INTENT FOR QUARRYING LEASE ISSUED BY THE DIRECTOR OF MINING AND GEOLOGY DATED 02.08.2019
EXHIBIT P1E	TRUE COPY OF THE RECEIPT ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD ALONG WITH REMITTANCE ON 18.03.2019
EXHIBIT P1F	TRUE COPY OF THE REMITTANCES BEFORE THE DISTRICT FIRE OFFICER, KOTTAYAM DATED 2.11.2019
EXHIBIT P1G	TRUE COPY OF THE REMITTANCE TOWARDES ENVIRONMENTAL CLEARANCE (E.C) DATED 23.11.2019
EXHIBIT P2	TRUE COPY OF THE ORDER DATED 6.5.2019 IN ORIGINAL APPLICATION NO.304/2019 OF THE HN'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

As  
TRUE COPY

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- EXHIBIT P3 TRUE COPY OF THE ORDER DATED 9.10.2019  
IN ORIGINAL APPLICATION NO.304/2019 OF  
THE HN'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI
- EXHIBIT P4 TRUE COPY OF THE REPORT DATED  
17.12.2019 FILED BY THE KERALA STATE  
POLLUTION CONTROL BOARD BEFORE THE  
HON'BLE NATIONAL GREEN TRIBUNAL
- EXHIBIT P5 TRUE COPY OF THE ORDER DATED 28.2.2020  
IN ORIGINAL APPLICATION NO.304/2019 OF  
THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI
- EXHIBIT P6 TRUE COPY OF THE REPORT DATED 9.7.2020  
FILED BEFORE THE NATIONAL GREEN  
TRIBUNAL BY THE CENTRAL POLLUTION  
CONTROL BOARD
- EXHIBIT P7 TRUE COPY OF THE GOVERNMENT ORDER  
G.O(P) NO.25/2017/ID DATED 22.6.201
- EXHIBIT P8 TRUE COPY OF THE ORDER DATED 21.7.2020  
IN ORIGINAL APPLICATION NO.304/2019 OF  
THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI
- EXHIBIT P9 TRUE COPY OF THE CIRCULAR  
NO.PCB/HO/CIRCULAR-01/03/20 17/B DATED  
10-1 0-20 17 ISSUED BY THE KERALA STATE  
POLLUTION CONTROL BOARD
- EXHIBIT P10 TRUE COPY OF THE MAP OF MINIMUM LAND  
REQUIRED FOR QUARRY LEASE

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R3(A) A TRUE PHOTOCOPY OF THE DIRECTION DATED  
12/05/2020 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT R3(B) A TRUE PHOTOCOPY OF AN ENVIRONMENTAL  
CLEARANCE GRANTED BY THE SEIAA DATED

As  
TRUE COPY

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04/08/2020.

- EXHIBIT R3 (C)** A TRUE PHOTOCOPY OF THE CIRCULAR  
NO.PCB/TAC/WP/236/2006 DATED 13/06/2007  
ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT R3 (D)** A TRUE PHOTOCOPY OF THE DRAFT REPORT OF  
TECHNICAL COMMITTEE.
- EXHIBIT R3 (E)** A TRUE PHOTOCOPY OF THE CIRCULAR DATED  
20/07/2011 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT R3 (F)** A TRUE PHOTOCOPY OF THE CIRCULAR DATED  
06/08/2014 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT R3 (G)** A TRUE PHOTOCOPY OF THE RELEVANT PAGES  
OF THE REPORT OF LEGISLATIVE COMMITTEE  
ON ENVIRONMENT (2019-2021).
- EXHIBIT R3 (H)** A TRUE PHOTOCOPY OF THE JUDGMENT  
REPORTED IN 2014 (3) KHC 797.

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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**APPENDIX OF WP (C) 19760/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1                    A TRUE COPY OF THE APPLICATION DATED  
NIL ALONG WITH FEES PAYMENT CHALLAN  
DATED 8.4.2019.
- EXHIBIT P2                    A TRUE COPY OF THE LETTER OF INTENT  
DATED 11.11.2019 ISSUED BY THE 6TH  
RESPONDENT.
- EXHIBIT P3                    A TRUE COPY OF THE ORDER DATED  
21.7.2020 IN ORIGINAL APPLICATION  
NO.304/2019 ISSUED BY THE HON'BLE  
NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI.
- EXHIBIT P4                    A TRUE COPY OF THE CERTIFICATE DATED  
2.4.2019 ISSUED BY THE VILLAGE  
OFFICER, KARIMKUNNAM.
- EXHIBIT P5                    A TRUE COPY OF THE ORDER IN ORIGINAL  
APPLICATION NO.304/2019 DATED 6.5.2019.
- EXHIBIT P6                    A TRUE COPY OF THE REPORT DATED  
9.7.2020 FILED BY THE HON'BLE TRIBUNAL  
BY THE CENTRAL POLLUTION CONTROL BOARD.

As  
TRUE COPY

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## APPENDIX OF WP (C) 20581/2020

### PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE NO. 10/2018 ISSUED BY THE DISTRICT ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY, ERNAKULAM DATED 07.02.2018.
- EXHIBIT P2 TRUE COPY OF THE CONSENT TO OPERATE ISSUED BY THE KERALA POLLUTION CONTROL BOARD DATED 24.02.2018.
- EXHIBIT P3 TRUE COPY OF THE RENEWED EXPLOSIVE LICENSE BEARING NO. E/SC/KL/22/902 (E41044) OF THE JOINT CHIEF CONTROLLER OF EXPLOSIVE DATED 11.02.2020. ISSUED ON 17.02.2020.
- EXHIBIT P4 TRUE COPY OF THE QUARRYING PERMIT FOR THE YEAR 2018-19 BEARING NO. 39/17-18/MM/GS/QP/DOE/1896/E2/17 ISSUED BY THE DISTRICT GEOLOGIST, ERNAKULAM DATED 28.03.2018.
- EXHIBIT P5 TRUE COPY OF THE QUARRYING PERMIT FOR THE YEAR 2019-20 BEARING NO 07/19-20/MM/GS/QP/DOE/709/E2/19 ISSUED BY THE DISTRICT GEOLOGIST ERNAKULAM DATED 01.06.2019.
- EXHIBIT P6 TRUE COPY OF THE TRADE LICENSE NO. 6/20-21 ISSUED BY THE ELANJI VILLAGE, PANCHAYATH, DATED 06.05.2020.
- EXHIBIT P7 TRUE COPY OF THE LETTER OF INTENT NO. D.O.E. /983/E2/2020 DATED 17.07.2020 ISSUED BY THE DISTRICT GEOLOGIST, ERNAKULAM

As  
TRUE COPY

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- EXHIBIT P7 (A) TRUE COPY OF THE CHALLAN DATED  
07.08.2020 EVIDENCING THE PAYMENT OF  
ROYALTY FEES.
- EXHIBIT P8 TRUE COPY OF THE ORDER OF THE NATIONAL  
GREEN TRIBUNAL IN O.A. NO. 304/2019  
DATED 21.07.2020.
- EXHIBIT P9 TRUE COPY OF THE INTERIM ORDER OF THIS  
HONBLE COURT IN WPC NO. 15309/2020  
DATED 06.08.2020.
- EXHIBIT P9 (A) TRUE COPY OF THE INTERIM ORDER OF THIS  
HONBLE COURT IN WPC NO. 15305/2020  
DATED 18.08.2020.
- EXHIBIT P9 (B) TRUE COPY OF THE INTERIM ORDER OF THIS  
HONBLE COURT IN WPC NO. 15305/2020  
DATED 23.09.2020.

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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## APPENDIX OF WP (C) 21174/2020

### PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 THE TRUE COPY OF THE ENVIRONMENTAL CLEARANCE DATED 6/9/2018 ISSUED BY THE FOURTH RESPONDENT TO THE 11TH RESPONDENT.
- EXHIBIT P2 THE TRUE COPY OF THE CONSENT TO OPERATE ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD, KOZHIKODE.
- EXHIBIT P3 THE TRUE COPY OF THE QUARRYING LEASE DATED 14/5/2019 ISSUED BY THE ADDITIONAL DIRECTOR OF MINING AND GEOLOGY, THIRUVANANTHAPURAM TO THE 11TH RESPONDENT.
- EXHIBIT P4 THE TRUE COPY OF THE LICNESE TO POSSESS EXPLOSIVES ISSUED BY THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES, ERNAKULAM TO THE 11TH RESPONDENT.
- EXHIBIT P5 THE TRUE COPY OF THE LICENSE TO USE EXPLOSIVES ISSUED BY THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES, ERNAKULAM DATED 14/2/2018.
- EXHIBIT P6 THE TRUE COPY OF THE RESOLUTION DATED 7/2/2019 PASSED BY THE TENTH RESPONDENT GRAMA PANCHAYATH.
- EXHIBIT P7 THE TRUE COPY OF THE ORDER DATED 28/2/2020 OF THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI IN O.A. 304/2019.
- EXHIBIT P8 TRUE COPY OF THE REPORT DATED 9/7/2020 FILED BY THE CENTRAL POLLUTION CONTROL BOARD, PARIVESH BHAVAN, EAST ARJUN

As  
TRUE COPY

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**NAGAR, NEW DELHI.**

**EXHIBIT P9**

**THE TRUE COPY OF THE ORDER DATED  
21/7/2020 OF THE NATIONAL GREEN  
TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN  
O.A. NO. 304/2019.**

*As*  
**TRUE COPY**

W.P.(C) No.15962 of 2020 & con. cases

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## APPENDIX OF WP (C) 21465/2020

### PETITIONER'S/S EXHIBITS:

- EXHIBIT P1                    A TRUE COPY OF THE LETTER OF INTENT DATED 10.05.2018 ISSUED BY THE 6TH RESPONDENT.
- EXHIBIT P2                    A TRUE COPY OF THE 1ST PAGE OF MINING PLAN SHOWING THE ENDORSEMENT OF APPROVAL OF MINING PLAN DATED 05.07.2018 BY THE 6TH RESPONDENT.
- EXHIBIT P3                    A TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF STATE EXPERT APPRAISAL COMMITTEE (SEAC) ,
- EXHIBIT P4                    A TRUE COPY OF THE ORDER IN ORIGINAL APPLICATION NO. 304/2019 DATED 6.05.2019.
- EXHIBIT P5                    A TRUE COPY OF THE REPORT DATED 09.07.2020 FILED BEFORE THE HON'BLE TRIBUNAL BY THE CENTRAL POLLUTION CONTROL BOARD.
- EXHIBIT P6                    A TRUE COPY OF THE ORDER DATED 21.07.2020 IN ORIGINAL APPLICATION NO. 304/2019 ISSUED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI.
- EXHIBIT P7                    A TRUE COPY OF THE ORDER DATED 06.08.2020 IN WP(C) NO. 15309/2020 AND CONNECTED CASES.

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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**APPENDIX OF WP (C) 21550/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE APPLICATION DATED  
9.5.2018 FORWARDED TO THE RESPONDENT.
- EXHIBIT P2 TRUE COPY OF THE LETTER  
NO.1418/DOT/ML/2018 DATED 23.7.2018  
ISSUED BY THE RESPONDENT.
- EXHIBIT P3 TRUE COPY OF THE LETTER DATED 5.10.2018  
ISSUED BY THE RESPONDENT.
- EXHIBIT P4 TRUE COPY OF THE JUDGMENT DATED  
17.4.2019 IN W.P. (C)NO.6028/2019.
- EXHIBIT P5 TRUE COPY OF THE ENVIRONMENTAL  
CLEARANCE DATED 31.12.2019 ISSUED BY  
THE STATE ENVIRONMENTAL IMPACT  
ASSESSMENT AUTHORITY, KERALA.
- EXHIBIT P6 TRUE COPY OF THE CONSENT ISSUED BY THE  
KERALA STATE POLLUTION CONTROL BOARD  
DATED 31.1.2020.
- EXHIBIT P7 TRUE COPY OF THE LICENSE ISSUED BY THE  
SECRETARY, VELLANAD GRAMA PANCHAYAT.
- EXHIBIT P8 TRUE COPY OF THE LICENSE DATED 9.7.2020  
ISSUED BY THE DEPUTY CHIEF CONTROLLER  
OF EXPLOSIVE, ERNAKULAM.
- EXHIBIT P9 TRUE COPY OF THE LETTER DATED 3.8.2020  
SUBMITTED BY THE PETITIONER TO THE  
RESPONDENT.
- EXHIBIT P10 TRUE COPY OF THE BANK GUARANTEE DATED  
30.7.2020 ISSUED BY THE SOUTH INDIAN  
BANK, VENJARAMOODU BRANCH.

As  
TRUE COPY

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- EXHIBIT P11                    TRUE COPY OF THE PAY-IN-SLIP ISSUED BY  
THE RESPONDENT.
- EXHIBIT P12                    TRUE COPY OF THE JUDGMENT DATED  
14.9.2020 IN WP(C).17411/2020.
- EXHIBIT P13                    TRUE COPY OF THE DATED 7.10.2020 OF THE  
RESPONDENT.
- EXHIBIT P14                    TRUE COPY OF THE ORDER DATED 21.7.2020  
IN ORIGINAL APPLICATION NO.304/2019 OF  
THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI.
- EXHIBIT P15                    TRUE COPY OF THE INTERIM ORDER DATED  
18.8.2020 IN WP(C) NO.16367/2020 AND  
CONNECTED CASES.

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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**APPENDIX OF WP (C) 21566/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE NO OBJECTION  
CERTIFICATE NO. L-12-52451/17 DATED  
06.04.2018.
- EXHIBIT P2 TRUE COPY OF THE NOC NO. L-12-113479/19  
DATED 27.02.2019.
- EXHIBIT P3 TRUE COPY OF THE NOC NO. L12-113836/19  
DATED 30.05.2019 ISSUED BY THE DISTRICT  
COLLECTOR, KOLLAM, TO THE 1ST  
PETITIONER TO CONDUCT THE QUARRYING  
OPERATIONS.
- EXHIBIT P4 TRUE COPY OF THE NOC NO.  
DCKLM/11175/2019/L12 DATED 24.01.2020  
ISSUED BY THE DISTRICT COLLECTOR TO THE  
2ND PETITIONER TO CONDUCT QUARRYING  
OPERATIONS.
- EXHIBIT P5 TRUE COPY OF THE CERTIFICATE ISSUED BY  
THE ADANI PORTS AND LOGISTICS DATED  
18.08.2020 TO THE 1ST PETITIONER.
- EXHIBIT P6 TRUE COPY OF THE CERTIFICATE ISSUED BY  
THE ADANI PORTS AND LOGISTICS DATED  
18.08.2020 TO THE 2ND PETITIONER.
- EXHIBIT P7 TRUE COPY OF THE ORDER DATED 06.05.2019  
IN ORIGINAL APPLICATION NO. 304 OF 2019  
OF THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH NEW DELHI.
- EXHIBIT P8 TRUE COPY OF THE ORDER DATED 09.10.2019  
IN OA NO. 304 OF 20109 OF THE NATIONAL  
GREEN TRIBUNAL PRINCIPAL BENCH, NEW  
DELHI

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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- EXHIBIT P9** TRUE COPY OF THE COMMUNICATION NO.  
CPCB/IPC-II/NGT -OA 304 OF 2019/2019  
DATED 24.10.2019.
- EXHIBIT P10** TRUE COPY OF THE ACTION TAKEN REPORT  
DATED 17.12.2019 SUBMITTED BY THE 4TH  
RESPONDENT BEFORE THE GREEN TRIBUNAL.
- EXHIBIT P11** TRUE COPY OF THE ORDER DATED 28.02.2020  
PASSED BY THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI IN OA NO.  
304 OF 2019.
- EXHIBIT P12** TRUE COPY OF THE REPORTED DATED  
09.07.2020 SUBMITTED BY THE 3RD  
RESPONDENT BEFORE THE NATIONAL GREEN  
TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN  
OA NO. 304 OF 2019.
- EXHIBIT P13** TRUE COPY OF THE ORDER DATED 21.07.2020  
OF THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI IN OA NO.  
304 OF 2019.

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TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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**APPENDIX OF WP (C) 21612/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1                    TRUE COPY OF THE APPLICATION DATED  
21.02.2018 SUBMITTED BY THE PETITIONER  
BEFORE THE 2ND RESPONDENT.
- EXHIBIT P2                    TRUE COPY OF THE JUDGMENT DATED  
26.08.2020 IN WP(C) NO. 16970/2020 ON  
THE FILES OF THIS HON'BLE COURT.
- EXHIBIT P3                    TRUE COPY OF THE ORDER DATED 21.07.2020  
IN OA NO.304/2019 ON THE FILES OF THE  
PRINCIPAL BENCH OF THE NATIONAL GREEN  
TRIBUNAL.

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

196

**APPENDIX OF WP (C) 21615/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1                    TRUE COPY OF THE APPLICATION DATED  
27.11.2019 SUBMITTED BY THE PETITIONER  
BEFORE THE 2ND RESPONDENT.
- EXHIBIT P2                    TRUE COPY OF THE LETTER OF INTENT DATED  
24.01.2020 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P3                    TRUE COPY OF THE ORDER DATED 21.07.2020  
IN OA 304/2019 ON THE FILES OF THE  
PRINCIPAL BENCH OF THE NATIONAL GREEN  
TRIBUNAL.

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TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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**APPENDIX OF WP (C) 21718/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF RELEVANT PAGES OF APPLICATION FOR QUARRYING LEASE SUBMITTED INFORM B IN TERMS OF RULE 27 OF RULES 2015 DATED 27.8.2019
- EXHIBIT P2 TRUE COPY OF LETTER OF INTENT DT 3.6.2020 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P3 TRUE COPY OF THE ORDER PASSED BY THE NATIONAL GREEN TRIBUNAL DT 21.7.2020
- EXHIBIT P4 TRUE COPY OF INTERIM ORDER DT 6.8.2020 PASSED BY THIS HON'BLE COURT IN WPC NO.15309/2020
- EXHIBIT P5 TRUE COPY OF RELEVANT PAGES OF LETTER SENT BY MR.HARIDASAN AND OTHERS, WHICH IS TREATED AS OA NO.304/2019 DATED 13.2.2020
- EXHIBIT P6 TRUE COPY OF THE ORDER DATED 6.5.2019 PASSED BY THE NATIONAL GREEN TRIBUNAL
- EXHIBIT P7 TRUE COPY OF THE ORDER DATED 9.10.2019 PASSED BY THE NATIONAL GREEN TRIBUNAL
- EXHIBIT P8 TRUE COPY OF REPORT DATED 17.12.2019 SUBMITTED BY THE KERALA STATE POLLUTION CONTROL BOARD BEFORE THE TRIBUNAL
- EXHIBIT P9 TRUE COPY OF THE ORDER DATED 28.2.2020 PASSED BY NATIONAL GREEN TRIBUNAL
- EXHIBIT P10 TRUE COPY OF THE REPORT DATED 9.7.2020 PREPARED BY THE CENTRAL POLLUTION CONTROL BOARD

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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**EXHIBIT P11**

**TRUE COPY OF THE PROCEEDINGS OF THE  
KERALA STATE POLLUTION CONTROL BOARD  
DATED 10.10.2017**

*As*  
**TRUE COPY**

W.P.(C) No.15962 of 2020 & con. cases

199

**APPENDIX OF WP (C) 21834/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF RELEVANT PAGES OF APPLICATION FOR QUARRYING LEASE SUBMITTED IN FORM B, IN TERMS OF RULE 27 OF RULES 2015 DATED 28.2.2019
- EXHIBIT P2 TRUE COPY OF LETTER IN INTENT DATED 9.5.2019 ISSUED BY THE 4TH RESPONDENT
- EXHIBIT P2 (A) TRUE COPY OF RELEVANT PAGES OF THE APPLICATION FOR ENVIRONMENTAL CLEARANCE SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 9.9.2019
- EXHIBIT P3 TRUE COPY OF THE ORDER PASSED BY THE NATIONAL GREEN TRIBUNAL DATED 21.7.2020
- EXHIBIT P4 TRUE COPY OF INTERUM ORDER DATED 6.8.2020 PASSED BY THIS HON'BLE COURT IN WPC NO 15309/2020
- EXHIBIT P5 TRUE COPY OF RELEVANT PAGES OF LETTER SENT BY MR HARIDASAN AND OTHERS, WHICH IS TREATED AS O.A NO 304/2019 DATED 13.2.2020
- EXHIBIT P6 TRUE COPY OF THE ORDER DATED 6.5.2019 PASSED BY THE NATIONAL GREEN TRIBUNAL
- EXHIBIT P7 TRUE COPY OF THE ORDER DATED 9.10.2019 PASSED BY THE NATIONAL GREEN TRIBUNAL
- EXHIBIT P8 TRUE COPY OF REPORT DATED 17.12.2019 SUBMITTED BY THE KERALA STATE POLLUTION CONTROL BOARD BEFORE THE TRIBUNAL
- EXHIBIT P9 TRUE COPY OF THE ORDER DATED 28.2.2020 PASSED THE NATIONAL GREEN TRIBUNAL

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

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**EXHIBIT P10**

**TRUE COPY OF THE REPORT DATED 9.7.2020  
PREPARED BY THE CENTRAL POLLUTION  
CONTROL BOARD**

**EXHIBIT P11**

**TRUE COPY OF THE PROCEEDINGS OF THE  
KERALA STATE POLLUTION CONTROL BOARD  
DATED 10.10.2017**

*As*  
**TRUE COPY**

W.P.(C) No.15962 of 2020 & con. cases

201

**APPENDIX OF WP (C) 21900/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE INTEGRATED CONSENT TO OPERATE BEARING CONSENT NO.PCB/TVM-DO/ICO(R)/CRU/471/2016 DATED 07.07.2016 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- EXHIBIT P2 TRUE COPY OF THE FIR IN CRIME NO.552/2017 OF THE KILIMANOOR POLICE STATION.
- EXHIBIT P3 TRUE COPY OF THE FIR IN CRIME NO.721/2018 OF THE KILIMANOOR POLICE STATION.
- EXHIBIT P4 TRUE COPY OF THE SITE INSPECTION REPORT NO.6700/A2/2018/TVM/KSCSC&ST DATED NIL ISSUED BY THE KERALA STATE COMMISSION FOR SCHEDULED CASTE AND SCHEDULE TRIBES.
- EXHIBIT P5 TRUE COPY OF THE ORDER DATED 9.10.2019 IN O.A.NO.304/2019 OF THE NATIONAL GREEN TRIBUNAL, NEW DELHI.
- EXHIBIT P6 TRUE COPY OF THE ORDER DATED 28.02.2020 IN O.A.NO.304/2019 ON THE FILES OF THE NATIONAL GREEN TRIBUNAL, NEW DELHI.
- EXHIBIT P7 TRUE COPY OF THE REPORT DATED 9.7.2020 OF THE CENTRAL POLLUTION CONTROL BOARD SUBMITTED BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI.
- EXHIBIT P8 TRUE COPY OF THE ORDER DATED 21.07.2020 IN O.A.NO.304/2019 OF THE NATIONAL GREEN TRIBUNAL, NEW DELHI.
- EXHIBIT P9 TRUE COPY OF THE COMPLAINT DATED

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

202

**28.07.2020 BEFORE THE DISTRICT  
COLLECTOR, THIRUVANANTHAPURAM.**

**EXHIBIT P10**

**TRUE COPY OF THE ORDER DATED 18.08.2020  
IN W.P.(C) NO.16367/2020 ON THE FILES  
OF THE LEARNED SINGLE JUDGE OF THIS  
HON'BLE COURT WITHOUT HEAD NOTE.**

*As*  
**TRUE COPY**

W.P.(C) No.15962 of 2020 & con. cases

203

**APPENDIX OF WP (C) 21918/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF RELEVANT PAGES OF QUARRYING LEASE DATED 20.10.2010 EXECUTED BETWEEN THE PETITIONER AND THE GOVERNOR OF KERALA, VALID UP TO 19.10.2022.
- EXHIBIT P2 TRUE COPY OF RELEVANT PAGES OF ENVIRONMENTAL CLEARANCE DATED 22.06.2018 AND VALID UPTO 21.06.2023.
- EXHIBIT P3 TRUE COPY OF RELEVANT PAGES OF APPLICATION FOR RENEWAL OF CONSENT TO OPERATE SUBMITTED ONLINE AND ITS ACKNOWLEDGMENT DATED 10.03.2020.
- EXHIBIT P4 TRUE COPY OF THE ORDER PASSED BY THE NATIONAL GREEN TRIBUNAL DATED 21.07.2020.
- EXHIBIT P5 TRUE COPY OF INTERIM ORDER DATED 06.08.2020 PASSED BY THIS HON'BLE COURT IN W.P(c)NO.15309/2020.

As  
TRUE COPY

W.P.(C) No.15962 of 2020 & con. cases

204

**APPENDIX OF WP (C) 22019/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF PERMIT ISSUED BY THE DISTRICT GEOLOGIST DATED 16/10/2019, WHICH IS VALID UPTO 16/10/2020.
- EXHIBIT P2 TRUE COPY OF RELEVANT PAGES OF ENVIRONMENTAL CLEARANCE DATED 05/02/2016, WHICH IS VALID UPTO 4/02/2021.
- EXHIBIT P3 TRUE COPY OF LICENSE DATED 29/04/2020 ISSUED BY THE EDAYUR GRAMA PANCHAYAT, WHICH IS VALID UPTO 31/03/2021.
- EXHIBIT P4 TRUE COPY OF CONSENT VARIATION ORDER DATED 22/03/2019 ISSUED BY THE POLLUTION CONTROL BOARD, WHICH IS VALID UPTO 04/02/2021.
- EXHIBIT P5 TRUE COPY OF EXPLOSIVE LICENSE DATED 25/04/2019 ISSUED BY THE EXPLOSIVE DEPARTMENT, WHICH IS VALID UPTO 31/03/2022.
- EXHIBIT P6 TRUE COPY OF THE ORDER PASSED BY THE NATIONAL GREEN TRIBUNAL DATED 21/07/2020.
- EXHIBIT P7 TRUE COPY OF INTERIM ORDER DATED 06/08/2020 PASSED BY THIS HON'BLE COURT IN WPC NO.15309/2020.
- EXHIBIT P8 TRUE COPY OF RELEVANT PAGES OF LETTER SENT BY MR. HARIDASAN AND OTHERS, WHICH IS TREATED AS OA NO.304/2019 DATED 13/02/2020.
- EXHIBIT P9 TRUE COPY OF THE ORDER DATED 06/05/2019 PASSED BY THE NATIONAL GREEN TRIBUNAL.

As  
TRUE COPY

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- EXHIBIT P10 TRUE COPY OF THE ORDER DATED 09/10/2019  
PASSED BY THE NATIONAL GREEN TRIBUNAL.
- EXHIBIT P11 TRUE COPY OF REPORT DATED 17/12/2019  
SUBMITTED BY THE KERALA STATE POLLUTION  
CONTROL BOARD BEFORE THE TRIBUNAL.
- EXHIBIT P12 TRUE COPY OF THE ORDER DATED 28/02/2020  
PASSED THE NATIONAL GREEN TRIBUNAL.
- EXHIBIT P13 TRUE COPY OF THE REPORT DATED  
09/07/2020 PREPARED BY THE CENTRAL  
POLLUTION CONTROL BOARD.
- EXHIBIT P14 TRUE COPY OF THE PROCEEDINGS OF THE  
KERALA STATE POLLUTION CONTROL BOARD  
DATED 10/10/2017.

As  
TRUE COPY

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**APPENDIX OF WP (C) 22371/2020**

**PETITIONER'S/S EXHIBITS:**

**EXHIBIT P1**                      **TRUE COPY OF THE LETTER OF INTENT DATED  
11.09.2018 ISSUED BY THE 3RD RESPONDENT.**

**EXHIBIT P2**                      **TRUE COPY OF THE ORDER DATED 21.07.2020  
IN O.A.NO. 304/2019 ON THE FILES OF THE  
PRINCIPAL BENCH OF THE NATIONAL GREEN  
TRIBUNAL.**

*As*  
**TRUE COPY**

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**APPENDIX OF WP (C) 22847/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P. (C) NO. 12143 OF 2019 DATD 30.10.2019.
- EXHIBIT P2 TRUE COPY OF ENVIRONMENT CLEARANCE NO. 81/2020 ISSUED BY SEIAA DATED 04.08.2020.
- EXHIBIT P3 LETTER OF INTENT DATED 18.11.2017 ISSUED BY THE 3RD RESPONDENT GEOLOGIST.
- EXHIBIT P4 TRUE COPY OF THE CONSENT TO OPERATE DATED 27.12.2017 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- EXHIBIT P5 TRUE COPY OF MINING PLAN DATED 29.01.2018.
- EXHIBIT P6 TRUE COPY OF NO OBJECTION CERTIFICATE FROM PALLIKKAL GRAMA PANCHAYAT DATED 20.7.2018.
- EXHIBIT P7 TRUE COPY OF THE CHALLAN OF REMITTANCE DATED 04.09.2020.
- EXHIBIT P8 TRUE COPY OF THE ORDER DATED 21.07.2020 IN O.A.NO. 304/2019 ON THE FILES OF THE PRINCIPAL BENCH OF THE NATIONAL GREEN TRIBUNAL.

As  
TRUE COPY

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**APPENDIX OF WP (C) 23150/2020**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF ENVIRONMENT CLEARANCE NO. 55/220 DATED 19.03.2020.
- EXHIBIT P2 TRUE COPY OF RECEIPT DATED 24.07.2020 OF PAYMENT OF ROYALTY TO THE GOVERNMENT
- EXHIBIT P3 TRUE COPY OF QUARRYING PERMIT DATED 27.07.2020.
- EXHIBIT P4 TRUE COPY OF LICENSE NO.E/SC/KL/22/1207 (E59499) DATED 29.05.2020 ISSUED BY THE PETROLEUM AND SAFETY ORGANISATION, MINISTRY OF COMMERCE AND INDUSTRY.
- EXHIBIT P5 TRUE COPY OF BANK GUARANTEE ISSUED BY FEDERAL BANK, PATTAZHI BRANCH DATED 01.07.2020.
- EXHIBIT P6 TRUE COPY OF D&O LICENSE DATED 23.06.2020 ISSUED BY MYLOM GRAMA PANCHAYATH.
- EXHIBIT P7 TRUE COPY OF CONSENT TO OPERATE QUARRY DATED 08.06.2020 FROM THE KERALA STATE POLLUTION CONTROL BOARD.
- EXHIBIT P8 TRUE COPY OF ORDER DATED 12.08.2020 OF THE 3RD RESPONDENT CANCELLING EXT. P3 QUARRYING PERMIT.
- EXHIBIT P9 TRUE COPY OF THE ORDER DATED 21.07.2020 OF THE PRINCIPAL BENCH OF THE NATIONAL GREEN TRIBUNAL.

As  
TRUE COPY