

2688

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

**IN THE MATTER OF:**

M. Haridasan

...Applicant

VERSUS


State of Kerala & Ors.

Respondent(s)

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VOLUME -3**

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FILED BY

  
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PLACE: NEW DELHI  
DATED: 05.12.2023

**ANNEXURE R-13**

W.A.No.250 of 2021 &amp; con.cases

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&amp;

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.255 OF 2021AGAINST THE JUDGMENT IN WP(C) 17391/2020(Y) AND ORDER DATED 28.1.2021  
IN R.P.NO.1 OF 2021 OF HIGH COURT OF KERALAAPPELLANT/PETITIONER:SACHU RAJAN EAPEN  
KALLUVILA ESTATE, MURINJAKAL P. O., KODAL,  
PATHANAMTHITTA DISTRICT - 689 693.

BY ADVS.

SRI.SANTHOSH MATHEW  
SRI.ARUN THOMAS  
SRI.VIJAY V. PAUL  
SMT.KARTHIKA MARIA  
SRI.ANIL SEBASTIAN PULICKEL  
SMT.DIVYA SARA GEORGE  
SMT.JAISY ELZA JOE  
SHRI.ABI BENNY AREECKAL  
SMT.LEAH RACHEL NINAN  
SMT.NANDA SANALRESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY SECRETARY TO GOVERNMENT, INDUSTRIES  
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM  
- 695 001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY  
DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM,

As  
TRUE COPY

PATTAM PALACE P. O., THIRUVANANTHAPURAM - 695 004.

- 3 CENTRAL POLLUTION CONTROL BOARD  
PARIVESH BHAWAN, EAST ARJUN NAGAR, DELHI - 110032,  
REPRESENTED BY ITS MEMBER SECRETARY.
- 4 KERALA STATE POLLUTION CONTROL BOARD  
PLAMOODU JUNCTION, PATTAM PALACE P. O.,  
THIRUVANANTHAPURAM - 695 004., REPRESENTED BY ITS  
MEMBER SECRETARY.
- 5 SRI. M. HARIDASAN  
S/O. MUTHAN, KONNAKKALKADAVU HOUSE,  
KORENCHIRA P. O., PALAKKAD - 678 684.
- 6 STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)  
4TH FLOOR KSRTC BUS TERMINAL BUILDING, THAMPANOR,  
THIRUVANANTHAPURAM - 685 001, REPRESENTED BY ITS MEMBER  
SECRETARY.
- 7 THE GEOLOGIST  
DISTRICT OFFICE, MINING AND GEOLOGY DEPARTMENT, MINI  
CIVIL STATION, ARANMULA P.O., PATHANAMTHITTA DISTRICT -  
689 533.

R1, R2 & R7 BY GOVERNMENT PLEADER SRI.S.KANNAN

R3 BY SRI.M.AJAY, STANDING COUNSEL

R4 BY SRI.T.NAVEEN, STANDING COUNSEL

R6 BY ADV. SRI.M.P.SREEKRISHNAN, STANDING COUNSEL

R5 BY ADV. SRI.V.HARISH

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.2.2021 ALONG  
WITH WA.250/2021 AND CONNECTED CASES, THE COURT ON 16.03.2021,  
DELIVERED THE FOLLOWING:

As  
TRUE COPY

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.250 OF 2021

AGAINST THE JUDGMENT IN WP(C) 15305/2020(K) OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

P.K.BIJU @ VARGHESE P.K.,  
AGED 47 YEARS  
S/O.KURIAKOSE, RESIDING AT PARAKKAL HOUSE, KORANCHIRA  
P.O., PALAKKAD-678 684.

BY ADVS.  
SRI.GEORGE POONTHOTTAM (SR.)  
SRI.ALEX.M.SCARIA

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT, INDUSTRIES  
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY,  
DIRECTORATE OF MINING AND GEOLOGY, PATTOM PALACE P.O.,  
KESAVADASAPURAM, THIRUVANANTHAPURAM-695 004.
- 3 THE CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAWAN, MAHARSHI VALMIKI MARG, EAST ARJUN  
NAGAR, VISHWAS NAGAR EXTENSION, VISHWAS NAGAR,  
SHAHDARA, DELHI-110 032, REPRESENTED BY ITS MEMBER  
SECRETARY.

As  
TRUE COPY

4 THE STATE POLLUTION CONTROL BOARD,  
FLAT NO.H/, 6TH FLOOR, KESAVADASA PURAM, M.G.ROAD,  
THIRUVANANTHAPURAM, KERALA-695 001, REPRESENTED BY ITS  
MEMBER SECRETARY.

5 HARIDAS.M.,  
S/O.MUTHAN, KONNAKKALKADAVU HOUSE, KORANCHIRA P.O.,  
PALAKKAD-678 684.

R1 & R2 BY SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL  
SRI.S KANNAN, GOVERNMENT PLEADER  
R5 BY ADV. SRI.V.HARISH  
SRI.M.AJAY, STANDING COUNSEL FOR R3,  
SRI.T.NAVEEN, STANDING COUNSELFOR FOR R4

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.2.2021 ALONG  
WITH WA.255/2021 AND CONNECTED CASES, THE COURT ON 16.03.2021  
DELIVERED THE FOLLOWING:

As  
TRUE COPY

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.261 OF 2021

AGAINST THE JUDGMENT IN WP(C) 20581/2020(W) OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

JAISON LUKOSE  
AGED 39 YEARS  
S/O.C.T.LUKOSE, CHIRAYIL THOMPSON VILLA, ETTUMANOOR  
P.O., 686631, KOTTAYAM DISTRICT.

BY ADVS.  
SRI.GEORGE POONTHOTTAM (SR.)  
SMT.NISHA GEORGE

RESPONDENT/RESPONDENT:

- 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, PATTOM PALACE P.O.,  
KESAVADASAPURAM, THIRUVANANTHAPURAM-695004.

As  
TRUE COPY

3 THE DISTRICT GEOLOGIST,  
CIVIL STATION, SEAPORT AIRPORT ROAD, KAKKANADU,  
ERNAKULAM-682030.

R1-R3 BY GOVERNMENT PLEADER SRI.S.KANNAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.02.2021, ALONG  
WITH WA.255/2021 AND CONNECTED CASES, THE COURT ON 16.03.2021,  
DELIVERED THE FOLLOWING:

As  
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.264 OF 2021

AGAINST THE ORDER IN RP 17/2021 AND JUDGMENT DATED 21.12.2020 IN  
W.P.C) NO.21566 OF 2020 OF HIGH COURT OF KERALA

APPELLANTS/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.L.SATHEEK, RESIDING AT AKKAVILA HOUSE, NO.200, SREE  
SARAVANA NAGAR, ERAVIPURAM P.O., KOLLAM, KERALA - 691  
011.

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

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY TO THE INDUSTRIAL  
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUANANTHAPURAM  
-695 001.

As  
TRUE COPY

- 2 THE DIRECTOR OF MINING AND GEOLOGY  
DIRECTORATE OF MINING AND GEOLOGY, PATTAM PALACE P.O.,  
KESAVADASAPURAM, THIRUVANANTHAPURAM - 695 004.
- 3 THE CENTRAL POLLUTION CONTROL BOARD  
PARIVESH BHAWAN, MAHARISHI VALKMIKI MARG, EAST ARJUN  
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, M.G.ROAD,  
THIRUVANANTHAPURAM, KERALA - 695 001 REPRESENTED BY ITS  
MEMBER SECRETARY.
- 5 HARIDAS M.  
S/O.MUTHAN, KONNAKALKADAVU HOUSE, KORANCHIRA P.O.,  
PALAKKAD - 678 684.

R1& R2 BY GOVERNMENT PLEADER SRI.S.KANNAN  
R3 BY SRI.M.AJAY, STANDING COUNSEL  
R4 BY SRI.T.NAVEEN, STANDING COUNSEL  
R5 BY SRI.V.HARISH, STANDING COUNSEL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.02.2021 ALONG  
WITH WA.255/2021 AND CONNECTED CASES, THE COURT ON 16.03.2021,  
DELIVERED THE FOLLOWING:

As  
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.269 OF 2021

AGAINST THE JUDGMENT IN WP(C) 16474/2020(H) OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

M/S. PEE GEE AGGREGATES PVT. LTD.,  
11/165, REPRESENTED BY ITS MANAGING DIRECTOR, NAVEEN  
MATHEW PHILIP, AGED 37 YEARS, THEKKA NEDUMPLACKAL,  
MALLAPPALLY WEST P.O., PATHANAMTHITTA.

BY ADVS.  
SRI.P.HARIDAS  
SRI.BIJU HARIHARAN  
SRI.P.C.SHIJIN  
SRI.RISHIKESH HARIDAS

RESPONDENTS/RESPONDENTS:

- 1 STATE LEVEL ENVIRONMENT IMPACT AUTHORITY (SEIAA  
KERALA)  
REPRESENTED BY ITS MEMBER SECRETARY, 4TH FLOOR,  
KSRTC BUS TERMINAL COMPLEX, THIRUVANANTHAPURAM,  
PIN-695001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY DEPARTMENT,  
GOVERNMENT OF KERALA, KESAVADASAPURAM, PATTOM  
PALACE P.O., THIRUVANANTHAPURAM, PIN-695001.
- 3 CENTRAL POLLUTION CONTROL BOARD,  
REPRESENTED BY ITS SECRETARY, PARIVASH BHAVAN, EAST

As  
TRUE COPY

ARUJUN NAGAR, DELHI-110032.

- 4 POLLUTION CONTROL BOARD,  
REPRESENTED BY MEMBER SECRETARY, PLAMOODU JUNCTION,  
PATTOM PALACE P.O., THIRUVANANTHAPURAM, PIN-695001.
- 5 ENVIRONMENTAL ENGINEER,  
KERALA STATE POLLUTION CONTROL BOARD,  
PATHANAMTHITTA, PIN-689645.
- 6 DISTRICT GEOLOGIST, PATHANAMTHITTA,  
OFFICE OF THE DISTRICT GEOLOGIST, PATHANAMTHITTA,  
PIN-689645.
- 7 SECRETARY,  
KOTTANGAL GRAMA PANCHAYATH, PANCHAYATH OFFICE,  
KOTTANGAL, PIN-686547.
- 8 M.HARIDASAN,  
S/O. MUTHAN, KONNAKKAL KADAVU HOUSE,  
KORANCHIRA P.O., PALAKKAD, PIN-678684.

R1 BY SRI.M.P.SREEKRISHNAN, STANDING COUNSEL  
R2 & R6 BY GOVERNMENT PLEADER SRI.S.KANNAN  
R3 BY SRI.M.AJAY, STANDING COUNSEL  
R4 & R5 BY SRI.T.NAVEEN, STANDING COUNSEL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.02.2021 ALONG  
WITH WA.255/2021 AND CONNECTED CASES, THE COURT ON 16.03.2021,  
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.282 OF 2021

AGAINST THE JUDGMENT IN WP(C) 21718/2020(L) OF HIGH COURT OF KERALA

APPELLANT/PETITIONER IN W.P.(C) NO.21718/2020:

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/RESPONDENTS IN W.P.(C) NO.21718/2020:

- 1 THE DIRECTOR, 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, PATTOM PALACE P.O.,  
TRIVANDRUM-695 004, REPRESENTED BY ITS MEMBER  
SECRETARY.

As  
TRUE COPY

- 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.

R1, R2 & R5 BY SRI. RANJITH THAMPAN, ADDL. ADVOCATE  
GENERAL & SRI. S. KANNAN, GOVERNMENT PLEADER  
R6 & R7 BY ADV. SRI. P. VIJAYAKUMAR, ASG OF INDIA  
R3 BY SRI. M. AJAY, STANDING COUNSEL  
R4 BY SRI. T. NAVEEN, STANDING COUNSEL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.02.2021 ALONG  
WITH WA.255/2021 AND CONNECTED CASES, THE COURT ON 16.3.2021  
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As  
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.286 OF 2021

AGAINST THE JUDGMENT IN WP(C) 16367/2020(U) OF HIGH COURT OF KERALA

APPELLANT/PETITIONER IN THE WRIT PETITION:

THE STATE OF KERALA  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT, INDUSTRIES  
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM  
- 695 001.

BY ADVS.  
SRI.S.KANNAN, GOVERNMENT PLEADER  
SRI.RANJITH THAMPAN, ADDL.ADVOCATE GENERAL

RESPONDENTS/RESPONDENTS IN THE WRIT PETITION:

- 1 THE CENTRAL POLLUTION CONTROL BOARD  
PARIVESH BHAWAN, MAHARISHI VALMIKI MARG, EAST ARJUN  
NAGAR, NEW DELHI - 110 032, REPRESENTED BY ITS MEMBER  
SECRETARY.
- 2 THE KERALA STATE POLLUTION CONTROL BOARD  
PLAMOODU JUNCTION, PATTOM PALACE P.O.,  
THIRUVANANTHAPURAM - 695 004, REPRESENTED BY ITS MEMBER  
SECRETARY.
- 3 HARIDASAN M.  
S/O.MUTHAN, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.

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- 4 BENNY MATHEW  
VETTUKALLAMKUZHI, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 5 GOPINATH K.V.  
KURINJITHODU, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 6 SUNDARAN N.  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 7 ELDHO PAUL  
ALAKKAL, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 8 SHAJI JOSEPH  
MANIAMMAKAT, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 9 SHELBI SAJU  
ARAKKAL, KONNAKKALKADAVU, KOENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 10 SIVADASAN A.  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 11 JOSE P.V.  
THOTTUNGAL ESTATE, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 12 APPUKUTTAN A.  
PUTHAN VEEDU, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 13 T.A. JOHNY  
THEKKANORIYIL, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 14 T.SAHADEVAN  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.

As  
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- 15 A.V.GEORGE  
AERATHU HOUSE, KORENCHIRA P.O., PATTAYAMPADAM,  
KONNAKALKADAVU, PALAKKAD - 678 684.
- 16 LIJO T.PAUL  
THAZHATHEDATHU HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 17 JITHIN M.S.  
MANIAMMACKIL HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 18 ARUMUGHAN  
THOTTUPADAM, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 19 KANNAN  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 20 JAYAKUMAR K.P.  
KOTTARAMPARAMBIL, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 21 LEENA ELDHO  
ALAKKAL, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 22 ROUBLE P.VARGHESE  
PALLIPPATTU, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 23 M.SALIM  
PUTHANTHOTTAM, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 24 V.SURENDRAN  
DORUVATHAKKAD, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 25 SIBI PAUL  
THARAPPEL, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.

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- 26 REJI P.M.  
PULIMOOTTIL, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 27 MATHAI P.M.  
PULIMOOTTIL, KONNAKKALKADAVU, KORENCHIRA P.O.,  
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- 28 KOUSALIYA  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
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- 29 ANIL N.  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 30 A.V.BABY  
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KIZHAKKENCHERRY, PALAKKAD - 678 684.
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PALAKKAD - 678 684.
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PALAKKAD - 678 684.
- 34 NEELANDAN  
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KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 35 PARU  
MULLATHODY, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 36 VALSALA  
MULLATHODY, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.

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- 37 VASANDHA  
MULLATHODY, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 38 RAJU M.  
MULLATHODY, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 39 VANITHA  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 40 THANGA  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 41 SUBHASH S.  
VAISHAGHAM, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 42 RATHI B.  
VAISHAGHAM, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 43 LEELA  
VAISHAGHAM, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 44 SIVASANKARAN  
VAISHAGHAM, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 45 LEELAVATHY  
KRISHNAKRIPA, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 46 K.A.CHANDRAN  
KALAPPURAKKAL, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 47 SUENDRAN  
KANJIRAMKUNNEL, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.

As  
TRUE COPY

- 48 BABU M.  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 49 SIVAN M.  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 50 SUDEVAN K.  
KUNNAMKAD HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 51 BINESH  
CHIRAKKUNNEL HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 52 KANNAN K.N.  
KUNISERRY HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 53 HARIDASAN T.V.  
THOTTUNGAL HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 54 SANTHOSH KUMAR  
KALAPPURAKKAL HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 55 RAJAN  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 56 MANIKANDAN K.  
PUZHAKKALIDAM HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 57 RATHEESH K.N.  
KUNNISSERIYIL HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 58 JAYAPRAKASH  
KUNNISSERIYIL HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.

As  
TRUE COPY

- 59 SASIREKHA  
KALIKA HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 60 BIJESH B.JOSE  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 61 USHA SUDHARAN  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 62 JIBASH S.  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 63 OMANA  
KURIJITHOPE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 64 RASMITHA R.  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 65 RAMAN V.  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 66 JANAKI  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 67 NEETHU  
KUNISERRY, PALAKKAD - 678 684.
- 68 VESU  
KUNISERRY, PALAKKAD - 678 684.
- 69 SREEJITH  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 70 SATHI DEVI  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.

As  
TRUE COPY

- 71 DARA K.S.  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 72 KISHOR M.  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 73 SURESH C.  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 74 SURENDRAN C.  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 75 THANKAM K.  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 76 K.V.ARUMUGHAN  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 77 VASANTHA V.N.  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 78 ARCHANA  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 79 JANAKI  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 80 SABITHA  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 81 SAJITHA  
KALAPURAKAL, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.

As  
TRUE COPY

- 82 SUJITH  
KALAPURAKAL, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 83 PREMA BABU  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 84 KUNJARU  
KALAPURAKAL, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 85 JANAKI  
KALAPURAKAL HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 86 HARITHA H.  
KALIKA HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 87 HIMA H.  
KALIKA HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 88 KRISHNAKUTTY  
PUTHENVEEDU HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 89 SUNITHA  
PUTHENVEEDU, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 90 ATHUL KRISHNA  
PUTHENVEEDU, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 91 AKHIL KRISHNA  
PUTHENVEEDU, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 92 KANOAI  
KONNAKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.

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- 93 NARAYANI  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 94 MADAVI  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 95 SIVADASAN  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 96 DIVYA  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 97 DEVAKI  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 98 PRABHITHA  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 99 AMANDAKRISH  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 100 SWAPNA K.  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 101 VIJAYAN M.  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 102 P.A.KRISHNANKUTTY  
PEZHAKURA HOUSE, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 103 BIJESH P.JOSE  
PANDAVATH HOUSE, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.

As  
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- 104 N.A.STEPHEN  
NELLANIKODE HOUSE, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 105 BETTY STEPHEN  
NELLANIKODE HOUSE, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 106 ALBIN STEPHEN  
NELLANIKODE HOUSE, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 107 ARSHA N.STEPHEN  
NELLANIKODE HOUSE, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 108 AKHILA STEPHEN  
NELLANIKODE HOUSE, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 109 INDIRA KUMARI  
VRINDAVAN HOUSE, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 110 CHENTHAMARAKSHAN  
VRINDAVAN HOUSE, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 111 AMAR C.  
VRINDAVAN HOUSE, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 112 AMRITHA C.  
VRINDAVAN HOUSE, KONNAKKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 113 VISHNU V.  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.
- 114 THEJUS V.  
KONNAKKALKADAVU, KORENCHIRA P.O., KIZHAKKENCHERRY,  
PALAKKAD - 678 684.

As  
TRUE COPY

- 115 GEORGE T.L.  
THOTTUPATTE HOUSE, KONNAKALKADAVU, KORENCHIRA P.O.,  
KIZHAKKENCHERRY, PALAKKAD - 678 684.
- 116 P.K.BIJU @ VARGHESE P.K.  
S/O.KURIAKOSE, RESIDING AT PARAKKAL HOUSE, KORANCHIRA  
P.O., PALAKKAD - 678 684.
- 117 THE UNION OF INDIA  
REPRESENTED BY SECRETARY TO GOVERNMENT OF INDIA,  
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, NEW  
DELHI - 110 011.
- 118 THE KERALA STATE ENVIRONMENT IMPACT ASSESSMENT  
AUTHORITY  
REPRESENTED BY ITS MEMBER SECRETARY,  
THIRUVANANTHAPURAM.
- 119 PROF.KUSUMAM JOSEPH  
D/O.LATE T.V.JOSEPH, RESIDING AT CHOLAYAR, MELOOR P.O.,  
CHALAKKUDY, THRISSUR - 680 307.
- 120 GEORGE SEBASTIAN  
S/O.VARKEY, MUKHALAPARACKAL HOUSE, KALATHUMKADAVU P.O.,  
KOTTAYAM - 686 579.

R1 BY SRI.M.AJAY, STANDING COUNSEL  
R2 BY SRI.T.NAVEEN, STANDING COUNSEL  
R3 BY SRI.V.HARISH  
R118 BY SRI.M.P.SREEKUMAR, STANDING COUNSEL  
R117 BY SRI.P.VIJAYAKUMAR, ASG  
R116 BY ADV. SRI.ALEX.M.SCARIA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.02.2021, ALONG  
WITH WA.255/2021 AND CONNECTED CASES, THE COURT ON 16.03.2021  
DELIVERED THE FOLLOWING:

As  
TRUE COPY

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.289 OF 2021

AGAINST THE JUDGMENT DATED 21.12.2020 IN WP(C) 15962/2020 (U) AND  
AGAINST THE ORDER DATED 28.1.2021 IN R.P.NO.53 OF 2021 OF HIGH COURT  
OF KERALA

WRIT APPELLANT/PETITIONER:

M/S.V.K.ROCKS PVT. LTD.  
REPRESENTED BY ITS MANAGING DIRECTOR,  
MANJU JYOTHISH ,  
AGED 32, VELLILAZHAKAM HOUSE,  
MYLODE P O, PIN-691506.

BY ADVS.  
SRI.S.SREEKUMAR (SR.)  
SRI.P.MARTIN JOSE  
SRI.R.GITHESE  
SRI.P.PRIJITH  
SRI.THOMAS P.KURUVILLA  
SRI.MANJUNATH MENON  
SHRI.HARIKRISHNAN S.

RESPONDENTS/RESPONDENTS:

- 1 THE STATE OF KERALA  
REPRESENTED BY ITS SECRETARY (INDUSTRIES DEPARTMENT) ,  
GOVERNMENT SECRETARIAT,  
TRIVANDRUM-695001.

As  
TRUE COPY

- 2 THE DIRECTOR OF MINING AND GEOLOGY  
OFFICE OF THE DIRECTORATE AND MINING AND GEOLOGY,  
KESAVADASAPURAM, PATTOM PALACE P O,  
TRIVANDRUM-695004.
- 3 THE KERALA STATE POLLUTION CONROL BOARD  
PLAMOOD JUNCTION,  
PATTOM PALACE P O, TRIVANDRUM-695004.
- 4 CENTRAL POLLUTION CONTROL BOARD  
PARIVESH BHAVAN,  
EAST ARJUN NAGAR, DELHI-110032.
- 5 M HARIDASAN  
S/O MUTHAN, KONNAKKALKADAVU HOUSE, KORENCHIRA P O,  
PALAKKAD-678684.

R1 & R2 BY SRI.S.KANNAN, GOVERNMENT PLEADER  
R3 BY SRI.T.NAVEEN  
R4 BY SRI.M.AJAY, STANDING COUNSEL  
R5 BY SRI.V.HARISH

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.02.2021 ALONG  
WITH WA.255/2021 AND CONNECTED CASES, THE COURT ON 16.03.2021  
DELIVERED THE FOLLOWING:

As  
TRUE COPY

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.291 OF 2021

AGAINST THE JUDGMENT IN WP(C) 16762/2020(U) AND AGAINST THE ORDER  
DATED 28.1.2021 IN R.P.NO.52 OF 2021 OF HIGH COURT OF KERALA

WRIT APPELLANT/PETITIONER:

PALAKKAL GRANITES PRIVATE LIMITED  
R.S.NO.172, MYSORE PATTU, THOTTUMUKKAM P.O., KOZHIKODE  
DISTRICT, PIN-673639, REPRESENTED BY ITS MANAGING  
DIRECTOR P.M.ABOOBAKER.

BY ADVS.  
SRI.S.SREEKUMAR (SR.)  
SRI.P.MARTIN JOSE

RESPONDENTS/RESPONDENTS:

- 1 THE STATE OF KERALA  
REPRESENTED BY ITS SECRETARY (INDUSTRIES DEPARTMENT),  
GOVERNMENT SECRETARIAT, TRIVANDRUM-695001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY,  
OFFICE OF THE DIRECTORATE AND MINING AND GEOLOGY,  
KESAVADASAPURAM, PATTOM PALACE P.O.,  
TRIVANDRUM-695004.
- 3 THE KERALA STATE POLLUTION CONTROL BOARD,  
PLAMOOD JUNCTION, PATTOM PALACE P.O.,  
TRIVANDRUM-695004.

As  
TRUE COPY

- 4 CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAVAN, EAST ARJUN NAGAR, DELHI-110032.
- 5 M.HARIDASAN,  
S/O.MUTHAN, KONNAKALKADAVU HOUSE, KORENCHIRA P.O.,  
PALAKKAD-678684.
- 6 R.P.SREENIVASAN,  
AGED 48 YEARS  
S/O. LATE SUBRAHMANIAM, SREETHILAKAM, OTTAPPALAM,  
THOTTAKKARA P.O., PIN-679102.

R1&R2 BY SRI.RANJITH THAMPAN,ADDL.ADVOCATE GENERAL  
SRI.S.KANNAN, GOVERNMENT PLEADER

R3 BY SRI.T.NAVEEN, STANDING COUNSEL

R4 BY SRI.M.AJAY, STANDING COUNSEL

R5 BY SRI.V.HARISH

R6 BY ADV. SRI.REJI GEORGE

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.2.2021 ALONG  
WITH WA.255/2021 AND CONNECTED CASES, THE COURT ON 16.03.2021  
DELIVERED THE FOLLOWING:

As  
TRUE COPY

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.294 OF 2021

AGAINST THE JUDGMENT IN WP(C) 16455/2020(F) OF HIGH COURT OF KERALA

APPELLANT/APPELLANT :

ADANI VIZHINJAM PORT PVT. LTD  
HAVING ITS REGISTERED OFFICE AT ADANI HOUSE, NR.  
MITHAKHALI SIX ROADS, NAVARANGPURA, AHAMEDABAD,  
GUJARAT - 380009 AND HAVING ITS BRANCH OFFICE AT 2ND  
FLOOR, VIPANCHIKA TOWERS, THYCAUD, THIRUVANANTHAPURAM,  
REPRESENTED BY ITS MD AND CEO SRI. RAJESH KUMAR JHA.

BY ADVS.  
SRI.ROSHEN.D.ALEXANDER  
SMT.TINA ALEX THOMAS

RESPONDENTS/RESPONDENTS :

- 1 STATE OF KERALA  
REPRESENTED BY 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 BHAWAN, EAST ARJUN NAGAR, NEW DELHI -110032,  
REPRESENTED BY ITS MEMBER SECRETARY.

As  
TRUE COPY

- 4 KERALA STATE POLLUTION CONTROL BOARD,  
PLAMOODU JUNCTION, PATTAM PALACE P.O,  
THIRUVANANTHAPURAM - 695004, REPRESENTED BY ITS MEMBER  
SECRETARY.
- 5 M. HARIDASAN  
S/O. MUTHAN, KONNAKKALKADAVU HOUSE, KORENCHIRA P.O,  
PALAKKAD - 678684.
- 6 DISTRICT GEOLOGIST  
DEPARTMENT OF MINING AND GEOLOGY, GOVERNMENT OF KERALA,  
DISTRICT OFFICE, KESAVADASAPURAM, PATTAM PALACE P.O,  
THIRUVANANTHAPURAM - 695003.
- R1,R2 & R6 BY SRI.S.KANNAN, GOVERNMENT PLEADER  
R4 BY SRI.T.NAVEEN, STANDING COUNSEL  
R3 BY SRI.M.AJAY, STANDING COUNSEL  
R5 BY SRI.V.HARISH

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.2.2021, ALONG  
WITH WA.255/2021 AND CONNECTED CASES, THE COURT ON 16.03.2021  
DELIVERED THE FOLLOWING:

As  
TRUE COPY

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.300 OF 2021

AGAINST THE JUDGMENT IN WP(C) 3200/2021(Y) OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

SAKEER HUSSAIN

AGED 49 YEARS

S/O. KUTTYMOIDEEN HAJI, KUDALIL HOUSE, PARAMMALANGADI  
P.O, (VIA) KALAPAKANCHERY, MALAPPURAM - 676551.

BY ADVS.

SRI.ROSHEN.D.ALEXANDER

SMT.TINA ALEX THOMAS

SHRI.HARIMOHAN

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY 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 BHAWAN, EAST ARJUN NAGAR,  
NEW DELHI - 110032, REPRESENTED BY ITS MEMBER  
SECRETARY.

As  
TRUE COPY

- 4 KERALA STATE POLLUTION CONTROL BOARD,  
PLAMOODU JUNCTION, PATTOM PALACE P.O,  
THIRUVANANTHAPURAM - 695004, REPRESENTED BY ITS MEMBER  
SECRETARY.
- 5 SRI.M. HARIDASAN  
S/O. MUTHAN, KONNAKALKADAVU HOUSE, KORENCHIRA P.O,  
PALAKKAD - 678684.
- 6 THE GEOLOGIST DEPARTMENT OF MINING AND GEOLOGY,  
MALAPPURAM DISTRICT OFFICE, MINI CIVIL STATION,  
MANJERI - 676121.

R1,R2 & R6 BY SRI.S.KANNAN, GOVERNMENT PLEADER  
R4 BY SRI.T.NAVEEN, STANDING COUNSEL  
R3 BY SRI.M.AJAY, STANDING COUNSEL  
R5 BY SRI.V.HARISH

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.2.2021 ALONG  
WITH WA.255/2021 AND CONNECTED CASES, THE COURT ON 16.03.2021  
DELIVERED THE FOLLOWING:

As  
TRUE COPY

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.301 OF 2021

[JUDGMENT DATED 28.1.2021 IN R.P.NO.37/2021 FILED AGAINST JUDGMENT DATED 21.12.2020 IN WP(C) 22019/2020(B) OF HIGH COURT OF KERALA]

APPELLANT/REVIEW PETITIONER/PETITIONER IN W.P.(C) NO.22019/2020:

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

BY ADV. SHRI.PHILIP J.VETTICKATTU

RESPONDENTS/RESPONDENTS/RESPONDENTS IN W.P.(C) NO.22019/2020:

- 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 PLAMOODU JUNCTION, PATTAM  
PALACE P.O, TRIVANDRUM 695 004, REPRESENTED BY ITS  
MEMBER SECRETARY.
- 3 THE DISTRICT GEOLOGIST,  
MALAPPURAM, MINI CIVIL STATION, MANJERI, MALAPPURAM-676  
121

As  
TRUE COPY

- 4 THE DIRECTOR,  
MINING AND GEOLOGY DIRECTORATE, KESAVADASAPURAM, PATTOM  
PALACE P.O, TRIVANDRUM, PIN-695 004
- 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, KIZHAKKENCHERRY,  
PALAKKAD, KERALA-678 684

R3 & R5 BY SRI.S.KANNAN, GOVERNMENT PLEADER  
R2 BY SRI.T.NAVEEN, STANDING COUNSEL  
R1 BY SRI.M.AJAY, STANDING COUNSEL  
R6 & R7 BY SRI.P.VIJAYAKUMAR, ASG  
R8 BY SRI.V.HARISH

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.2.2021, ALONG  
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PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.318 OF 2021

AGAINST THE JUDGMENT IN WP(C) 21834/2020(D) OF HIGH COURT OF KERALA

APPELLANT/PETITIONER IN W.P.(C) NO.21834/2020:

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

BY ADV. SHRI.PHILIP J.VETTICKATTU

RESPONDENTS/RESPONDENTS IN W.P.(C) NO.21834/2020:

- 1 THE 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 STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA),  
KERALA, KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR,  
THAMPANOR, TRIVANDRUM-695 001, REPRESENTED BY ITS  
MEMBER SECRETARY.

As  
TRUE COPY

- 4 THE DIRECTOR, MINING AND GEOLOGY DIRECTORATE,  
KESAVADASAPURAM, PATTOM PALACE P.O., TRIVANDRUM, PIN-  
695 004.
- 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.

R4 & R5 BY SRI.S.KANNAN, GOVERNMENT PLEADER  
R2 BY SRI.T.NAVEEN, STANDING COUNSEL  
R1 BY SRI.M.AJAY, STANDING COUNSEL  
R3 BY SRI.M.P.SREEKRISHNAN, STANDING COUNSEL  
R6&R7 BY SRI.P.VIJAYAKUMAR, ASG  
R8 BY SRI.V.HARISH

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.2.2021 ALONG  
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.328 OF 2021

AGAINST THE JUDGMENT IN WP(C) 16953/2020(T) OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

R. MURALEEDHARAN  
AGED 53 YEARS  
KEERTHI BHAVAN, KADAKKODE P.O, KOLLAM-691 505

BY ADVS.  
SRI.ENOCH DAVID SIMON JOEL  
SRI.S.SREEDEV  
SRI.RONY JOSE  
SHRI.CIMIL CHERIAN KOTTALIL

RESPONDENTS/RESPONDENTS :

- 1 THE STATE OF KERALA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT  
OF INDUSTRIES,  
SECRETARIAT, THIRUVANANTHAPURAM-695 001
- 2 THE DIRECTOR OF MINING AND GEOLOGY,  
DIRECTORATE OF MINING AND GEOLOGY, PATTOM PALACE P.O,  
THIRUVANANTHAPURAM-695 004
- 3 CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BJAVAN, EAST ARJUN NAGAR, DELHI 110 032.

As  
TRUE COPY

- 4 KERALA STATE POLLUTION CONTROL BOARD,  
PLAMOODU JUNCTION, PATTAM PALACE P.O,  
THIRUVANANTHAPURAM-695 004, REPRESENTED BY ITS MEMBER  
SECRETARY.
- 5 THE GEOLOGIST,  
OFFICE OF MINING AND GEOLOGY, DISTRICT OFFICE, ASRAMOM,  
KOLLAM-691 002

R1 & R5 BY SRI.S.KANNAN, GOVERNMENT PLEADER  
R2 BY SRI.P.VIJAYAKUMAR, ASG  
R4 BY SRI.T.NAVEEN, STANDING COUNSEL  
R3 BY SRI.M.AJAY, STANDING COUNSEL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.2.2021, ALONG WITH  
WA.255/2021 AND CONNECTED CASES, THE COURT ON 16.03.2021 DELIVERED  
THE FOLLOWING:

As  
TRUE COPY

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.363 OF 2021

AGAINST THE JUDGMENT IN WP(C) 20581/2020 (W) OF HIGH COURT OF KERALA

APPELLANT/NOT A PARTY TO WRIT PETITION:

SEBASTIAN K.J.  
S/O.JAMES,AGED 54 YEARS,RESIDING AT  
KANDATHINKARA HOUSE,KAREKKAD,  
OORAKAM MELMURI P.O.,MALAPPURAM DISTRICT-679 307.

BY ADV. SRI.N.ANAND

RESPONDENTS/WRIT PETITIONER/RESPONDENTS:

- 1 JAISON LUKOSE,  
S/O.C.T.LUKOSE,AGED 39 YEARS,CHIRAYIL THOMPSON  
VILLA,ETTUMANOOR P.O.,  
KOTTAYAM DISTRICT-686 631.
- 2 STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,INDUSTRIES  
DEPARTMENT,  
GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-695 001.
- 3 THE DISTRICT GEOLOGIST,  
CIVIL STATION,SEAPORT AIRPORT ROAD,  
KAKKANADU,ERNAKULAM-682 030.

As  
TRUE COPY

SRI.GEORGE POONTHOTTAM(SR) FOR R1

SRI.S.KANNAN, GOVERNMENT PLEADER FOR R2 & R3

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.2.2021 ALONG WITH WA.255/2021 AND CONNECTED CASES, THE COURT ON 16.03.2021 DELIVERED THE FOLLOWING:

*As*  
**TRUE COPY**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.366 OF 2021

AGAINST THE JUDGMENT IN WP(C) 15962/2020(U) OF HIGH COURT OF KERALA

APPELLANT/3RD PARTY:

K.ANILKUMAR  
AGED 65 YEARS  
S/O. KARUNAKARAN, AMBALAKKARA HOUSE, PULAMON P.O.,  
KOTTARAKKARA, KOLLAM-691531.

BY ADVS.  
SRI.S.SREEKUMAR (SR.)  
SRI.ANEESH JAMES

RESPONDENTS/PETITIONER AND RESPONDENTS 1 TO 5:

- 1 M/S.V.K.ROCKS PVT. LTD.,  
REPRESENTED BY ITS MANAGING DIRECTOR, MANJU JYOTHISH,  
AGED 32, VELLILAZHAKAM HOUSE, MYLOD.P.O., PIN-691506.
- 2 STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY (INDUSTRIES DEPARTMENT),  
GOVERNMENT SECRETARIAT, TRIVANDRUM-695001.
- 3 THE DIRECTOR OF MINING AND GEOLOGY,  
OFFICE OF THE DIRECTORATE AND MINING AND GEOLOGY,  
KESAVADASAPURAM, PATTOM PALACE.P.O.,  
TRIVANDRUM-695004.

As  
TRUE COPY

- 4 THE KERALA STATE POLLUTION CONTROL BOARD,  
PLAMOOD JUNCTION, PATTOM PALACE.P.O.,  
TRIVANDRUM-695004.
- 5 CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAVAN, EAST ARJUN NAGAR, DELHI-110032.
- 6 M.HARIDASAN,  
S/O.MUTHAN, KONNAKKALKADAVU HOUSE, KORENCHIRA.P.O.,  
PALAKKAD-678684.

R2 & R7 BY SRI.S.KANNAN, GOVERNMENT PLEADER  
R4 BY SRI.T.NAVEEN, STANDING COUNSEL  
R5 BY SRI.M.AJAY, STANDING COUNSEL  
R6 BY SRI.V.HARISH, STANDING COUNSEL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.2.2021, ALONG  
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DELIVERED THE FOLLOWING:

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.373 OF 2021

AGAINST THE JUDGMENT IN WP(C) 19600/2020(Y) OF HIGH COURT OF KERALA

APPELLANT/PETITIONER IN WP(C) 19600/2020:

P.V.SANTHOSH  
AGED 50 YEARS  
S/O VELAYUDHAN, PANDIRIKKOTTIL HOUSE, MAZHUVANNOOR  
KARA, MAZHUVANNOOR VILLAGE, MAZHUVANNOOR  
P.O., KUNNATHUNADU TALUK, ERNAKULAM DISTRICT

BY ADV. SHRI.ESM.KABEER

RESPONDENTS/RESPONDENTS IN WP(C) 19600/2020:

- 1 STATE OF KERALA  
REP. BY SECRETARY, DEPARTMENT OF MINING AND GEOLOGY,  
SECRETARIAT, TRIVANDRUM, PIN-695 001.
- 2 THE DIRECTOR OF MINING AND GEOLOGY,  
DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM,  
PATTOM PALACE P.O., THIRUVANANTHAPURAM-695 004.
- 3 THE CHAIRMAN,  
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,  
4TH FLOOR, KSRTC TERMINAL, THAMPANNOOR,  
THIRUVANANTHAPURAM-695 001.

As  
TRUE COPY

- 4 THE DISTRICT GEOLOGIST,  
DEPARTMENT OF MINING AND GEOLOGY, CIVIL STATION, SEA  
POT-AIR PORT ROAD, KAKKANADU-682 030.
- 5 THE DISTRICT COLLECTOR,  
DEPARTMENT OF MINING AND GEOLOGY, CIVIL STATION, SEA  
PORT-AIR PORT ROAD, KAKKANADU-682 030
- 6 THE KERLA STATE POLLUTION CONTROL BOARD,  
REP BY ITS CHAIRMAN, PLAMOODU, PATTOM  
P.O., THIRUVANANTHAPURAM-695 004.
- 7 K.K.MUHAMMAD,  
S/O KUNJIPILLA, KARIPPILLY, VENGOLA P.O.PERUMANI,  
ERNAKULAM-683 554.
- 8 MITHULESH MOHANDAS,  
S/O MOHANDAS, ALAKKAMOLAYIL VEEDU,  
MAZHUVANNUR P.O., ERNAKULAM-686 669

R1, R2, R4 & R5 BY SRI.S.KANNAN, GOVERNMENT PLEADER  
R3 BY SRI.M.P.SREEKRISHNAN, STANDING COUNSEL  
R6 BY SRI.T.NAVEEN, STANDING COUNSEL  
R7 BY SRI.DEEPUN THAKKAN  
BY SRI.V.HARISH, STANDING COUNSEL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19.2.2021 ALONG  
WITH WA.255/2021 AND CONNECTED CASES, THE COURT ON 16.03.2021  
DELIVERED THE FOLLOWING:

As  
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 16TH DAY OF MARCH 2021 / 25TH PHALGUNA, 1942

WA.No.391 OF 2021

AGAINST THE JUDGMENT IN WP(C) 16864/2020(G) OF HIGH COURT OF  
KERALA

APPELLANT/WRIT PETITIONER:

BETTY BIJU  
AGED 40 YEARS  
W/O. LATE BIJU AUGUSTINE, PULIYANANICKAL HOUSE,  
ARAKULAM (PO), IDUKKI DISTRICT-685 591.

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENTS :

- 1 THE STATE OF KERALA  
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT,  
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-695 001.
- 2 THE CENTRAL POLLUTION CONTROL BOARD  
REPRESENTED BY ITS MEMBER SECRETARY, PARIVESH BHAVAN,  
MAHARSHI VALMIKI BHAVAN, VALMIKI MARG, EAST ARJUN  
NAGAR, VISWAS NAGAR, EXTENSION, SHARADA,  
NEW DELHI-110 032.
- 3 THE KERALA STATE POLLUTION BOARD  
REPRESENTED BY ITS MEMBER SECRETARY, PATTOM PALACE  
P.O., KESAVADASPURAM, THIRUVANANTHAPURAM-695 004.
- 4 THE DIRECTOR OF MINING AND GEOLOGY  
DIRECTORATE OF MINING AND GEOLOGY, PATTOM PALACE  
(PO), KESAVADASAPURAM, THIRUVANANTHAPURAM-695 004.
- 5 THE GEOLOGIST  
MINING AND GEOL  
STATION, THODUP  
:T OFFICE, MINI CIVIL  
DISTRICT-685 584.

As  
TRUE COPY

R1, R4 & R5 BY SRI.S.KANNAN, GOVERNMENT PLEADER  
R3 BY SRI.T.NAVEEN, STANDING COUNSEL  
R2 BY SRI.M.AJAY, STANDING COUNSEL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON  
19.2.2021, ALONG WITH WA.255/2021 AND CONNECTED CASES,  
THE COURT ON 16.03.2021 DELIVERED THE FOLLOWING:

*As*  
**TRUE COPY**

'CR'

**[W.A.Nos.250, 255, 261, 264, 269, 282, 286, 289, 291, 294, 300, 301, 318, 328, 363, 366, 373 & 391 of 2021]**

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

### **S. Manikumar, CJ.**

Captioned writ appeals are filed challenging the common judgment of the learned single Judge in W.P.(C) No.17391/2020 and connected cases, dated 21.12.2020 and the order in R.P.No.1 of 2021 and connected cases dated 28.1.2021, whereby a learned single Judge allowed the writ petition in part, setting aside an order of the National Green Tribunal, Principal bench, New Delhi, (hereinafter called 'NGT') in Original Application No.304 of 2019 and NGT was directed to dispose of the representation of respondents 3 to 115, which was treated as an application by the NGT, afresh, after notice by 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.

2. It was further ordered that the interim order passed by the learned single Judge on 6.8.2020 would continue to be in force till the disposal of the said application by the NGT. However, the NGT was given the liberty to modify the said

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interim order pending disposal of the application, if situation warrants, and all other issues were left open.

3. It is thus challenging the legality and correctness of the judgment so rendered by the learned single Judge, the appeals are preferred.

4. Some of the appeals are filed by third persons to the judgment, after securing leave from this Court. The State Government has also preferred appeal being aggrieved by the judgment. The contentions raised in the appeals are basically similar or typical in nature and the foundation of the contentions are in regard to the power of the NGT to treat a representation as an application and the power to issue omnibus directions to the authority under the environmental laws to fix a distance criteria to conduct quarry operations to any installations by incorporating conditions in the consent granted by the Pollution Control Board. We think it appropriate to narrate basic facts available in one of the writ appeals to have a general understanding of the issues properly so as to arrive at a logical conclusion, taking into account various provisions of various environmental laws and the NGT Act. Therefore, we consider the facts, circumstances and the documents involved in writ appeal No.255 of 2021.

5. The appellant in the said appeal is a project proponent to conduct quarry operations in an extent of 08.0140 hectares of land situated in Re-sy No.55 of Koodal Village, Konni Taluk, Pathanamthitta District. As per Exhibit P1 dated

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26.8.2019, the Kerala State Pollution Control Board has issued consent to establish the quarry under section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and section 21 of the Air (Prevention and Control of Pollution) Act, 1981, which is valid till 31.5.2024. On the basis of application submitted by the appellant, Exhibit P3 letter of intent has been issued by the Director of Mining and Geology. Likewise applications were submitted before the Geologist for approval of the mining plan and State Environment Impact Assessment Authority (SEIAA) for obtaining environmental clearance. According to the appellant, the State Expert Appraisal Committee (SEAC) gave a favourable recommendation, based on which, the terms of reference was approved by SEIAA in its meeting and in accordance with Appendix IV of the Environment Impact Assessment Notification, a public hearing has to be conducted by the State Pollution Control Board.

6. Matters thus being so, a complaint was submitted by way of a letter before the NGT, Principal Bench, by M.Haridasan, the 5<sup>th</sup> respondent in W.P.(C) No.15962 of 2020 & connected cases, against the operations of stone quarries and crushers, without requisite safeguards at Kizhakkencherry II Village, Palakkad District, which was numbered as Original Application 304/2019 by the NGT. As per Ext.P7 order dated 6.5.2019, NGT has directed the Kerala State Pollution Control Board to submit a report and accordingly, a report was submitted on 10.7.2019 that the said quarry in Palakkad District has not started operations, but the location being 50 meters

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from residence and public road, environmental clearance had been granted by the District Environment Impact Assessment Authority (DEIAA), subject to certain conditions.

7. While so, in Ext.P8 order dated 9.10.2019, the NGT observed that in the absence of any study, any stone quarrying near the residence and public road is bound to cause air and noise pollution even beyond 50 meters, and accordingly, directed the State PCB to revisit the existing criteria based on appropriate study, and further the Central Pollution Control Board was directed to give its views in that regard to the State PCB within two weeks in the light of available expert studies on the subject. The State PCB was also directed to furnish its action taken report in the matter by email before the next date and the matter was posted to 18.12.2019 for further consideration. In contemplation of the direction so issued, the State PCB has submitted Ext.P9 report dated 17.12.2019 basically stating that the prevailing distance criteria of 50 meters can be maintained, if the 14 conditions contained in the report are satisfied by the project proponents.

8. Apparently, on the basis of the directions contained in Ext.P8 order dated 9.10.2019, the Central Pollution Control Board has issued a communication dated 24.10.2019 to the Member Secretary of the Kerala State PCB, stating that there is no study of the Central Pollution Control Board available on the subject of stone quarrying to suggest or prescribe minimum distance between any road/habitation

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and stone quarry to be maintained. But two points were requested to be considered while revisiting the criteria regarding stone quarry and other issues raised in the application. It was also informed that the CPCB has prepared guidelines regarding pollution control in stone crushers and Central Government have notified standard for stone crushers, however, the standards notified by the Central Government do not prescribe any common stone crusher citing criteria for the country and stone crusher citing criteria is generally prescribed by State Governments/State PCBs based on local needs and conditions.

9. After taking note of the report submitted by the State PCB and probably the proceedings leading thereto, the NGT has passed Ext.P10 order dated 28.2.2020, observing that the distance of 50 meters for stone quarry particularly when blasts are involved is highly inadequate and can have deleterious effect on noise and air ambient conditions, environment and public health and accordingly, directed the CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards. Accordingly, the State Board was directed to take further action and sought a compliance report, before the next date by e-mail and the case was posted to a particular date.

10. Thereafter, Ext.P11 report was submitted by the CPCB on 9.7.2020 pointing out the distance criteria fixed by various States and Union Territories in regard to stone quarrying as per the provisions of the Mines and Minerals

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(Development and Regulations) Act, 1957 (MMDR Act) and as per the provisions of Minor Mineral Concession Rules made by the respective State Governments by virtue of the powers conferred under section 15 of the MMDR Act, 1957. However, the report concludes by stating that in view of the available information, the minimum distance criteria of 100 meters when blasting is not involved and 200 meters, when blasting is involved from residential/public buildings, inhabited sites, protected monuments, heritage sites, National/State Highway, District roads, public roads, railway line/area, rope way or rope way trestle or station, bridges, dams, reservoir, river, canals, lakes or tanks, or any other locations to be considered for permitting stone quarrying, by State PCBs. As per the Note thereto, it was specified that the regulations for dangerous zones of 500 meters prescribed by Director General of Mines Safety also have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment. But it was made clear that, if any State is already having stringent criteria than the above for Minor Mineral Mining, the same shall be applicable.

11. As per Ext.P13 dated 21.7.2020, the NGT, relying upon Ext.P11 report, ordered the CPCB and State PCBs, to follow minimum distance criteria of 200 meters from residential/public buildings when blasting is involved and 100 meters if no blasting is involved, for permitting quarry operations. The foundation of the case of the appellants/ writ petitioners was on the basis of Ext.P13 order passed by the

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NGT and accordingly sought to quash the same. They have sought for further directions to the State Authorities to consider the applications submitted for consents/licence/NOC etc.

12. The case projected by the appellants in the writ court was that the impugned Ext.P13 order has been issued by the NGT without any scientific study or obtaining any expert opinion. It was also the contention of the appellants that as per Ext.P16 order dated 24.8.2018 in O.A.597/2018, the NGT permitted re-publication of the draft notification dated 27.2.2017 and directed finalisation of the matter positively within six months; that it also directed that no environmental clearance be granted and no activity adversely impacting eco-sensitive areas be permitted in the area covered by draft notification dated 27.2.2017 till the matter is finalised. It was the further submission that as per Ext.P17 order dated 3.10.2018, yet another draft notification was published clearly specifying the ecologically sensitive areas in the notification; and that the property of the petitioner in the instant case is not included as an ecologically sensitive area.

13. The appellants have relied upon the judgment of the Apex Court in **Director General (Road Development) National Highways Authority of India v. Aam Aadmi Lokmanch and others** reported in [2020 SCC Online SC 572] to canvass the proposition that similar directions issued by the NGT was found to be without any rationale and not based on any scientific study and without any

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notice whatsoever to any affected party.

14. The judgment of the Apex Court in **Goa Foundation v. Union of India and others** [(2014) 6 SCC 590] was relied upon to contend that the procedural checks made in rules cannot be overruled by issuing notifications and unless and until the procedure prescribed under the Environmental (Protection) Rule, 1986, was followed and a notification under Rule 5 thereto is issued, prohibiting mining operations in a certain area, there can be no prohibition under law to carry on mining activity.

15. It was also submitted that the Apex Court in **Tamil Nadu Pollution Control Board v. Sterlite Industries(I) Limited and others** [(2019) SCC Online SC 221] has held that under the NGT Act, 2010, the Tribunal exercising appellate jurisdiction cannot strike down rules or regulations made under the Environment Protection Act, 1986 and therefore, relying upon the said proposition, it was contended that it would be fallacious to state that the Tribunal has powers of judicial review akin to that of a High Court exercising the power under Article 226 of the Constitution of India and entertain a representation and consequently treating the same as an application, to be submitted as per the procedure contemplated.

16. Argument was also advanced to the effect that NGT has no general power of judicial review enabling it to pass any orders as that of Ext.P13 and therefore, bad in law. That apart various provisions of the Kerala Minor Mineral Concession

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Rules, 2015, the MMDR Act, 1957, the Air (Prevention and Control) Act, 1981, the Water (Prevention and Control) Act, 1974 and provisions of other Acts were relied upon to substantiate the contentions advanced by the appellants, which would be dealt with hereafter.

17. In fact, review petitions were filed by the appellants seeking to review the impugned judgment on the basis of the judgments relied upon, and the provisions of various statutes. However, except a clarification made at paragraph 25 of the review order, no other interference was made with the judgment.

18. The 3<sup>rd</sup> respondent viz., M.Haridasan, had filed a detailed counter affidavit basically contending that against the order passed by the NGT, the appellants have a remedy under section 22 of the National Green Tribunal Act, 2010, to prefer an appeal to the Apex Court and has relied upon various judgments in that regard.

19. According to the 3<sup>rd</sup> respondent, the NGT is vested with ample powers under sections 14, 15, 18 and 20 of the NGT Act, 2010 to ensure implementation of orders passed by the statutory authorities under the Air Act, 1981 and Water Act, 1974. So also it was submitted that the order of the NGT was only to make the Central Pollution Control Board to exercise their statutory powers to have a stringent mechanism in the quarrying activity and not further. Therefore, according to the 3<sup>rd</sup> respondent, the appellants did not make out a case justifying interference in the order passed by the Tribunal.

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20. The learned single Judge after making an in-depth analysis of the provisions of law, the proposition of law laid down by the Apex Court in its various judgments and the rival submissions made across the Bar, has arrived at the ultimate conclusion that the NGT has *suo motu* power to make inquisitorial adjudication by virtue of the powers conferred under the Act, especially bearing in mind the fact it is a Forum created for adjudication of cases involving public interest and cases involving fundamental rights of the citizens. It was further held that the power to initiate proceedings *suo motu* is a matter of procedure and 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. The learned Single Judge, at paragraphs 32 and 33 of the judgment, held thus:

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

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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 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 residential houses and other human inhabited sites for permitting stone quarrying and the same was brought down

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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 infraction 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 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. "

21. A reading of the extracted portion of the judgment, it would be clear that, the learned single Judge found that the order was passed violative of the principles

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of natural justice and therefore, liable to be re-considered by the NGT. A further reading of the judgment shows that the interim order granted by the learned single Judge on 6.8.2020 was directed to be continued till the disposal of the application in question by the NGT. Therefore, on an analysis of the contentions raised in the appeal, it would be clear that the appellants are more aggrieved by the interim order directed to be maintained till a decision is taken in the application.

22. Be that as it may, the appellants have preferred review petitions seeking to review the judgment by raising various grounds including the ground that the NGT being a creature of the National Green Tribunal Act, 2010, 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, 2010 and grant only the relief provided for in section 15 of the NGT Act, 2010 and further 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. It was also contended therein that the NGT is empowered to deal with any grievance, only if an application is filed for the same in terms of the National Green Tribunal (Practices and Procedures) Rules, 2011 and the NGT Act, 2010 and the Rules, do not confer authority on the NGT to treat a representation as an application and since the impugned order being one passed on a representation, the same is without jurisdiction.

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23. On a reading of the order passed by the learned single Judge in the review petitions, dated 21.8.2021, it is quite clear that, various contentions were raised relying upon the judgments of the Apex Court, basically to drive home the point that under the NGT Act or under the Environmental Laws, the NGT is not empowered to fix a distance criteria in terms of the Environmental Laws, and that the Central Government alone is vested with powers under such laws to fix a distance criteria.

24. Contentions were also advanced by the appellants in the review petitions specifically pointing out that many of the appellants were having requisite permits/clearances/consents from the statutory authorities to conduct quarry and some, after submitting applications, were waiting for necessary orders and consequent to the impugned order passed even the processing of applications were stopped by the statutory authorities, which is causing serious prejudice to the appellants.

25. Apart from making certain clarifications in some of the review petitions that the judgment did not preclude the competent authorities from considering the applications for renewal/revalidation of ancillary permissions, licenses, clearances, such as environmental clearance and consent under Water (Prevention and Control of Pollution) Act, 1974 and the Air (prevention and Control of Pollution) Act, 1981, explosive licence, D&O licence of the local bodies etc., in the

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case of persons, who are holding valid and current quarrying permit/lease as on the date of the order of the NGT viz., 21.7.2020, no other modifications were made.

26. We have heard learned Senior Counsel Sri.K.P.Dandapani, Mr.George Poonthottam and Mr.S.Sreekumar, learned counsel Mr.Santhosh Mathew, Mr.Philip J.Vettickatt, Mr.Jobi Jose Kondody, Mr.Alex M.Scaria, Mr.P.Haridas, Mr.Roshan Alexander who have appeared for appellants and Mr.Reji George, Mr.Harish Vasudevan and others for the party respondents, learned Government Pleader Mr.S.Kannan, Mr.M.Ajay, counsel for Central Pollution Control Board, learned standing counsel Mr.Naveen.T. for State Pollution Control Board and perused the pleadings and materials on record.

27. Environmental (Protection) Act, 1986, is enacted with the main objective to provide protection and improvement of environment and for matters connected therewith. The Act covers all forms of pollution viz., air, water and noise.

28. National Green Tribunal Act, 2010 is an Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.

29. Environmental protection, conservation of forests and other natural resources, including enforcement of legal rights relating to the environment, are the objects of Act 2010.

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Giving relief and compensation as contemplated under Section 15 of the NGT alone is not the objective of Act, 2010. Power of the Tribunal, cannot be circumscribed to only granting relief and compensation. Such a narrow interpretation to the Act, 2010 and provisions, in our view, would clip the wings of the Act for issuing directions/orders of restraint etc., relating to environmental protection and conservation of forest and other natural resources.

30. What is included and empowered on the National Green Tribunal, to grant relief and compensation, as provided in Section 15 of the Act, 2010, cannot be isolated, to mean that there is no power conferred on the National Green Tribunal, to protect and conserve, and thus, enabling the National Green Tribunal to pass appropriate orders, both interim and final.

31. Interpreting Sections 14 and 15 of the NGT Act, 2010, as submitted by the appellants, in our view, is in direct negation of the principles and object of the Act. Interpretation of a provision should be with regard to the object of the Act, endeavour to find out whether exercise of the power is purpose and in furtherance, to achieve the object of the Act, and if any provision is interpreted narrowly, whether it would offend the avowed object. Intention of the Legislature, conferring powers on the NGT, is not only to protect the environment, conserve forest and other natural resources, but also to grant relief and compensation to the aggrieved.

32. In **Samrao v. District Magistrate, Thana** reported in AIR 1952 SC 324, the Hon'ble Supreme Court held as under:

"It is the duty of the Courts to give effect to the meaning of an Act, when the meaning can be fairly gathered from the words used, that is

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to say, if one construction will lead to an absurdity while another will give effect to what common sense would show was obviously intended, the construction which would defeat the ends of the Act, must be rejected even if the same words used in the same section, and even the same sentence, have to be construed differently. Indeed the law goes so far as to require the Courts sometimes even to modify the grammatical and ordinary sense of the words if by doing so absurdity and inconsistency can be avoided."

33. It is well settled that a statute must be read as a whole and one provision of the Act should be construed with reference to other provisions in the same Act, so as to make a consistent enactment of the whole statute. Such a construction has the merit of avoiding any inconsistency or repugnancy either within the statute or between a Section or other parts of the statute. [Ref. **Raj Krishna v. Bonod Kanungo** reported in AIR 1954 SC 202].

34. As per Section 14(1) of the Act, the National Green Tribunal Act, 2010, 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.

35. Schedule I of the NGT Act, 2010, reads thus:

"SCHEDULE I

[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."

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36. Reading of Section 14 of the Act, 2010, again makes it clear that, "where a substantial question relating to environment is involved, and such question arises out of implementation of the enactments specified in Schedule I of the NGT Act, 2010, the Tribunal shall have jurisdiction. Tribunal shall have jurisdiction, including enforcement of legal rights relating to the environment. Both Sections 14 and 15 of the Act, 2010, read together, harmoniously makes it clear that there are five parts. One, jurisdiction over all cases, where there is a substantial question relating to the environment; two, enforcement of any legal right relating to the environment; three, provide for relief and compensation; four, restitution of the property damaged; and five, restitution of the environment for such area or areas. Interpretation of Section 15 of Act, 2010, to restrict relief, compensation and restitution of the property and environment etc., would not take away the jurisdiction of the National Green Tribunal, to entertain applications, in the case on hand, representation treated as an application, and issue orders in the nature of protection and conservation of environment. Section 15 of the Act, 2010, cannot be narrowly interpreted, in transgression of Section 14 and the object of the Act. In **Rananjaya Singh v. Baji Nath Singh** reported in AIR 1954 SC 749, the Hon'ble Supreme Court held as under:-

"The spirit of law may well be an illusive and unsafe guide in the interpretation of the statutes and the supposed spirit can certainly not be given effect to in opposition to the plain language of the sections of the Act, and the rules made thereunder. If all that can be said of these statutory provisions is that construed according to the ordinary, grammatical and natural meaning of their language they work injustice, the appeal must be made to the Parliament and not to the Supreme Court."

37. While interpreting Sections 14 and 15 of the National Green Tribunal Act,

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2010, it is worthwhile to consider the following decisions:

(i) In **The State of Bihar v. Hira Lal Kejriwal** reported in AIR 1960 SC 47, the Hon'ble Supreme Court, at paragraph 6, held thus:-

"To ascertain the meaning of a section it is not permissible to omit any part of it: the whole section should be read together and an attempt should be made to reconcile both the parts. ....The first part gives life to that Order, and, therefore, the acts authorised under that Order can be done subsequent to the coming into force of the Ordinance. ....The second part appears to have been enacted for the purpose of avoiding this difficulty or, at any rate, to dispel the ambiguity."

(ii) In **S. Gurmej Singh v. S. Pratap Singh** reported in AIR 1960 SC 122, the Hon'ble Supreme Court, at paragraph 9, held as follows:

"It is an elementary rule that construction of a section is to be made of all the parts together and not of one part only by itself, and that phrases are to be construed according to the rules of grammar."

(iii) In **A. R. Antulay v. Ramdas Srinivas Nayak** reported in (1984) 2 SCC 500, the Hon'ble Supreme Court held thus:-

"It is a well established cannon of construction that the court should read the section as it is and cannot rewrite it to suit its convenience; nor does any cannon of construction permit the court to read the section in such manner as to render it to some extent otiose."

(iv) In **Balasinor Nagrik Co-operative Bank Ltd. v. Babubhai Shankerlal Pandya** reported in (1987) 1 SCC 606, the Hon'ble Supreme Court, at paragraph 4, held as follows:

**"It is an elementary rule that construction of a section is to be made of all parts together. It is not permissible to omit any part of it.** For, the principle that the statute must be read as a whole is equally applicable to different parts of the same section."

(emphasis supplied)

(v) In **Union of India v. Dileep Kumar Singh** [AIR 2015 SC 1420], the Hon'ble

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Supreme Court held that marginal note appended to Section 47 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1955 makes it clear that idea of Section 47 was not to discriminate against employees who acquire disability during service. Relevant paras read thus:

"16. It is well settled that the provisions of a statute must be read harmoniously together. However, if this is not possible then it is settled law that where there is a conflict between two Sections, and you cannot reconcile the two, you have to determine which is the leading provision and which the subordinate provision, and which must give way to the other. This statement of the law is to be found in **Institute of Patent Agents & Ors. v. Joseph Lockwood**, [1894 A.C. 347 at 360]. Lord Herschell, L.C., stated this, as follows:

"Well, there is a conflict sometimes between two sections to be found in the same Act. You have to try and reconcile them as best you may. If you cannot, you have to determine which is the leading provision and which the subordinate provision, and which must give way to the other."

17. This Judgment has been subsequently followed by the High Court of Australia in **Project Blue Sky Inc. v. Australian Broadcasting Authority**, [153 ALR 490], in the following terms:

"A legislative instrument must be construed on the prima facie basis that its provisions are intended to give effect to harmonious goals. Where conflict appears to arise from the language of particular provisions, the conflict must be alleviated, so far as possible, by adjusting the meaning of the competing provisions to achieve that result which will best give effect to the purpose and language of those provisions while maintaining the unity of all the statutory provisions. Reconciling conflict provisions will often require the court "to determine which is the leading provision and which the subordinate provision, and which must give way to the other". Only by determining the hierarchy of the provisions will it be possible in many cases to give each provision the meaning which best gives effect to its purpose and language while maintaining the unity of the statutory scheme." (at pages 509-510)

38. Now, let us consider a few decisions on purposive construction, which are extracted below:

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(i) In **Pratap Chandra Mehta v. State Bar Council of Madhya Pradesh and Ors.** [(2011) 9 SCC 573], while discussing about the conferment of extensive meaning, it has been opined that **the Court would be justified in giving the provision a purposive construction to perpetuate the object of the Act while ensuring that such rules framed are within the field circumscribed by the parent Act. It is also clear that it may not always be absolutely necessary to spell out guidelines for delegated legislation when discretion is vested in such delegated bodies. In such cases, the language of the rule framed as well as the purpose sought to be achieved would be the relevant factors to be considered by the Court.**

(ii) In **Sarah Mathew and Ors. v. Institute of Cardio Vascular Diseases by its Director K.M. Cherian and Ors.** [(2014) 2 SCC 62], the Hon'ble Supreme Court held thus:

"32. There can be no dispute about the rules of interpretation cited by the counsel. It is true that there is no ambiguity in the relevant provisions. But, it must be borne in mind that the word 'cognizance' has not been defined in the Code of Criminal Procedure This Court had to therefore interpret this word. We have adverted to that interpretation. In fact, we have proceeded to answer this reference on the basis of that interpretation and keeping in mind that special connotation acquired by the word 'cognizance'. Once that interpretation is accepted, Chapter XXXVI along with the heading has to be understood in that light. The rule of purposive construction can be applied in such a situation. **A purposive construction of an enactment is one which gives effect to the legislative purpose by following the literal meaning of the enactment where that meaning is in accordance with the legislative purpose or by applying a strained meaning where the literal meaning is not in accordance with the legislative purpose (See: Francis Bennion on Statutory Interpretation). After noticing this definition given by Francis Bennion in National Insurance Co. Ltd. v. Laxmi Narain Dhut (2007) 3 SCC 700, this Court noted that more often than not, literal interpretation of a statute or a provision of a statute results in absurdity. Therefore, while interpreting statutory provisions, the courts should keep in mind the objectives or purpose for which statute has been enacted.** In light of this observation, we are of the opinion that if in the instant case literal

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interpretation appears to be in any way in conflict with the legislative intent or is leading to absurdity, purposive interpretation will have to be adopted.

33. In **New India Assurance Co. Ltd. v. Nusli Neville Wadia and Anr. etc.** (2008) 3 SCC 279 while dealing with eviction proceedings initiated under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 this Court was concerned with interpretation of Sections 4 and 5 thereof. This Court was of the view that literal meaning thereof would place undue burden on the noticee and would lead to conclusion that the landlord i.e. the State would not be required to adduce any evidence at all. **This Court observed that such a construction would lead to an anomalous situation. In the context of fairness in State action this Court observed that with a view to reading the provisions of the said Act, in a proper and effective manner, literal interpretation which may give rise to an anomaly or absurdity will have to be avoided. This Court further observed that so as to enable a superior court to interpret a statute in a reasonable manner, the court must place itself in the chair of a reasonable legislator. So done, the rules of purposive construction will have to be resorted to which would require the construction of the statute in such a manner so as to see that it's object is fulfilled."**

(emphasis supplied)

(iii) In **Shailesh Dhairyawan v. Mohan Balkrishna Lulla** [(2016) 3 SCC 619], the Hon'ble Supreme Court held thus:

"31. The aforesaid two reasons given by me, in addition to the reasons already indicated in the judgment of my learned Brother, would clearly demonstrate that provisions of Section 15(2) of the Act require purposive interpretation so that the aforesaid objective/ purpose of such a provision is achieved thereby. **The principle of 'purposive interpretation' or 'purposive construction' is based on the understanding that the Court is supposed to attach that meaning to the provisions which serve the 'purpose' behind such a provision. The basic approach is to ascertain what is it designed to accomplish? To put it otherwise, by interpretative process the Court is supposed to realise the goal that the legal text is designed to realise. As Aharan Barak puts it:**

**"Purposive interpretation is based on three components: language, purpose, and discretion. Language shapes the range of semantic possibilities within which the interpreter acts as a linguist. Once the interpreter defines the range, he or she chooses the legal meaning of the text from among the (express or implied) semantic**

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**possibilities. The semantic component thus sets the limits of interpretation by restricting the interpreter to a legal meaning that the text can bear in its (public or private) language."**

**32. of the aforesaid three components, namely, language, purpose and discretion 'of the Court', insofar as purposive component is concerned, this is the ratio juris, the purpose at the core of the text. This purpose is the values, goals, interests, policies and aims that the text is designed to actualize. It is the function that the text is designed to fulfill.**

**33. We may also emphasize that the statutory interpretation of a provision is never static but is always dynamic. Though literal rule of interpretation, till some time ago, was treated as the 'golden rule', it is now the doctrine of purposive interpretation which is predominant, particularly in those cases where literal interpretation may not serve the purpose or may lead to absurdity. If it brings about an end which is at variance with the purpose of statute, that cannot be countenanced. Not only legal process thinkers such as Hart and Sacks rejected intentionalism as a grand strategy for statutory interpretation, and in its place they offered purposivism, this principle is now widely applied by the Courts not only in this country but in many other legal systems as well."**

(emphasis supplied)

(iv) In **Abhiram Singh and Ors. v. C.D. Commachen (Dead) by L.Rs. and Ors.**

[(2017) 2 SCC 629, the Hon'ble Supreme Court held thus:

**"36. The conflict between giving a literal interpretation or a purposive interpretation to a statute or a provision in a statute is perennial. It can be settled only if the draftsman gives a long-winded explanation in drafting the law but this would result in an awkward draft that might well turn out to be unintelligible. The interpreter has, therefore, to consider not only the text of the law but the context in which the law was enacted and the social context in which the law should be interpreted. This was articulated rather felicitously by Lord Bingham of Cornhill in R. v. Secretary of State for Health ex parte Quintavalle [2003] UKHL 13 when it was said:**

**"8. The basic task of the court is to ascertain and give effect to the true meaning of what Parliament has said in the enactment to be construed. But that is not to say that**

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**attention should be confined and a literal interpretation given to the particular provisions which give rise to difficulty. Such an approach not only encourages immense prolixity in drafting, since the draftsman will feel obliged to provide expressly for every contingency which may possibly arise. It may also (under the banner of loyalty to the will of Parliament) lead to the frustration of that will, because undue concentration on the minutiae of the enactment may lead the court to neglect the purpose which Parliament intended to achieve when it enacted the statute. Every statute other than a pure consolidating statute is, after all, enacted to make some change, or address some problem, or remove some blemish, or effect some improvement in the national life. The court's task, within the permissible bounds of interpretation, is to give effect to Parliament's purpose. So the controversial provisions should be read in the context of the statute as a whole, and the statute as a whole should be read in the historical context of the situation which led to its enactment.**

**9. There is, I think, no inconsistency between the Rule that statutory language retains the meaning it had when Parliament used it and the Rule that a statute is always speaking. If Parliament, however long ago, passed an Act applicable to dogs, it could not properly be interpreted to apply to cats; but it could properly be held to apply to animals which were not regarded as dogs when the Act was passed but are so regarded now. The meaning of "cruel and unusual punishments" has not changed over the years since 1689, but many punishments which were not then thought to fall within that category would now be held to do so. The courts have frequently had to grapple with the question whether a modern invention or activity falls within old statutory language: see Bennion, *Statutory Interpretation*, 4<sup>th</sup> ed. (2002) Part XVIII, Section 288. A revealing example is found in *Grant v. Southwestern and County Properties Ltd.* [1975] Ch 185, where Walton J had to decide whether a tape recording fell within the expression "document" in the Rules of the Supreme Court. Pointing out (page 190) that the furnishing of information had been treated as one of the main functions of a document, the judge concluded that the tape**

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recording was a document.”

37. In the same decision, Lord Steyn suggested that the pendulum has swung towards giving a purposive interpretation to statutes and the shift towards purposive construction is today not in doubt, influenced in part by European ideas, European Community jurisprudence and European legal culture. It was said:

**“..... the adoption of a purposive approach to construction of statutes generally, and the 1990 Act [Human Fertilisation and Embryology Act 1990] in particular, is amply justified on wider grounds. In Cabell v. Markham (1945) 148 F 2d 737 Justice Learned Hand explained the merits of purposive interpretation, at p.739:**

**“Of course it is true that the words used, even in their literal sense, are the primary, and ordinarily the most reliable, source of interpreting the meaning of any writing: be it a statute, a contract, or anything else. But it is one of the surest indexes of a mature developed jurisprudence not to make a fortress out of the dictionary; but to remember that statutes always have some purpose or object to accomplish, whose sympathetic and imaginative discovery is the surest guide to their meaning.**

**The pendulum has swung towards purposive methods of construction. This change was not initiated by the teleological approach of European Community jurisprudence, and the influence of European legal culture generally, but it has been accelerated by European ideas: see, however, a classic early statement of the purposive approach by Lord Blackburn in River Wear Commissioners v. Adamson (1877) 2 App Cas 743, 763. In any event, nowadays the shift towards purposive interpretation is not in doubt. The qualification is that the degree of liberality permitted is influenced by the context, e.g. social welfare legislation and tax statutes may have to be approached somewhat differently.”**

[Emphasis supplied by us].

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To put it in the words of Lord Millett: "We are all purposive constructionists now."

**In Bennion on Statutory Interpretation, it is said that:**

**"General judicial adoption of the term 'purposive construction' is recent, but the concept is not new. Viscount Dilhorne, citing Coke, said that while it is now fashionable to talk of a purposive construction of a statute the need for such a construction has been recognized since the seventeenth century.<sup>12</sup> In fact the recognition goes considerable further back than that. The difficulties over statutory interpretation belong to the language, and there is unlikely to be anything very novel or recent about their solution..... Little has changed over problems of verbal meaning since the Barons of the Exchequer arrived at their famous resolution in Heydon's Case (1584) 3 Co. Rep 7a. Legislation is still about remedying what is thought to be a defect in the law. Even the most 'progressive' legislator, concerned to implement some wholly normal concept of social justice, would be constrained to admit that if the existing law accommodated the notion there would be no need to change it. No legal need that is ...."**

[Emphasis supplied by us]

51. I agree with the conclusion drawn by my learned brother Lokur, J. that the bar Under Section 123(3) of the Representation of People Act, 1951 (hereinafter referred to as "the Act") to making an appeal on the ground of religion must not be confined to the religion of the candidate because of the word 'his' in that provision. I also agree that the purposive interpretation in the social context adjudication as a facet of purposive interpretation warrants a broad interpretation of that section. That the Section is intended to serve the broad purpose of checking appeals to religion, race, caste, community or language by any candidate. That to maintain the sanctity of the democratic process and to avoid the vitiating of secular atmosphere of democratic life an appeal to any of the factors should avoid the election of the candidate making such an appeal.

52. I would, however, add that such a construction is not only warranted upon the application of the purposive test of interpretation but also on textual interpretation. A literal interpretation does not exclude a purposive

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interpretation of the provisions whether in relation to a taxing statute or a penal statute. In **IRC v. Trustees of Sir John Aird's Settlement** [1984 CH 382 : (1983) 3 All ER 481 (CA)], the Court observed as follows:

**"... Two methods of statutory interpretation have at times been adopted by the court. One, sometimes called literalist, is to make a meticulous examination of the precise words used. The other sometimes called purposive, is to consider the object of the relevant provision in the light of the other provisions of the Act--the general intendment of the provisions. They are not mutually exclusive and both have their part to play even in the interpretation of a taxing statute."**

**57. It is an overriding duty of the Court while interpreting the provision of a statute that the intention of the legislature is not frustrated and any doubt or ambiguity must be resolved by recourse to the Rules of purposive construction. In *Balram Kumawat v. Union of India* [ 2003(7) SCC 628], this Court observed as follows:**

**"26. The courts will therefore reject that construction which will defeat the plain intention of the legislature even though there may be some inexactitude in the language used. [See *Salmon v. Duncombe* (AC at p.634).] Reducing the legislation futility shall be avoided and in a case where the intention of the legislature cannot be given effect to, the courts would accept the bolder construction for the purpose of bringing about an effective result. The courts, when Rule of purposive construction is gaining momentum, should be very reluctant to hold that Parliament has achieved nothing by the language it used when it is tolerably plain what it seeks to achieve. [See *BBC Enterprises v. Hi-Tech Xtravision Ltd.* (All ER at pp. 122-23).]"**

Further, this Court observed as follows:

**"36. These decisions are authorities for the proposition that the Rule of strict construction of a regulatory/penal statute may not be adhered to, if thereby the plain intention of Parliament to combat crimes of special nature would be defeated."**

(emphasis supplied)

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(v) In **K.H. Nazar v. Mathew K. Jacob and Ors.** [AIR 2019 SC 4681], the Hon'ble Supreme Court held thus:

**"13. While interpreting a statute, the problem or mischief that the statute was designed to remedy should first be identified and then a construction that suppresses the problem and advances the remedy should be adopted. It is settled law that exemption clauses in beneficial or social welfare legislations should be given strict construction<sup>10</sup>. It was observed in Shivram A. Shiroor v. Radhabai Shantram Kowshik (*supra*) that the exclusionary provisions in a beneficial legislation should be construed strictly so as to give a wide amplitude to the principal object of the legislation and to prevent its evasion on deceptive grounds. Similarly, in Minister Administering the Crown Lands Act v. NSW Aboriginal Land Council [2008] HCA 48, Kirby, J. held that the principle of providing purposive construction to beneficial legislations mandates that exceptions in such legislations should be construed narrowly."**

(emphasis supplied)

(vi) In **D.A.V. College Trust and Management Society and Ors. v. Director of Public Instructions and Ors.** [(2019) 9 SCC 185], the Hon'ble Supreme Court held thus:

"20. The principle of purposive construction of a statute is a well-recognised principle which has been incorporated in our jurisprudence. While giving a purposive interpretation, a court is required to place itself in the chair of the Legislature or author of the statute. The provision should be construed in such a manner to ensure that the object of the Act is fulfilled. Obviously, if the language of the Act is clear then the language has to be followed, and the court cannot give its own interpretation. However, if the language admits of two meanings then the court can refer to the Objects and Reasons, and find out the true meaning of the provisions as intended by the authors of the enactment. Justice S.B. Sinha in **New India Assurance Company Ltd. v. Nusli Neville Wadia and Anr.** (2008) 3 SCC 279 held as follows:

**"51. ...to interpret a statute in a reasonable manner, the court must place itself in the chair of reasonable legislator/author. So done, the Rules of purposive construction have to be resorted to which would require the construction of the Act in such a manner so as to see that the object of the Act is fulfilled; which in turn would lead the beneficiary under the statutory scheme to fulfil its constitutional obligations as held by the court *inter alia* in Ashoka Marketing Ltd."**

(emphasis supplied)

Justice Sinha quoted with approval the following passage from Barak's treatise on Purposive Interpretation in Law, which reads as follows:

**"52. ...Hart and Sachs also appear to treat 'purpose' as a subjective concept. I say 'appear' because, although Hart and Sachs claim that the interpreter should imagine himself or herself in the legislator's shoes, they introduce two elements of objectivity: First, the interpreter should assume that the legislature is composed of reasonable people seeking to achieve reasonable goals in a reasonable manner; and second, the interpreter should accept the non-rebuttable presumption that members of the legislative body sought to fulfill their constitutional duties in good faith. This formulation allows the interpreter to inquire not into the subjective intent of the author, but rather the intent the author would have had, had he or she acted reasonably."**

(emphasis supplied)

39. The paramount contention advanced by the appellants are that, the finding of the learned single Judge that, pursuant to the order dated 9.10.2019, the State PCB had deliberations with various stakeholders, is factually incorrect since no representative of the quarry operators were consulted by the State PCB; that the finding in paragraphs 9 & 33 of the judgment that compliance of conditions mentioned in Exhibit P9 report of the State PCB are not insisted at present in the matter of granting consent to operate stone quarries is factually incorrect and that quarrying operations are being carried out strictly complying with the conditions. Apart from the same, it is contended that the issue raised by the applicants before

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the NGT does not amount to a dispute, which can be considered by the NGT under section 14 of the NGT Act, 2010 and it is so advanced by placing reliance on the judgment of the Apex Court in **Tachi Taga Tara v. Rajendra Singh Bhandari** [(2018)11 SCC 734].

40. Yet another contention is that the findings rendered by the learned single Judge placing reliance on rule 24 of the NGT Rules, that the NGT is empowered under section 15 of the NGT Act, 2010, to issue general directions is based on an incorrect appreciation of the scope of section 15 of Act, 2010. That apart it is submitted that the judgment relied upon by the learned single Judge in **State of Madhya Pradesh v. Centre for Environment Protection Research and Development and Others** [(2020) SCC Online SC 687] is not applicable to the facts of the present case since there is no specific statutory provision that is alleged to be violated by the quarry operators. So also it is stated that the findings in the judgment that, according to the State PCB, the present distance of 50 meters is not adequate to prevent the pollution arising from stone quarry activity, is factually incorrect since the specific case of State PCB was that, quarrying can be permitted within a distance of 50 meters, if conditions as prescribed in Ext.P9 report are complied with. It was also contended that the NGT does not have any power to direct the State PCB or the Central Pollution Control Board to prescribe a particular distance criteria in view of the judgment of the Apex Court in **State of U.P. v.**

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**Subhash Chandra Jaiswal** [(2017) 5 SCC 163].

41. Contentions were also raised relying upon the provisions of the Water Act, 1974 and the Air Act, 1981, to the effect that, the State PCB and Central Pollution Control Board, only have the power to advise the Central and State Governments on any matter concerning the prevention and control of pollution and that neither the Central or State PCBs have any power to prescribe any prescriptions on the functioning of the quarries. Again it was contended that by virtue of the dictum laid down by the Apex Court in **Tamil Nadu Pollution Control Board v. Sterlite Industries (I) Limited and others** [(2019)SCC Online SC 221], NGT does not have the power of judicial review to consider the adequacy of distance criteria prescribed by the State Government under the Kerala Minor Mineral Concession Rules, 2015, a rule constituted by virtue of the powers conferred under section 15 of the Mines and Minerals (Development and Regulation) Act, 1957.

42. Added to the above contention relying on the judgment of the Apex Court in **Goa Foundation v. Union of India and others** [(2014)6 SCC 590], it was submitted that, the prohibitions and restrictions on the location of industries and carrying on processes and operations in different areas can only be done by the Central Government on the basis of power conferred under sections 3(1) and 3(2)(v) of the Environment Protection Act, 1986. So also the judgments of the Apex Court in **Rajeev Hitendra Pathak v. Achyut Kashinath** [(2011) 9 SCC

541] and **Standard Chartered Bank v. Dharminder Bhoi** [(2013) 15 SCC 341] were pressed into service to canvass for the proposition that NGT does not have the powers to initiate *suo motu* proceedings relating to a dispute, which can be adjudicated under section 14 or matters which can be decided under section 16 of the NGT Act.

43. It is also the alternative contention of the appellants that no dispute was raised regarding the permissions granted and licenses to be granted for conducting the proposed quarry of the appellants nor the appellants were parties to the proceedings before the NGT and further that, no scientific study was conducted nor was any technical evidence or expert opinion obtained by the NGT before passing the impugned order. So also it was submitted that no opportunity was given to any of the parties, who were likely to be affected to make any representation before the NGT prior to passing of Ext.P13 impugned order.

44. Yet another contention advanced was that it is a well settled rule of construction that no provision should be given retrospective effect unless the legislature by express or by necessary implications made it retrospective. Over and above the said contention, it was submitted that having found that the order passed by the NGT is in absolute violation of the principles of natural justice and the order was set aside accordingly, it was not legal and proper on the part of the learned single Judge to maintain the interim order granted on 6.8.2020 and the

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relevant portion of the order for convenience is extracted hereunder :

"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 fulfil 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 fulfil 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-fulfilment 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."

45. In the appeal filed by the State Government and its officials, it is submitted that due to the impugned order, none of the applications seeking mineral concessions or its renewal is able to be considered or granted by the statutory authorities leading to a stalemate due to the scarcity of minerals and consequent to the same, many of the prestigious projects launched in the State of

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Kerala, which are underway will be stalled, running industries have to be eventually stopped for want of minerals and substantial prejudice and hardship has been caused and is continuing to be caused, which materially affects the larger public interest, and further that the impugned judgment of the learned single Judge does not lay down the correct proposition of law and accordingly liable to be set aside.

46. In some of the writ appeals, it is contended that the distance to be maintained by the quarries from residential area is prescribed by the State Government as per rule 10(f) and rule 40(1)(i) of the Kerala Minor Mineral Concession Rules, 2015,(KMMC Rules) and the National Green Tribunal does not have any jurisdiction whatsoever to consider the validity of the said rules under the KMMC Rules, 2015; that the National Green Tribunal, Principal Bench, is also bound by the notification regarding the territorial jurisdiction that has been issued under section 4(3) of the NGT Act, 2010 and the procedure prescribed under the NGT Practice and Procedure Rules, 2011 and it is contended that in so far as Kerala, Tamil Nadu, Karnataka, Andhra Pradesh and Union Territories of Pondicherry and Lakshadweep is concerned, the States would come under the southern zone and therefore, the Principal Bench at New Delhi is ousted from the jurisdiction and viewed in that manner, the order passed by the NGT is absolutely lacking territorial jurisdiction and therefore, bad in law.

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47. Bearing in mind the contentions put forth by the respective counsel, the primary question emerges for consideration is, whether the NGT is vested with powers to entertain an application communicated by way of a letter as a petition under the provision of the NGT Act, 2010 and the NGT can pass orders thus prohibiting the rights conferred on the quarry operators or project proponents or applicants for such licenses/consents/permits ? The learned counsel on either side have addressed their arguments basically relying upon the NGT Act, 2010, MMDR Act, 1957, the Water Act, 1974, the Air Act, 1981, the Environment Protection Act, 1986 and the Kerala Minor Mineral Concession Rules, 2015. In order to have a thorough understanding of the provisions of the aforesaid Acts and Rules thereto, we deem it fit to consider the relevant provisions. Before we do that, we extract hereunder the impugned order passed by the NGT dated 9.7.2020 which would throw light to the circumstances that led to the directions.

“ **ORDER**

1. The issue for consideration is the safeguards in operation of stone quarries close to residences and public roads. At present, the Kerala State PCB has permitted the stone quarry beyond 50 mtrs. from residences and public roads.
2. The Tribunal considered the matter on 28.02.2020. Finding the distance to be inadequate, CPCB was required to consider the matter and report. It was

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observed:

"2. Accordingly, a report has been filed by the Kerala State PCB on 17.12.2019 retreating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB.

**3.** We are of the view, ad earlier observed that the distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.

**4.** In view of the above, we direct the CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards. The State Board may take further action accordingly. Compliance reports be filed before the next date by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)."

3. Accordingly, the CPCB has filed its report on 09.07.2020 concluding as follows:

**"6.0 conclusion:**

In view of available information, following minimum distance criteria may be considered for permitting stone quarrying by SPCBs.

Mining Type		Minimum distance	Locations
A	When Blasting is not involved	100 m	Residential/public buildings, inhabited sites, locations to be considered by States
B	When Blasting is involved	200m **	

**\*\*Note: The regulations for danger zone (500m) prescribed by Directorate General of Mines Safety also have to be complied compulsorily** and necessary measures should be taken to minimise the impact on environment.

However, if any states is already having stringent criteria than the above for

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minor mineral mining (i.e., more prescribed distances than the above), the same shall be applicable.

4. In view of the above, the said criteria be followed throughout India. The CPCB may monitor compliance.

A copy of this order be sent to the CPCB and all the State {Cbs/PCCs by email for compliance”

48. Therefore, on a reading of the said order, it is clear that the Tribunal has concluded that in view of the available information, a minimum distance criteria of 100 meters distance when blasting is not involved and 200 meters distance when blasting is involved from residential/public buildings, inhabited sites, locations may be considered for permitting stone quarrying by State PCBs. However, it was made clear that if any State is already having stringent criteria than the above for Minor Mineral Mining (i.e., more prescribed distances than the above), the same shall be applicable. In view of the said stipulations, it was further directed that the said criteria be followed throughout India and the Central Pollution Control Board may monitor compliance. As we have pointed out earlier, the sum and substance of the contentions advanced by the appellants is that the NGT is not vested with any powers to fix any distance criteria and in accordance with the Environment Protection Act, 1986, the power to do so is vested with the Central Government alone and therefore, the order passed by the NGT is absolutely illegal and without any jurisdiction.

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49. Since the contention with respect to the jurisdiction of the NGT is predominant, we proceed to analyse the scope of the National Green Tribunal and the power enjoyed by it. The statement of objects and reasons of NGT Act, 2010, which has come into force on and with effect from 2.6.2010 shows that such a legislation was necessitated due to the rapid expansion in industrial, infrastructure and transportation sectors, and increase in urbanisation in recent years have given rise to new pressures on the natural resources and environment of the country. It was also realised that there is a commensurate increase in environment related litigation pending in various courts and other authorities and the risk to human health and environment arising out of hazardous activities has also become a matter of concern. Moreover, India was a party to the decisions taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, calling upon the States to take appropriate steps for the protection and improvement of the human environment. The United Nations Conference on Environment and Development held at Rio de Janeiro in June, 1992, in which India participated, has also called upon the States to provide effective access to judicial and administrative proceedings including redress and remedy, and to develop national laws regarding liability and compensation for the victims of pollution and other environmental damage.

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50. Above all the right to a healthy environment has been construed as a part of the right to life under Article 21 of the Constitution of India in the judicial pronouncement in India. It was also felt that in order to tackle the large number of environmental cases pending in higher courts and the involvement of multi-disciplinary issues in such cases, constitution of a specialised Tribunal was necessary. Therefore, it was considered expedient to implement the decisions taken at the aforesaid conferences and to have a National Green Tribunal in view of the involvement of multi-disciplinary issues relating to the environment. The Bill introduced as the National Green Tribunal Bill, 2009 inter alia among other aspects included that the Tribunal shall have 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 the Schedule I to the Bill and to grant reliefs and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I to the Bill and to hear appeals under certain enactments specified in the Schedule III to the Bill.

51. Environment is defined under section 2(c) to include 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-organisms and property. Sub-section(2) of section 2 makes it clear that the words and expressions used in

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the Act but not defined therein and defined in the Water Act, 1974, the Air Act, 1981, the Environment Protection Act, 1986 and other enactments specified therein shall have the meaning respectively assigned to them in those Acts. Therefore, it can be seen that the National Green Tribunal is entrusted with the power to protect the environment taking note of the appropriate environmental laws prescribed in Schedule I of Act, 2010.

52. The Tribunal is constituted by the Central Government, consisting of a full-time Chairperson; not less than 10 but subject to maximum of 20 full-time judicial members; not less than 10 but subject to maximum of 20 full-time expert members, as the Central Government may notify from time to time. Section 4(2) enables the Chairperson of the Tribunal, if considered necessary to invite any one or more persons having specialised knowledge and experience in a particular case before the Tribunal to assist the Tribunal in that case. Sub-section (3) of section 4 empowers the Central Government to notify the ordinary place or places of sitting of the Tribunal and the territorial jurisdiction falling under each such place of sitting. Sub-section (4) of section 4 empowers the Central Government, in consultation with the Chairperson of the Tribunal to make rules regulating generally the practises and procedure of the Tribunal, which includes the rules as to the procedure for hearing applications and appeals and other matters including the circuit procedure for hearing at a place other than the ordinary place of sitting

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falling within the jurisdiction referred to in sub-section (3) pertaining to the applications and appeals.

53. The qualification of the Chairperson or judicial member of the Tribunal is or has been a Judge of the Supreme Court of India or Chief Justice of a High Court. However, proviso to section 5 makes it clear that the person, who is or has been a Judge of the High Court shall also be qualified to be appointed as a judicial member. The Act also prescribes qualification for appointment as expert members with basic degree in Master of Science with a Doctorate Degree of Master of Engineering or Master of Technology and has an experience of 15 years in the relevant field including 5 years practical experience in the field of environment and forests and other qualifications of Management in Pollution Control etc. apart from other administrative experience of 15 years including experience of 5 years in dealing with environmental matters in the Central or a State Governments or in a reputed National or State level institutions. The method of appointment of the Chairperson and the judicial members are also prescribed under section 6 of the Act, 2010. The qualifications prescribed for the Chairperson and other judicial and expert members and the manner in which the appointments are made would show that it is done with the avowed object of translating the provisions of Act and the objects and reasons specified above which *inter alia* includes consideration of applications and other matters apart from the appeals.

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54. With the aforesaid aspects in mind, we proceed to deal with Chapter III conferring jurisdiction and powers to the Tribunal and conduct of proceedings of the Tribunal. Section 14 deals with settlement of disputes by Tribunal, which specifies that 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. Which thus, means all civil cases relating to environment and the questions arising out of the implementation of the enactments specified in Schedule I shall be decided by the Tribunal and pass orders thereon.

55. True, a period of 6 months is provided as the limitation for entertaining application for adjudication of the dispute from the date on which the cause of action arose first. It has also the power to condone delay on sufficient cause within a further period not exceeding 60 days. Section 15 empowers the Tribunal to grant relief, compensation and restitution. It is appreciating the power conferred under section 15, the learned single Judge has held that the Tribunal has *suo motu* powers to consider any application submitted by any person in order to provide reliefs. Sections 14 & 15 of the Act, 2010 is extracted hereunder for convenience:

**"14. Tribunal to settle disputes.** -(1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment

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(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 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 provide,-

a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule 1 (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 of 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:

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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.

(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 11 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."

56. On an analysis of Section 15, it can be seen that it is a power enjoyed by the Tribunal independent of other provisions of Chapter III of Act, 2010. Sub-section(3) only specifies that no application for grant of any compensation or relief or restitution of property or environment under section 15 shall be entertained by the Tribunal unless it is made within a period of 5 years from the date on which the cause for such compensation or relief first arose. However, the proviso makes it clear that it has the power to enhance the period by 60 days to file the application on sufficient cause. It is relevant and important to note that section 15(1) enables the Tribunal to pass such orders as contemplated in clauses (a) to (c) therein.

57. To put it another way, the limitation of 5 years is prescribed only when an application is filed by any person seeking the reliefs contained under section 15(1).

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It is also equally important to note that sub-section (5) thereto empowers the Tribunal to consider claims of compensation or relief to any claimant after ascertaining as to whether the claimant has received any compensation from any other court or authority. Section 16 confers appellate jurisdiction on the Tribunal from the orders passed by the authorities under the enactments specified in Schedule I. Section 18(1) dealing with application or appeal to Tribunal specifies that each applications under sections 14 & 15 or an appeal under section 16 shall be made to the Tribunal in such form and containing such particulars and documents.

58. Therefore, on an appreciation of the provisions discussed above, it is evident that the powers conferred under sections 14 & 15 are of original nature, whereas, section 16 is an appellate jurisdiction from the orders passed under various statutes. Apart from the above, Section 19 provides that the Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice. It further provides that subject to the provisions of the Act, the Tribunal shall have the power to regulate its own procedure and it is not entangled with the trappings of the Evidence Act, 1872. However, it is vested with the powers enjoyed by a civil court under the Code of Civil Procedure, 1908 while trying a suit enumerated in sub-section (4) of section 19. Therefore, it is unequivocal, it is vested with the original powers of conducting

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a trial in order to identify the issues that have been placed before it by any person or which has come to its knowledge in order to provide relief in contemplation of section 15(1) of the Act. It is also relevant to note that under section 20 of Act, 2010, the Tribunal, while passing any order or decision or award, shall apply the principles of sustainable development, the precautionary principle and the polluter pays principle.

59. The phraseologies employed in the above discussed provisions would make it clear that it has the original jurisdiction to entertain any application or any matters which has come to its notice enabling it to pass any decision, any order or any award, however, guided by the principles of natural justice. It is significant to mention that though section 15(1)(a) is referring to relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in Schedule I, clauses (b) and (c) thereto have not been made referable to enactments contained in Schedule I of the Act. Therefore, it can be seen that the Tribunal enjoys varied power under the provisions of sections 14, 15 and 16 of the Act. In fact the said issue has been considered by the Hon'ble Apex Court in **Mantri Techzone (Pvt.)Ltd v. Forward Foundation and Others** [(2019)SCC Online SC 322]. Paragraphs 41 to 46 read thus:

"41. The jurisdiction of the Tribunal is provided under Sections 14, 15 and 16 of the Act. Section 14 provides the jurisdiction over all civil cases where a

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substantial question relating to environment (including enforcement of any legal right relating to environment) is involved. However, such question should arise out of implementation of the enactments specified in Schedule I.

**42.** The Tribunal has also jurisdiction under Section 15(1)(a) of the Act to provide relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in Schedule I. Further, under Sections 15(1)(b) and 15(1)(c), the Tribunal can provide for restitution of property damaged and for restitution of the environment for such area or areas as the Tribunal may think fit. It is noteworthy that Sections 15(1)(b) and (c) have not been made relatable to Schedule I enactments of the Act. Rightly so, this grants a glimpse into the wide range of powers that the Tribunal has been cloaked with respect to restoration of the environment.

**43.** Section 15(1)(c) of the Act is an entire island of power and jurisdiction read with Section 20 of the Act. The principles of sustainable development, precautionary principle and polluter pays, propounded by this Court by way of multiple judicial pronouncements, have now been embedded as a bedrock of environmental jurisprudence under the NGT Act. Therefore, wherever the environment and ecology are being compromised and jeopardised, the Tribunal can apply Section 20 for taking restorative measures in the interest of the environment.

**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. ESI Corpn.* [*Kishore Lal v. ESI Corpn.*, (2007) 4 SCC 579 : (2007) 2 SCC (L&S) 1] , para 17.) The existence of the Tribunal without its

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

**45.** Section 15 of the Act provides power and jurisdiction, independent of Section 14 thereof. Further, Section 14(3) juxtaposed with Section 15(3) of the Act, are separate provisions for filing distinct applications before the Tribunal with distinct periods of limitation, thereby amply demonstrating that jurisdiction of the Tribunal flows from these sections (i.e. Sections 14 and 15 of the Act) independently. The limitation provided in Section 14 is a period of 6 months from the date on which the cause of action first arose and whereas in Section 15 it is 5 years. Therefore, the legislative intent is clear to keep Sections 14 and 15 as self-contained jurisdictions.

**46.** Further, Section 18 of the Act recognises the right to file applications each under Section 14 as well as Section 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, leave 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. "

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60. The said question was again considered by the Hon'ble Apex Court in **Director General (Road Development) National Highways Authority of India v. Aam Aadmi Lokmanch and others** [(2020)SCC Online SC 572].

Paragraphs 38 to 43 are extracted hereunder:

"**38.** A conjoint reading of Sections 14, 15 and the Schedules would lead one to infer that the NGT has circumscribed jurisdiction to deal with, adjudicate, and wherever needed, direct measures such as payment of compensation, or make restitutionary directions in cases where the violation (i.e. harm caused due to pollution or exposure to hazards, etc.) are the result of infraction of any enactment listed in the first schedule. Yet, that, interpretation, in the opinion of this court, is not warranted.

**39.** The reference to Schedule II, in Section 15(4) is not merely by way of events which are actionable in relation to harm caused due to the acts resulting in violation of any enactment under Schedule I. The wide language of that provision enables the tribunal (NGT) to direct, *inter alia*, payment of compensation, "*having regard to the damage to public health, property and environment*". This interpretation is borne out by a reading of Section 17(2) regarding the *apportionment* of liability for payment of compensation.

**40.** In the decision of this court reported as *Hinch Lal Tiwari v. Kamala Devi*, this court held that ponds constituted public utility and were meant for common use. The court held that ponds could not be allotted or commercialised, and that filling up of ponds was illegal. Recently, in *Jitendra Singh v. Ministry of Environment*, the Court quoted and applied the observations in *Hinch Lal* (supra), in the context of an appeal directed against an order of the NGT which had summarily dismissed an application under

Sections 14 and 15 of the NGT Act seeking directions to cease the filling up of ponds in the Greater Noida Industrial Development Area.

**41.** Long ago, in *State of Tamil Nadu v. M/s.Hind Stone*, this court made following observations:

*"6. Rivers, Forests, Minerals and such other resources constitute a Nation's natural wealth. These resources are not to be frittered away and exhausted by any one generation. Every generation owes a duty to all succeeding generations to develop and conserve the natural resources of the nation in the best possible way. It is in the interest of mankind. It is in the interest of the nation. It is recognised by Parliament. Parliament has declared that it is expedient in the public interest that the Union should take under its control the Regulation of mines and the development of minerals. It has enacted the Mines and Minerals (Regulation and Development) Act, 1957 ..."*

**42.** Likewise, in *Lafarge Umiam Mining (Pvt.) Ltd. v. Union of India*, these pertinent observations were made:

*"75. Universal human dependence on the use of environmental resources for the most basic needs renders it impossible to refrain from altering the environment. As a result, environmental conflicts are ineradicable and environmental protection is always a matter of degree, inescapably requiring choices as to the appropriate level of environmental protection and the risks which are to be regulated. This aspect is recognised by the concepts of "sustainable development". It is equally well settled by the decision of this Court in Narmada Bachao Andolan v. Union of India that environment has different facets and care of the environment is an ongoing process. These concepts Rule out the formulation of an across-the-board principle as it would depend on the facts of each case whether diversion in a given case should be permitted or not, barring "no go" areas (whose identification would again depend on undertaking of due*

*diligence exercise). In such cases, the margin of appreciation doctrine would apply."*

**43.** Recently, in *State of Meghalaya v. All Dimasa Students Union, Dima-Hasao District Committee*, this court had affirmed a part of the decision of the NGT issuing directions in respect of large-scale mining in the state of Meghalaya, on the ground that it had an adverse impact on the environment. This was despite the fact that mining and the subject of mines is not specified in the list of enactments under the first schedule. The court also approved the NGT's directions, appointing experts, to assess the impact of such mining on the environment."

61. The Hon'ble Apex Court has taken note of the judgment in **Mantri Techzone** while rendering its findings as above. Further the Hon'ble Apex Court has also taken note of rule 24 of the National Green Tribunal (Practice and Procedure) Rules, 2011 and held that it 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. It was further held therein that rule 24 vests special power to the Tribunal to pass orders and issue directions to secure the ends of justice and the expressions employed would make it clear that it empowers the Tribunal with wide discretion. So also at paragraph 80 of the said judgment it was held that the *"the NGT's directions though placed in the context of its adjudicatory role, have a wider ramification in the sense that its rulings constitute the appropriate norm which are to be followed by all those engaging in similar activities. Therefore, its orders, contextually in the course of adjudication, also establish and direct behaviour appropriate*

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*for future guidance. In these circumstances, even the panoply of the NGT's powers under the NGT Act, which include considering regulatory directions issued by expert regulatory bodies under the Water (Prevention and Control of Pollution) Act, 1974, the Air(Prevention and Control of Pollution) Act, 1981 and the Bio Diversity Act, 2002, it has to be held that general directions for future guidance to avoid or prevent injury to the environment for appropriate assimilation in relevant rules, can be given by the NGT."*

62. It is by appreciating the aforesaid provisions and the principles of law laid down by the Apex Court, the learned single Judge has arrived at the finding that the Tribunal has the *suo motu* power to take any action on any information received. That apart section 22 of the Act deals with appeal to Hon'ble Supreme Court and therein also it is specified that any person aggrieved by any award, decision or order of the Tribunal, may appeal to the Supreme Court within the time period prescribed thereunder. It also shows that any award or decision passed by the Tribunal apart from the orders passed in its appellate jurisdiction is appealable to the Supreme Court.

63. However, on the other hand, learned counsel for the appellants invited our attention to the judgment of the Apex Court in ***Rajeev Suri v. Delhi Authority and others*** [(2021) SCC Online SC 7] and submitted that NGT is not a plenary body with inherent powers to address concerns of a residuary character but it is a statutory body with limited mandate over environmental matters as and when

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they arise for its consideration and therefore, it was submitted that in a cause before it, NGT cannot go on to adjudicate on concerns of violation of fundamental rights and once the contours of a subject matter traverse the scope of appeal from a grant of environmental clearance, the merits review by the Tribunal cannot traverse beyond the scope of jurisdiction vested in it by the statute. The judgment of the Hon'ble Apex Court in **Techi Tagi Tara** *supra* was pressed into service to contend that in order to exercise the powers under sections 14, 15 & 18 by the NGT, there must be a substantial question relating to the environment and that question must arise in a dispute and it should not be an academic question and further that there must also be a claimant raising the dispute and which dispute is capable of settlement by the NGT by the grant of some reliefs which could be in the nature of compensation or restitution of property, damage or restitution of the environment and any other incidental or ancillary relief connected therewith.

64. In our considered opinion, the question that was considered by the Hon'ble Apex Court in the aforesaid cases was in regard to the power enjoyed by the NGT in an application filed by any aggrieved person seeking any relief in terms of section 15 of Act, 2010. The question in regard to the case at hand was not considered by the Hon'ble Apex Court, the subject matter being one concerning the distance criteria of 50 meters fixed in the consent provided by the State PCBs from residential buildings and other installations exercising *suo motu* power. The issue in

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**Sterlite Industries** *supra* considered by the Hon'ble Apex Court was in regard to the appellate jurisdiction of the National Green Tribunal vis-a-vis the original order of the Tamil Nadu PCB made under section 27 of the Water Act and section 21 of the Air Act, which has no bearing to the issue at hand, and the question actually considered therein was, since no decision has been made by the appellate authority under the Water Act or Air Act, whether a direct appeal to NGT against the original order of TN PCB was maintainable. The judgment of the Apex Court in **Goa Foundation** *supra* was also pressed into service, wherein the question considered was in respect of illegal and uncontrolled and unmonitored mining affecting environment and revenue and expired mining leases in the State of Goa vis-a-vis the power exercised by the Hon'ble Apex Court under Article 32 of the Constitution in which the Hon'ble Apex Court considered the powers of the court to give a direction prohibiting mining activities upto a certain distance from the boundaries of national parks or wildlife sanctuaries. Therein, the Hon'ble Apex Court has also considered the power of the Central Government under rule 5 of the Environment Protection Rules, 1986, to prohibit carrying on of mining operations in areas which are proximate to a wildlife sanctuary or a national park. According to us, though various aspects of the Environment Protection Act, 1986 and the Rules thereto, were considered, the Hon'ble Apex Court never had an occasion to consider the power of the NGT, vis-a-vis the provisions of the NGT Act, 2010. Therefore, the

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findings contained thereunder cannot be pressed into service for the purpose of adjudicating an issue as to whether the NGT is vested with *suo motu* powers under the provisions of Act, 2010.

65. The judgment of the Apex Court in ***Deepak Kumar and others v. State of Haryana and others*** relied upon by the learned counsel for appellants was in relation to the environmental consequences of quarrying of mines and minerals, boulders, gravel and sand in notified areas and river beds and the requirement of effective mining planning framework taking into account the constitutional guarantee contained under Article 21 and Articles 48-A and 51-A(G) vis-a-vis the mining laws. We do not think that the findings rendered by the Apex Court in that judgment would support the case put forth by the appellants. The judgment of the Apex Court in ***Rajeev Hitendra Pathak and others v. Achyut Kashi Nath Karekar and another*** was relied upon, which was a case, in which the power of the Consumer Forums under the Consumer Protection Act, 1986, was considered and accordingly held that it is abundantly clear that the Tribunals are creatures of the statute and derive their power from the express provisions of the statute and the District Forums and State Commissions have not been given any power to set aside *ex parte* orders and the power of review and the powers which have not been expressly given by the statute. We do not think the proposition laid down thereunder would come to the rescue of the appellants in view of the

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categoric and specific powers conferred on the NGT under Chapter III as discussed above.

66. Taking into account the objectives of the NGT Act, 2010, the qualification of the Chairperson and members of the Tribunal by incorporating legal and technical persons, and the specific powers conferred on original and appellate nature would make it clear that the Parliament intended it to exercise powers to protect the environment having regard to the statutes specified in the First Schedule of the Act. As held by the Apex Court in **Mantri Techzone** *supra* and the **Aam Aadmi Lokmanch**, *supra* the NGT has power under sections 15(1)(b) & (c) to consider any other matter not referable to the statutes specified in Schedule I, which in our view, is an omnibus power to deal with the provisions of the statutes specified in Schedule I other than cases of individual compensation and outside the same.

67. Assimilating the factual and legal situations, we do not think the appellants have made out any case in regard to the power enjoyed by the NGT *suo motu* to protect the environment from pollution. However, a question is raised as to whether the NGT has got power under the Environment Protection Act to fix a distance criteria by and between a quarry and residential and other installations ? In order to answer the said question the relevant provisions of the Environment Protection Act and the Rules thereto along with the Water Act, 1974, and the Air Act, 1981 are to be considered and incidentally the provisions of the MMDR Act,

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1957 and the Kerala Minor Mineral Concession Rules, 2015, may also have to be referred to, to sort out the question raised. The Environment Protection Act is enacted with the intention of protecting and improving the environment and for matters connected therewith. Under section 2(a) environment is defined to mean, "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-organisms and property". The said definition is in pari materia with the definition of environment under section 2(c) of the NGT Act, 2010. Moreover section 2(2) of NGT Act, 2010, as we have stated above takes in all the environmental laws specified in the First Schedule of the said Act which includes Environment Protection Act and by virtue of the said provision wherever the expressions are not defined under the said Act, the definition provided under the laws in the Schedule would be applicable to assign meaning to the expressions used in the NGT Act, 2010.

68. It is true, as per section 3 of Environment Protection Act, 1986, the Central Government is vested with powers to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution subject to the provisions of the Act. The thrust of the contention advanced by the learned counsel for appellants was that as per section 3 of Act, 1986, the Central Government alone is vested with powers to take measures to protect and improve

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the environment.

69. It is also the case of the appellants that as per section 3(2),(iii), (v), (xiv) of Act, 1986, the Central Government is the sole authority empowered for laying down standards for the quality of environment in its various aspects; restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards; such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of the Act. So also it was submitted that section 5 of Act, 1986 is a sweeping power enjoyed by the Central Government alone to issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions notwithstanding anything contained in any other law but subject to the provisions of the Act, 1986. Explanation thereto was also highlighted wherein it is specified that the power to issue directions under section 5 includes the power to direct; (a) the closure, prohibition or regulation of any industry, operation or process; or (b) stoppage of the supply of electricity or water or any other service.

70. Reading together the aforesaid provisions, learned counsel for appellants submitted that the power being conferred on the Central Government under Act, 1986, NGT is not vested with powers to direct the State PCBs to fix up the distance

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criteria by and between the quarry and residential and other installations. It is also clear from section 5A that any person aggrieved by any directions issued under section 5 of Act, 1986, to appeal to the National Green Tribunal established under NGT Act, 2010. Added to that it is submitted that section 6 empowers only the Central Government by publication of notification in the official gazette to make rules in respect of all or any of the matters referred in section 3. The paramount contention advanced in that regard is on the basis of section 6(2)(a) & (b) of Act, 1986, which empowers the Central Government to make rules in regard to the standards of quality of air, water or soil for various areas and purposes and also to prohibit and restrict the location of industries and the carrying on of processes and operations of the different areas.

71. According to the learned counsel, all these provisions would make it clear that the attempt made by the NGT to issue rules, and directions in the nature of overlooking the powers conferred on the Central Government, is not legally sustainable. That apart it is submitted that as per section 7 of Act, 1986, any person carrying on industry operation etc. cannot allow emission or discharge of environmental pollution in excess of the standards fixed by the Central Government. So also section 24 of Act, 1986 has been referred, to drive home a point that the effect of other laws is subject to the provisions of sub-section (2) thereto, the provisions of this Act and the Rules or orders made therein notwithstanding

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anything inconsistent therewith contained in any enactment other than Act, 1986. So also section 25 of Act, 1986 is pressed into service, which is the rule making power of the Central Government which stipulates that the Central Government may by notification in the official gazette make rules for carrying out the purposes of the Act, which power includes also to fix the standards in excess of which the environmental pollutants shall not be discharged or emitted. The argument advanced by the learned counsel for appellants is that the NGT was not right in taking up the role of the Central Government and issuing directions instead of granting liberty to the Central Government to do so as envisioned by the Parliament under the Act, 1986.

72. That apart rule 3 of the Environment (Protection) Rules, 1986 has been referred to, which deals with the standards for emissions or discharge of environmental pollutants, by which it is specified that the standards for emission or discharge of environmental pollutants from the industries, operations or processes shall be as specified in Schedules I to IV thereto. Sub-rules (2), (3) and (3A) were also invoked to canvass the proposition that notwithstanding anything contained in rule 3(1), the Central Board or a State Board is left with the liberty to specify more stringent standards from those provided in Schedules I to IV. Rule 5 and the sub-rules thereto were also pointed out dealing with prohibition and restrictions on the location of industries and the carrying on processes and operations in different

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areas in order to exemplify that the Central Government and the State Government alone are the authority to carry out the provisions of Act and Rules, 1986.

73. Our attention was also invited to Sl.No.11 of Schedule I dealing with stone crushing unit and submitted that it only deals with suspended particulate matter and the standard prescribed thereto is the suspended particulate matter measured between 3 meters and 10 meters from any process equipment of a stone crushing unit which shall not exceed 600 micrograms per cubic meter. Therefore, the attempt made by the appellants is that the Rules, 1986, does not prescribe any distance criteria as is fixed by the NGT and therefore, it is an action without authority and jurisdiction. So also our attention was drawn to Schedule III of the Rules dealing with ambient air quality standards in respect of noise, wherein as per Note 3, the silence zone is defined as areas upto 100 meters around such premises as hospitals, educational institutions and courts. So also Schedule IV was brought to our attention dealing with standards for emission of smoke, vapour etc. from motor vehicles to contend that so far as a quarry is concerned, no standards for smoke, vapour etc. are fixed.

74. Learned counsel for the appellants also invited our attention to the general standards for discharge of environmental pollutants contained under Schedule VI and submitted that the Central Government have not fixed any standard in regard to the discharge of environmental pollutants in regard to a quarry and therefore, the

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NGT is not empowered to fix any standards without undertaking any study in regard to the likelihood of the pollutants remaining in the air at a distance of 100 and 200 meters as insisted upon by the NGT with regard to a blasting and non-blasting quarry respectively. Annexure 1 guideline under Schedule VI of the Rules, 1986 was also brought to our notice, wherein para 7 specifies that the standards mentioned in the Schedule shall also apply to all other effluents discharged such as mining and mineral processing activities and sewage.

75. We have no doubt in our mind that when the provisions of the Act, 1986 and the Rules thereto are read together, various standards are fixed and which may even apply to a stone crushing unit and even mining and mineral processing activities as is discussed above, but the fact remains under the Act and the Rules, 1986, no standard with respect to quarrying activity vis-a-vis generation of pollutants thereto and any distance criteria is fixed under the Act. Therefore, the attempt of the learned counsel for appellants that the NGT was not empowered to issue any directions overlooking the provisions of the Act and the Rules, 1986 is not a sustainable argument. This is identifiable, if appropriate reference is made to the provisions of the Air Act, 1981 and the Water Act, 1974. The Air Act, 1981 was brought into force w.e.f. 16.5.1981 with the intention to provide for the prevention, control and abatement of air pollution, for the establishment with a view to carrying out the aforesaid purposes, of Boards, for conferring on to such Boards, powers and

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functions relating thereto and for matters connected therewith.

76. In fact, the Environment Protection Act, 1986 and the Air Act, 1981 were brought into force on the basis of the United Nations Conference on the Human Environment held in Stockholm in June, 1972 and India was a signatory to the decisions taken in the said conference. It is important to note that Air Act, 1981 was the first among the series after the conference, which was brought with the specific intention of preventing, controlling and abatement of air pollution. In that view of the matter, provisions of Air Act, 1981 are to be looked into with more concern so far as the issues relating to air pollution is concerned. Section 2(a) defined air pollutant to mean, "any solid, liquid or gaseous substance including noise present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment". Emission is defined under section 2(j) to mean, "any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet", section 2(k) defines industrial plant to mean, "any plant used for any industrial or trade purposes and emitting any air pollutant to the atmosphere".

77. It is relevant and important to note that there are no definitions for air pollutant, emission and industrial plant either under the Environment Protection Act, 1986 or under the NGT Act, 2010. Accordingly, the said definitions contained under the Air Act, 1981 are to be read into NGT Act, 2010 by virtue of the imperatives

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contained under section 2(2) of the said Act. Sections 3 & 4 of Act, 1981 specifies that the Central Pollution Control Board and State PCB constituted under sections 3 & 4 of the Water Act, 1974 shall perform the powers and functions under the Act, 1981.

78. The Water Act, 1974 was brought into force for the purpose of prevention and control of water pollution and for conferring on and assigning the Boards constituted for the purpose with powers for the prevention and control of water pollution and enacted consequent to the resolution passed under Article 252(1) of the Constitution of India by various States including the State of Kerala to the effect that the water pollution should be regulated in those States by Parliament by law. Section 16 of Water Act, 1974 deals with functions of the Central Board, which stipulates that subject to the provisions of the said Act, the main function of the Central Board shall be to promote cleanliness of streams and wells in different areas of the States. Sub-section (2) therefore enables the Central Board with various powers including the power to advise the Central Government on any matter concerning the prevention and control of water pollution. Similarly section 17 deals with the functions of State Boards, which is also vested with powers under the said provision to advise the State Government on any matter concerning the prevention, control or abatement of water pollution, *inter alia* among other powers. Clause (g) of section 17(1) empowers the State Boards to lay down, modify or annul effluence

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standards for the sewage and trade effluent and for the quality of receiving water (not being water in an inter- State Stream) resulting from the discharge of effluent and to classify the waters of the State.

79. The said provisions of the Water Act, 1974 were pointed out since under sections 16 and 17 of the Air Act, 1981, the functions of the Central Board and State Boards are co-related to the said Boards constituted under the Water Act, 1974. As per section 17 of the Air Act, 1981, State Boards are vested with powers to plan a comprehensive programme for the prevention, control or abatement of air pollution and secure the execution thereof among other powers and also to lay down in consultation with the Central Board and having regard to the standards for the quality of air laid down by the Central Board, standards for emission of air pollutants into the atmosphere from industrial plants and auto mobile or for the discharge of any air pollutants into the atmosphere for any other source whatsoever not being a ship or an aircraft. The State Boards are also vested with powers to inspect air pollution control areas at such intervals as it may think necessary, assess the quality of air therein and take steps for the prevention, control or abatement of air pollution in such areas.

80. True, as per section 18(1) of Act, 1981, the Central Board shall be bound by such directions in writing as the Central Government may give to it; and every State Boards shall be bound such directions in writing as the Central or the State

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Government may give to it: provided that where a direction given by the State Government is inconsistent with the directions given by the Central Board, the matter shall be referred to the Central Government for its decisions. Analysing the aforesaid provisions of the Air Act, 1981, we are of the firm view that the Central Board as well as the State Boards are vested with sufficient, ample and adequate powers to deal with the air pollution. There is no case advanced by the appellants that either the Central Board or State Boards have violated any of the directions given by the Central Government or for that matter, the Kerala PCB has violated any of the directions in writing issued by the Central Board or the Central Government. Section 19 deals with the power to declare air pollution control areas by the State Government in consultation with the State Board by notification in the official gazette and section 21 imposes restriction on use of certain industrial plants without the previous consent of the State Board and the procedure for securing consent is prescribed thereunder. Even though no distance criteria is fixed under the Air Act, 1981 or the Rules, 1982 framed thereunder, sub-section (5) of section 21 enables the State Board to impose various conditions delineated thereunder and to impose such other conditions as the State Board may specify on that behalf. Sub-section (7) thereto specifies that where a person to whom consent has been granted by the State Board under sub-section (4) of section 21, transfers his interest in the industry to any other person, such consent shall be deemed to have been granted to such

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other person and he shall be bound to comply with all the conditions subject to which it was granted as if the consent was granted to him originally. Section 22 of Act, 1981 requires any person operating any industrial plant in any air pollution control area to adhere to the standards fixed by the State Board under sections 17(1)(g) of Act, 1981.

81. True, appeals are provided under section 31 to the Air Appellate Authority constituted by the State Government in accordance with the limitation prescribed. Section 31A was inserted w.e.f.1.4.1988, whereby power was conferred on the State Board notwithstanding anything contained in any other law but subject to the provisions of the Act, 1981 and to any directions that the Central Government may give in that behalf, a Board may in the exercise of its powers and performance of its functions under the Act issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions and the explanation thereto unequivocally states that the power to direct includes the power to (a) the closure, prohibition or regulation of any industry or operation or process; or (b) the stoppage, or regulation of supply of electricity, water or any other service. Section 31B provides appeals to National Green Tribunal enabling any person aggrieved by an order or decision of the appellate authority made under section 31, on or after the commencement of the National Green Tribunal established under section 3 of the NGT Act, 2010. The said power

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conferred under section 31B of Act, 1981, is referable to section 16 of the NGT Act, 2010 enabling the NGT to have the appellate jurisdiction to deal with the orders passed by the Air Appellate Authority.

82. Similar provisions are there in the Water Act, 1974. It is an admitted fact that under the Air Act, 1981, or the Rules thereto, any standards are fixed with respect to the ambient air quality vis-a-vis the distance criteria, however, it is an undisputed fact that while the State Board is issuing consent, standard condition of 50 meters is fixed from residential buildings and other installations. The discussion of facts and the law made above would make it clear that even though powers are conferred on the Central Board and the State Boards to lay down standards for the quality of air in order to regulate and control the air pollution, they have not done so and is thus taking into account the non-exercise of power by the statutory authorities under law, NGT has directed the Central PCB to submit reports as stated in the foregoing paragraphs, and after considering the reports, the NGT has passed an order fixing the distance criteria in regard to quarrying activity, which according to us, cannot be said to be erroneous or without jurisdiction.

83. In our view, when the power conferred on such Boards under the Air Act, 1981, in spite of the lapse of almost 30 years is not exercised, it is for the Tribunal to step in, call for reports and issue directions, keeping in mind the the object for which the Act has been passed and Tribunal constituted. Though a contention has

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been advanced by the appellants that the Tribunal has not undertaken any study in regard to the distance criteria and therefore, it is bad and illegal, we are unable to subscribe to the said view in view of the study conducted by the Central PCB, report submitted and also in view of the presence of the expert members in Tribunal, who are technically qualified to deal with such issues. That said, when a query was posed to the learned Standing Counsel for the Pollution Control Board as to how the distance of 50 meters was fixed, it was pointed out that it could be only by virtue of the provisions contained under Kerala Minor Mineral Concession Rules, 2015. Therefore, it is clear that even the State PCB has not conducted any study before imposing the distance criteria and it just followed the provisions of rule 40(1)(i) of the Kerala Minor Mineral Concession Rules, 2015, which stipulates the lessee shall not carry on or allow to be carried on any quarrying operations at or to any points within a distance of 100 meters from any railway line except with the previous written permission of the railway administration concerned and any bridge on national highway or 50 meters from any reservoir, tanks, canals, rivers, bridges, public roads, other public works, residential buildings, the boundary walls or places of worship, burial grounds, burning ghats or 1 Km. from the boundaries of national park or wildlife sanctuaries except with the previous permission of the authorities concerned or the Government or the competent authority.

84. A contention is raised by the learned counsel for appellants that when a

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specific power is conferred on a statutory authority under the Kerala Minor Mineral Concession Rules, 2015, to deal with any situations of mining operations of minor minerals, the NGT was not right in intruding into the powers of the statutory authority. But the fact remains that a competent authority specified under the Rules, 2015 is defined under rule 2(1)(iii) to mean the authority or officer appointed by the Government by notification in the official gazette to exercise the powers and perform the functions of the competent authority under the Rules, 2015. The Rules, 2015, was enacted by virtue of section 15(1) of the MMDR Act, 1957 for the purpose of grant of quarrying permit/lease/licence and collection of royalty consolidated royalty, dead rent etc. True, under rule 10(f) of Rules, 2015, dealing with the distance criteria to be incorporated in a quarrying permit as it originally stood, the second proviso thereto comprehended that in case where explosives are used for quarrying, the permit holder shall not carry on or allowed to be carried on any quarrying operations at or to any points within the distance as specified by the Kerala State Pollution Control Board from time to time for granting consent to operate such quarrying as approved by the Government from any railway line, any bridge, reservoir, tanks, residential buildings etc. or places of worship or 50 meters from any burial grounds or burning ghats or village roads or forest lands. In fact clause (f) of rule 10 was substituted as per SRO 346/2017 dated 23.6.2017, by which the second proviso thereto discussed above was removed and therefore, if at

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all any power enjoyed by the competent authority under the Rules, 2015 in regard to insistence for any consent issued by the State PCB is no more in existence.

85. Even analysing the second proviso to rule 10(f), it is clear that there was no distance criteria fixed from a quarry to the installations provided thereunder except the distance criteria of 50 meters from any burial grounds or burning ghats or village roads or forest lands. Likewise the second proviso to rule 40(1)(i) dealing with distance criteria as that of rule 10(f) and the consequential consent of State PCB is also taken away by virtue of SRO 346/2017. When the competent authority under the Kerala Minor Mineral Concession Rules, 2015 is divested with the powers, to fix any distance for giving consent to establish and operate, a quarrying unit, including a crushing unit, can the appellants rely on the directions or circulars, issued from time-to-time, by any authority under the Kerala Minor Mineral Concession Rules, 2015 and adopted by the State Pollution Control Board? Our answer to the said query is 'No'. Air, noise, and water pollution Acts are special enactments, and therefore, to the extent of distance, when the power of the authority under the Kerala Minor Mineral Concession Rules, 2015 is taken away, no reliance can be made.

86. At this juncture, we categorically state that the appellants have no statutory rights to fall back on the directions/circulars, issued by the authority under the Kerala Minor Mineral Concession Rules, 2015, and we may say so, adopted by

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the State Pollution Control Board. We also do not think that any of the provisions of the MMDR Act, 1957 would support the contentions advanced by the appellants except the fact that by virtue of the powers conferred under section 15, the State Government have enacted the Rules, 2015 as discussed above. Lastly a contention was advanced that the National Green Tribunal, Principal Bench, has no jurisdiction to consider an issue in regard to quarries functioning in the State of Kerala placing reliance on the National Green Tribunal Act, 2010 – Ordinary Places of Sitting of the National Green Tribunal – Territorial Jurisdiction – Notification, which reads thus:

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**\*NATIONAL GREEN TRIBUNAL ACT, 2010- ORDINARY PLACES OF SITTING OF THE NATIONAL GREEN TRIBUNAL -TERRITORIAL JURISDICTION -**

**NOTIFICATION**

'[In exercise of powers conferred by sub-section (3) of Section 4 of the National Green Tribunal Act, 2010 (19 of 2010) and in supersession of the notifications of the Government of India in the erstwhile Ministry of Environment and Forests number S.O 1003 (E), dated the 5th May, 2011 and number S.O 1908(E), dated the 17th August, 2011, except as respects things done or omitted to be done before such supersession, the Central Government hereby specifies the the ordinary places of sitting and the territorial jurisdiction of the National Green Tribunal as under -

Sl.No.	Zone	Place of Sitting	Territorial Jurisdiction
1.	Northern	Delhi (Principal place)	Uttar Pradesh, Uttarakhand, Punjab,Haryana, Himachal Pradesh, Jammu & Kashmir Goa, National Capital Territory of Delhi and Union territories of Chandigarh, Daman and Diu and Dadra and Nagar Haveli.

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- |    |          |         |  |
|----|----------|---------|--|
| 2. | Western  | Pune    | Maharashtra and Gujarat.   |
| 3. | Central  | Bhopal  | Madhya Pradesh, Rajasthan and Chhattisgarh   |
| 4. | Southern | Chennai | Kerala, Tamil Nadu, Andhra Pradesh, Telangana, Karnataka, Union territories of Puducherry and Lakshadweep.   |
| 5. | Eastern  | Kolkata | West Bengal, Odisha, Bihar, Jharkhand, Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, Sikkim and Union territory of Andaman and Nicobar Islands,] |

87. According to the learned counsel for the appellants, by virtue of the powers conferred under section 3 of the NGT Act, 2010, the said notification was issued by the Central Government conferring jurisdiction on various Tribunals. Therefore, as per Sl.No.4, only the southern zone Bench at Chennai has the power to deal with any matters in Kerala and consequent to which the Principal Bench which has its seat at Delhi has power only to deal with the issues relating to the States and Union Territories specified thereunder, and accordingly, action of the NGT issuing an order, in the nature of a direction to be issued by the Central Government is without jurisdiction and therefore, bad in law.

88. In our considered opinion, the National Green Tribunal, Principal Bench, New Delhi was dealing with a seminal issue in regard to the air and noise pollution

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and the drainage to the properties consequent to the functioning of quarries in the country, as such and probably, and that the representation made from Kerala was an eye opener to the NGT to discuss, deliberate and adjudicate on the issues at the national level, in particular, substantial question relating to environment, including enforcement of any right relating to environment involved and such questions arising out of implementation of the enactments specified in Schedule I to NGT Act, 2010, which includes, (1) The Water (Prevention and Control of Pollution) Act, 1974 (2) The Water (Prevention and Control of Pollution) 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 and (7) The Biological Diversity Act, 2002. What is important is the power exercised by the NGT under the provisions of Act, 2010 and other consequential Acts. We have no doubt to say that the Principal Bench and Zonal Benches are governed by the provisions of the NGT Act, 2010. The concept of territorial jurisdiction is a concept, introduced in the statutes, which according to us is, in order to effectively deal into *suo motu* or filed by the aggrieved persons, to protect their interests, which is only a procedure, rather than a rule of absolute nature. To put it otherwise territorial jurisdiction is a concept well known in law, empowering judicial officers and courts and Tribunals to function within the precincts of the territorial jurisdiction, which is basically intended to regulate the procedure in filing litigations,

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and in our considered view, will never take away the power conferred under law, on the NGT, New Delhi, to deal with the object of the provisions the Environment (Protection) Act, 1986, rules framed thereunder, provisions of law and that is why procedural laws empower the superior courts to transfer a litigation from one place to another. Issue on distance criteria for allowing mining activity in particular, quarrying activities have a national relevance and importance in a State, for the reason that it is a matter concerning citizens to have a quality life assured under Article 21 of the Constitution of India. Therefore, the Tribunal is constituted with the predominant objective of redressing grievances and remedy and to develop national laws regarding liability and compensation for the victims of pollution and other environmental damage, thought it fit to consider the situation in question, addressing at the national level, which would avoid multiplicity of proceedings too. Moreover, whether it is considered by the Principal Bench or the Zonal Bench, no manner of prejudice is caused to the appellants other than the inconvenience of travelling up to the Principal Bench. The territorial jurisdiction is distinct from the jurisdictional power exercised by an authority conferred under a statute. The power exercised by the Principal Bench and the Zonal Benches are co-equal in nature and there is no superior power conferred on the Principal Bench. But, however, the provisions of Act, 2010 shows that there is only a Chairperson to the Tribunal, who is vested with powers under rule 3 of the National Green Tribunal (Practices and

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Procedure) Rules, 2011, in the matter of distribution of business among the different ordinary place or places of sittings of Tribunal and the Chairperson shall have the power to decide the distribution of business of the Tribunal among the members of the Tribunal sitting at different places by order and specify the matters which may be dealt with by each such sitting in accordance with the provisions of clause (d) of sub-section (4) section 4 of the Act,2010. It is significant to note that as per rule 3(3) of the Procedural Rules, 2011, if any question arises as to whether any matter falls within the purview of the business allocated to a place of sitting, the decision of the Chairperson shall be final. The explanation thereto makes it clear that the expression "matter" includes application for interim relief, which is an inclusive definition clearly indicating that it is an empowerment added to the main powers under law. Various other powers are conferred on the Chairperson as per Rules, 2011, to adopt procedure and issue general or special orders for adopting circuit procedure etc. Taking into account the provisions of Rules, 2011, we are of the view, the notification issued by the Government of India extracted above is subservient, which can never stand in the way of the NGT translating the provisions of the acts specified in Schedule I of NGT Act, 2010 and the Rules thereto, which is the predominant purpose for which the Tribunal is constituted for.

89. Assimilating the factual and legal position, we are of the view that the appellants have not made out a case, as regards the *suo motu* power of the NGT,

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exercised, to protect the environment from pollution. Matters being so, we are of the view that the appellants have not made out any case for interference with the judgment of the learned single Judge, there being no jurisdictional error or other legal infirmities justifying to do so in an intra court appeal filed under section 5 of the Kerala High Court Act, 1958. We also make it clear that the discussions were made above in view of the grounds raised in the appeals and the arguments advanced traversing through the said laws.

90. The appellants are concerned with the directions issued by the learned single Judge to maintain the common interim order in some of the writ petitions dated 6.8.2020, which is extracted above. But we are of the view that, if the interim order is not maintained, the purpose for which the Tribunal has ordered the distance criteria, would be diluted and there can be serious ramifications consequent to the permit/licence/consent granted by the statutory authorities, leading to a cascading effect at the national level, which would ultimately defeat the purpose of the distance criteria. Therefore, we are not inclined to interfere with the interim order granted by the learned single Judge pending consideration of the matter by the NGT.

In the result, writ appeals fail and they are dismissed. However, we make it clear that since the order of the Tribunal was set aside having not complied with the principles of natural justice, the appellants are at liberty to take up the matter with the Tribunal including the distance of 100 and 200 meters fixed by the Tribunal in its

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impugned order, and ordered to be continued by the learned single Judge to the extent specified in the interim order dated 6.8.2020. It is also made clear that, by the above discussion, we do not intend to alter the findings and directions issued by the learned Single Judge in any manner, and they would remain intact as such.

Sd/-

**S. MANIKUMAR,  
CHIEF JUSTICE**

Sd/-

**SHAJI P. CHALY,  
JUDGE**

smv

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APPENDIX OF WA 366/2021

PETITIONER'S ANNEXURES:

ANNEXURE A

TRUE COPY OF APPLICATION DATED 8.1.2021  
SUBMITTED BY THE APPELLANT.

*As*  
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2021 SCC OnLine SC 897

**2815**

In the Supreme Court of India  
(BEFORE A.M. KHANWILKAR, HRISHIKESH ROY AND C.T. RAVIKUMAR, JJ.)

Civil Appeal Nos. 12122-12123 of 2018  
Municipal Corporation of Greater Mumbai ... Appellant(s);  
*Versus*  
Ankita Sinha and Others ... Respondent(s).

With

Civil Appeal No. 86/2019  
Civil Appeal No. 5902/2019  
Civil Appeal No. 6273 of 2021  
(Arising out of SLP(C) No. 6732/2021)  
Civil Appeal No. 6274 of 2021  
(Arising out of SLP(C) No. 5930/2021)  
Civil Appeal No. 6275 of 2021  
(Arising out of SLP(C) No. 6733/2021)  
Civil Appeal No. 6276 of 2021  
(Arising out of SLP(C) No. 16448 of 2021)  
Diary No. 11655/2021  
Civil Appeal No. 6277-6278 of 2021  
(Arising out of SLP(C) No. 16449-16450 of 2021)  
Diary No. 13789/2021  
Civil Appeal No. 6279 of 2021  
(Arising out of SLP(C) No. 16451 of 2021)  
Diary No. 13811/2021  
Civil Appeal No. 6280-6281 of 2021  
(Arising out of SLP(C) No. 16452-16453 of 2021)  
Diary No. 13890/2021  
Civil Appeal No. 2897/2021  
Civil Appeal No. 6282 of 2021  
(Arising out of SLP(C) No. 11426 of 2021)  
Civil Appeal No. 6283 of 2021  
(Arising out of SLP(C) No. 11427 of 2021)  
Civil Appeal No. 6262 of 2021  
Diary No. 16948 of 2021  
Civil Appeal No. 6284 of 2021  
(Arising out of SLP(C) No. 11798 of 2021)  
Civil Appeal No. 6285 of 2021  
(Arising out of SLP(C) No. 12669 of 2021)  
Civil Appeal No. 6286 of 2021  
(Arising out of SLP(C) No. 16454 of 2021)  
Diary No. 19534/2021

Civil Appeal Nos. 12122-12123 of 2018, Civil Appeal No. 86/2019, Civil Appeal No. 5902/2019, Civil Appeal No. 6273 of 2021 (Arising out of SLP(C) No.

6732/2021), Civil Appeal No. 6274 of 2021 (Arising out of SLP(C) No. 5930/2021), Civil Appeal No. 6275 of 2021 (Arising out of SLP(C) No. 6733/2021), Civil Appeal No. 6276 of 2021 (Arising out of SLP(C) No. 16448 of 2021), Diary No. 11655/2021, Civil Appeal No. 6277-6278 of 2021 (Arising out of SLP(C) No. 16449-16450 of 2021), Diary No. 13789/2021, Civil Appeal No. 6279 of 2021 (Arising out of SLP(C) No. 16451 of 2021), Diary No. 13811/2021, Civil Appeal No. 6280-6281 of 2021 (Arising out of SLP(C) No. 16452-16453 of 2021), Diary No. 13890/2021, Civil Appeal No. 2897/2021, Civil Appeal No. 6282 of 2021 (Arising out of SLP(C) No. 11426 of 2021), Civil Appeal No. 6283 of 2021 (Arising out of SLP(C) No. 11427 of 2021), Civil Appeal No. 6262 of 2021, Diary No. 16948 of 2021, Civil Appeal No. 6284 of 2021 (Arising out of SLP(C) No. 11798 of 2021), Civil Appeal No. 6285 of 2021 (Arising out of SLP(C) No. 12669 of 2021), Civil Appeal No. 6286 of 2021 (Arising out of SLP(C) No. 16454 of 2021) and Diary No. 19534/2021

Decided on October 7, 2021

The Judgment of the Court was delivered by

HRISHIKESH ROY, J.:—

*“Estragon : Let's go.*

*Vladimir : We can't.*

*Estragon : Why not?*

*Vladimir : We're waiting for Godot.”<sup>1</sup>*

2. Leave granted in the Special Leave Petitions.

3. The consideration to be made in these matters is whether the National Green Tribunal (for short “the NGT”) has the power to exercise *Suo Motu* jurisdiction in discharge of its functions under the National Green Tribunal Act, 2010 (for short, “the NGT Act 2010”).

4. In the lead case in this group, i.e. the Civil Appeal No. 86 of 2019, the NGT noticed an article titled “*Garbage Gangs of Deonar : The Kingpins and Their Multi-Crore Trade*” in the online news portal, *The Quint*. The article spoke of how mismanagement of solid waste had an adverse impact on the environment, public health and lives of individuals living in the vicinity of the dumping ground in Mumbai city.

5. The NGT took *suo motu* cognizance of the above article vide order dated 07.08.2018 and directed that the article writer Ankita Sinha be the applicant in the case OA No. 510 of 2018, registered at the NGT's instance. Thereafter, steps were taken for inspection of the Deonar Dumping site by the representative of the Central Pollution Control Board, Maharashtra Pollution Control Board, the District Collector of the area and also the representative of the Municipal Corporation of Greater Mumbai (for short “the MCGM”). Pursuant to the Report of the inspecting team which highlighted that the landfill site failed to comply with the provisions of the Solid Waste Management Rules, 2016, the NGT vide order dated 30.10.2018 noted that ‘*damage to the environment and public health is self-evident*’ and ordered MCGM to pay compensation to the tune of Rs. 5 crores.

6. This Court while entertaining the Civil Appeal No. 86/2019 of MCGM, ordered stay on the operation of the order passed by the NGT and thereafter arranged for analogous consideration of the related cases where the common threshold jurisdictional issue arises on whether the NGT has the power to exercise *suo motu* jurisdiction.

7. Mr. Mukul Rohatgi, Mr. Dushyant Dave, Mr. Jaideep Gupta, Mr. Dhruv Mehta, Mr. Atmaram Nadkarni, Mr. Krishnan Venugopal, Mr. V. Giri, Mr. Sajan Poovayya and Mr. Sidhartha Dave, learned Senior Counsel together with Mr. E.M.S Anam, Ms. Amrita

Sharma, Mr. S. Thananjayan have taken a common stand. They have argued that the NGT is a Tribunal and a creature of statute and as such, it cannot act on its own motion or exercise the power of judicial review or act *suo motu*, in discharge of its function. Being a creature of the statute, the forum cannot assume inherent powers as under Article 32 and Article 226 and its domain is circumscribed by the limitations so imposed. The learned counsel also argue that the NGT has an adjudicatory role to decide disputes which necessarily mean involvement of two or more contesting parties. Therefore, the NGT by acting *suo motu* cannot transpose itself to the shoes of one such party. The absence of general power of judicial review with the NGT (which is available with superior courts) is highlighted to keep away *suo motu* power from the NGT. Various judgments relating to the Tribunal's power and role are cited by the counsel and those would be discussed in later part of this order.

8. Projecting the contrary view, Mr. Nidhesh Gupta, the learned Senior Counsel appearing for the aggrieved party in SLP(C) No. 6732/2021, Mr. Sanjay Parikh, learned Senior Counsel for the Intervener in C.A. No. 86/2019 and Mr. Gopal Sankaranarayanan, learned Senior Counsel appearing for the Impleader I.A. No. 71482/2021 in the SLP(C) No. 6732/2021, by referring to the special role envisaged for the NGT and the history of its incorporation, make equally powerful submission in support of exercise of *suo motu* jurisdiction, by the NGT.

9. Mr. Anand Grover, the learned Senior Counsel was appointed as the *Amicus Curiae* to assist the Court and he was heard at length. The counsel acknowledges the NGT's role and position under the Act and its wide jurisdiction over environmental matters but Mr. Grover is of the view that the NGT is incapable of triggering action on its own. In other words, the NGT cannot act *suo motu* without someone moving the Forum as otherwise the forum then would be perceived to be judging its own cause. Since *suo motu* power is not conferred under the NGT Act, the specialized tribunal has to be moved by an outside party. But the format of the application is not important and even a letter addressed by an interested party, will clothe the NGT with power to take action is the concessional submission of Mr. Grover.

10. Representing the Central Government, Ms. Aishwarya Bhati, the learned Additional Solicitor General of India submitted that *Suo Motu* power is not exercisable by the NGT since the same has not been conferred on the forum under the NGT Act, unlike the situation in the now repealed *National Environment Tribunal Act, 1995* (hereinafter referred to as the "NET Act"). The counsel refers to the provisions of the NGT Act and submits that the concept of *locus standi* was expanded for NGT's intervention under Section 18(2)(e) but the tribunal is not vested with *suo motu* power to take action on its own unlike the High Courts and the Supreme Court. The learned ASG, however, submits that even on receipt of a letter, the NGT can commence action on environmental matters. Thus, on exercise of epistolary jurisdiction by the NGT, the ASG is on the same page as the *amicus curiae* but as earlier noted both counsel argue for keeping away the *suo motu* power from the NGT.

11. Having summarized the positions taken by the respective Counsel, we may now refer to the specific grounds of challenge to keep away *suo motu* power from the NGT. The concerned counsel project that NGT is a creature of the statute and just like other such statutory tribunals, the NGT is also bound within statutory confines. They have relied upon *Standard Chartered v. Dharminder Bhohra* wherein, provisions of the *Recovery of the Debts Due to Banks and Financial Institutions Act, 1993* were analysed to note the limitations of the Debt Recovery Tribunal and Appellate Tribunal. From the analysis of Justice Dipak Misra (as his Lordship then was) for the Division Bench, it can be inferred that the Tribunal was given power under the statute to pass such other orders and give such directions to give effect to its orders or to prevent abuse of its process or to secure the ends of justice but in discharge of its functions the Tribunal was required to confine itself to within the statutory parameters. Thus. Section 19(25)

conferred limited powers and the submission thus is that the Tribunal does not have any inherent powers.

12. Similarly, Justice S.H. Kapadia (as his Lordship then was) in *Transcore v. Union of India*<sup>3</sup>, opined on behalf of a Division Bench that,

"67. ...The DRT is a tribunal, it is the creature of the statute, it has no inherent power which exists in the civil courts."

13. The counsel also projects that in the context of Consumer Forums, Justice Dalveer Bhandari (as his Lordship then was) speaking for a three judge bench in *Rajeev Hitendra Pathak v. Achyut Kashinath*<sup>4</sup>, observed as under:—

"34. On a careful analysis of the provisions of the Act, it is abundantly clear that the Tribunals are creatures of the statute and derive their power from the express provisions of the statute. The District Forums and the State Commissions have not been given any power to set aside ex parte orders and the power of review and the powers which have not been expressly given by the statute cannot be exercised."

14. The second limb of contention is that the Act is applicable to 'disputes' as, necessarily referring to a *lis* between two parties. The counsel has relied upon *Techi Tagi Tara v. Rajendra Singh Bhandari*<sup>5</sup> wherein the term 'substantial question relating to environment' was interpreted in an attenuated fashion to mean a question arising as part of a dispute. The submission therefore is that a dispute must necessitate a claimant or an applicant. Further, this dispute must also be capable of settlement by the NGT. In the cited case the proposition is articulated in the following fashion,

"19. On a combined reading of all these provisions, it is clear to us that there must be a substantial question relating to the environment and that question must arise in a dispute — it should not be an academic question. There must also be a claimant raising that dispute which dispute is capable of settlement by the NGT by the grant of some relief which could be in the nature of compensation or restitution of property damaged or restitution of the environment and any other incidental or ancillary relief connected therewith.

20. ...In *Prabhakar v. Deptt. of Sericulture* [*Prabhakar v. Deptt. of Sericulture*, [(2015) 15 SCC 1 : (2016) 2 SCC (L&S) 149] the following definition of "dispute" was noted in paras 34 and 35 of the Report : (SCC p. 21)

"34. To understand the meaning of the word "dispute", it would be appropriate to start with the grammatical or dictionary meaning of the term:

"*Dispute*".—to argue about, to contend for, to oppose by argument, to call in question — to argue or debate (with, about or over) — a contest with words; an argument; a debate; a quarrel;'

35. *Black's Law Dictionary*, 5<sup>th</sup> Edn., p. 424 defines "dispute" as under:

'*Dispute*.—A conflict or controversy; a conflict of claims or rights; an assertion of a right, claim, or demand on one side, met by contrary claims or allegations on the other. The subject of litigation; the matter for which a suit is brought and upon which issue is joined, and in relation to which jurors are called and witnesses examined.'

15. The *amicus curiae* has also addressed this issue, by defining a dispute as necessitating an assertion and a denial. By this reasoning, it is submitted that function of Section 14 of the NGT Act is available only to adjudicate upon disputes, as in an adversarial system but not for any other ameliorative, restorative or preventative functions.

16. Thirdly, the lack of general power of Judicial Review has been argued to show legislative intent to curb *suo motu* powers. Counsel have stated that the NGT, as a Tribunal with prescribed authority under a statute, does not have any general power of judicial review. Thus, it is not within the category of Writ Courts as under Article 226

and Article 32 of the Constitution of India. In the relied upon judgment *Tamil Nadu Pollution Control Board v. Sterlite Industries (I) Ltd.*<sup>6</sup> Justice R.F. Nariman speaking about the NGT for a Division Bench of this Court has observed the following,

"41. ...Suffice it to say that the NGT is not a tribunal set up either under Article 323-A or Article 323-B of the Constitution, but is a statutory tribunal set up under the NGT Act. That such a tribunal does not exercise the jurisdiction of all courts except the Supreme Court is clear from a reading of Section 29 of the NGT Act....."

43. ...In the present case, it is clear that Section 16 of the NGT Act is cast in terms that are similar to Section 14(b) of the Telecom Regulatory Authority of India Act, 1997, in that appeals are against the orders, decisions, directions, or determinations made under the various Acts mentioned in Section 16. It is clear, therefore, that under the NGT Act, the Tribunal exercising appellate jurisdiction cannot strike down rules or regulations made under this Act. Therefore, it would be fallacious to state that the Tribunal has powers of judicial review akin to that of a High Court exercising constitutional powers under Article 226 of the Constitution of India. We must never forget the distinction between a superior court of record and courts of limited jurisdiction that was, in the felicitous language of Gajendragadkar, C.J., in *Powers, Privileges and Immunities of State Legislatures, In re [Powers, Privileges and Immunities of State Legislatures, In re, [(1965) 1 SCR 413 : AIR 1965 SC 745]*, made in the following words : (SCR p. 499 : AIR p. 789, para 138)

"138. We ought to make it clear that we are dealing with the question of jurisdiction and are not concerned with the propriety or reasonableness of the exercise of such jurisdiction. Besides, in the case of a superior court of record, it is for the court to consider whether any matter falls within its jurisdiction or not. Unlike a court of limited jurisdiction, the superior court is entitled to determine for itself questions about its own jurisdiction.

'Prima facie', says Halsbury, 'no matter is deemed to be beyond the jurisdiction of a superior court unless it is expressly shown to be so, while nothing is within the jurisdiction of an inferior court unless it is expressly shown on the face of the proceedings that the particular matter is within the cognizance of the particular court [*Halsbury's Laws of England, Vol. 9, p. 349*]'."

For this reason also, we are of the view that the State Government order made under Section 18 of the Water Act, not being the subject-matter of any appeal under Section 16 of the NGT Act, cannot be "judicially reviewed" by the NGT. Following the judgment in *BSNL [BSNL v. TRAI, [(2014) 3 SCC 222]*, we are of the view that the NGT has no general power of judicial review akin to that vested under Article 226 of the Constitution of India possessed by the High Courts of this country. Shri Sundaram's strong reliance on the NGT judgment dated 17-7-2014 in *Wilfred J. v. Ministry of Environment & Forests [Wilfred J. v. Ministry of Environment & Forests, [2014 SCC OnLine NGT 6860]* must also be rejected as this NGT judgment does not state the law on this aspect correctly. This contention is also without merit, and therefore, rejected."

17. The argument has been that the superior Courts exercising discretionary powers under Article 32 and Article 226, to safeguard fundamental rights, can venture into judicial review. But such a power not being expressly conferred on the NGT would suggest the limited nature of the Forum's powers, which would exclude any *suo motu* exercise.

#### I. THE BACKDROP OF THE NATIONAL GREEN TRIBUNAL

18. In order to understand the contours of jurisdiction of the NGT, we have thought it necessary to refer to the history of the legislation and also the Preamble and the Statement of Objects and Reasons of the NGT Act. The parliamentary intent which

shaped the creation of the NGT and the broad issues that they sought to address through the specialized institution should now be brought to the fore.

19. The precursor to the NGT Act was the 186<sup>th</sup> Report of the Law Commission of India dated 23.9.2003 where the Law Commission had made the following pertinent observation espousing the case for the creation of a specialized Court to deal with environmental issues:—

“It is true that the High Court and Supreme Court have been taking up these and other complex environmental issues and deciding them. But, though they are judicial bodies, they do not have an independent statutory panel of environmental scientists to help and advise them on a permanent basis. They are prone to apply principles like the Wednesbury Principle and refuse to go into the merits. They do not also make spot inspections or receive oral evidence to see for themselves the facts as they exist on ground. On the other hand, if Environmental Courts are established in each State, these Courts can make spot inspections and receive oral evidence. They can receive independent advice on scientific matters by a panel of scientists.

These Environmental Courts need not be Courts of exclusive jurisdiction. However, the High Courts, even if they are approached under Art. 226 either in individual cases or in PIL cases, where orders of environmental authorities could be questioned, may refuse to intervene on the ground that there is an effective alternative remedy before the specialist Environmental Court. As of now, when we have consumer Courts at the District and State level, the High Courts have consistently refused to entertain writ petitions under Art. 226 because parties have a remedy before the fora established under the Consumer Protection Act, 1986. We have also the example of special environmental courts in Australia, New Zealand and in some other countries and these are manned by Judges and expert commissioners. The Royal Commission in UK is also of the view that if environmental courts are established, the High Courts may refuse to entertain applications for judicial review on the ground that there is an effective alternative remedy before these Courts.

It is for the above reasons we are proposing the establishment of separate environmental courts in each State. In Chapter IX, we propose to give the details of the constitution, power and jurisdiction of these Courts.”

20. The above would suggest that the Law Commission was of the opinion that it is not convenient for the High Courts and the Supreme Court to make local inquiries or receive evidence. Moreover, the superior courts will not have access to expert environmental scientists on permanent basis to assist them. Therefore, NGT was conceived as a complimentary specialized forum to deal with all environmental multi-disciplinary issues both as original and also as an appellate authority, which complex issues were hitherto dealt with by the High Courts and the Supreme Court.

21. The NGT, therefore, was intended to be the competent forum for dealing with environmental issues instead of those being canvassed under the writ jurisdiction of the Courts. It was explicitly noted that the creation of the NGT would allow for the Supreme Court and High Court to avoid intervening under their inherent jurisdiction when an alternative efficacious remedy would become available before the specialized forum. The 186<sup>th</sup> Law Commission Report provided the following reasoning,

“Likewise, we have not thought it fit to enable the Environmental Courts, to have judicial review powers exercised by the High Court under Art. 226 of the Constitution of India. We have felt that it is sufficient to vest original civil jurisdiction as exercisable by a Civil Court, in the Environmental Courts. If we vest powers of Judicial review as under Art. 226, then there may be need to subject the orders to the writ jurisdiction of High Courts as held in *L. Chandra Kumar v. Union*

of India, [(1997) 3 SCC 261.

No doubt, the Environment Court exercising powers of a Civil Court or as an appellate Court in civil jurisdiction, may be technically amenable to writ jurisdiction of the High Court but inasmuch as we are providing an appeal to the Supreme Court, the High Courts may decline to interfere on the ground that there is an effective alternative remedy of appeal on law and fact to the Supreme Court, as explained later in this Chapter."<sup>2</sup>

22. Thus, the power of judicial review was omitted to ensure avoidance of High Courts' interference with the Tribunal's orders by way of a mid-way scrutiny by the High Court, before the matter travels to the Supreme Court where NGT's orders can be challenged. The streamlining of the mechanism was to arrest the growing tide of litigation before High Courts and the Supreme Court and shift such issues to the domain of the NGT.

23. This is how the proposed forum was made free from the rules of evidence and the NGT was permitted to lay down its own procedure to entertain oral and documentary evidence, consult experts etc. The observance of the principles of natural justice was however mandated.

## II. PREAMBLE & STATEMENT OF OBJECTS AND REASONS

24. The Statement of Objects and Reasons of the NGT Act will now require attention. Paras 2, 3, 4, 5 and 6 of the Statement of Objects and Reasons being relevant are extracted hereinbelow:—

"2. India is a party to the decisions taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, calling upon the States to take appropriate steps for the protection and improvement of the human environment. The United Nations Conference on Environment and Development held at *Rio de Janeiro* in June, 1992, in which India participated, has also called upon the States to provide effective access to judicial and administrative proceedings, including redress and remedy, and to develop National laws regarding liability and compensation for the victims of pollution and other environmental damage.

3. The right to healthy environment has been construed as a part of the right to life under article 21 of the Constitution in the judicial pronouncement in India.

4. The National Environment Tribunal Act, 1995 was enacted to provide for strict liability for damages arising out of any accident occurring while handling any hazardous substance and for the establishment of a National Environmental Tribunal for effective and expeditious disposal of cases arising from such accident, with a view to giving relief and compensation for damages to persons, property and the environment. However, the National Environment Tribunal, which had a very limited mandate, was not established. The National Environment Appellate Authority Act, 1997 was enacted to establish the National Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986. The National Environment Appellate Authority has a limited workload because of the narrow scope of its jurisdiction.

5. Taking into account account the large number of environmental cases pending in higher courts and the involvement of multidisciplinary issues in such cases, the Supreme Court requested the Law Commission of India to consider the need for constitution of specialized environmental courts. Pursuant to the same, the Law Commission has recommended the setting up of environmental courts having both original and appellate jurisdiction relating to environmental laws.

6. In view of the foregoing paragraphs, a need has been felt to establish a

specialized tribunal to handle the multidisciplinary issues involved in environmental cases. Accordingly, it has been decided to enact a law to provide for the establishment of the National Green Tribunal for effective and expeditious disposal of civil cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment."

25. A reading of the Statement of Objects and Reasons shows that paragraph 4 thereof refers to the *National Environmental Tribunal Act, 1995 (NET)* which provided for strict liability and damages arising out of accidents occurring while handling hazardous substances. In the same context it was observed that the NET had a very limited and narrow mandate and jurisdiction. Thereafter, in Para 5 it has been recorded that a large number of environmental cases are pending in higher Courts which involve multi-disciplinary issues and, in such cases, the Supreme Court had requested the Law Commission of India to consider the need for constitution of specialized environmental Courts.

26. Significantly, the Statement of Objects and Reasons also refers to right to a healthy environment being a part of the right to life under Article 21 of the Constitution of India. This was consistent with the earlier mentioned 186<sup>th</sup> Law Commission Report highlighting that the body so created, would aim to "*achieve the objectives of Article 21, 47, 48A, 51A (g) of the Constitution of India by means of a fair, fast and satisfactory judicial procedure*". An institution concerned with a significant aspect of right to life necessarily should be given the most liberal construction.

27. The paragraph 2 of the Statement of Objects and Reasons refers to the United Nations Conference on the Human Environment held at Stockholm in June 1972 which called upon governments and peoples to exert common efforts for the preservation and improvement of the human environment when it involved people and for their posterity. Therefore, the municipal law enacted with such a laudatory objective of not only preventing damage to the environment but also to protect it, must be provided with the wherewithal to discharge its protective, preventive and remedial function towards protection of the environment. The mandate and jurisdiction of the NGT is therefore conceived to be of the widest amplitude and it is in the nature of a *sui generis* forum.

28. The United Nations Conference on Environment and Development held at Rio De Janeiro in June, 1992 where India participated, impressed upon the States to provide effective access to judicial and administrative proceedings, lay out redress and remedy and to develop national laws regarding liability and compensation for the victims of pollution and other environmental damage. The Preamble of the Act significantly emphasized on construing the right to healthy environment as a part of the Right to Life under Article 21 of the Constitution which was accepted by various judicial pronouncements in India. The National Green Tribunal was born in our country with such lofty dreams to deal with multi-disciplinary issues, relating to the environment.

29. The limited mandate conferred on the earlier forum i.e. the NET and the narrow scope of jurisdiction of the National Environment Appellate Authority along with the involvement of multi-disciplinary issues arising in environmental cases, were intended to be addressed through the constitution of the NGT.

### III. THE NEED FOR PURPOSIVE INTERPRETATION

30. While adequate clarity is discernible in the phraseology that is employed under Section 14 and other provisions of the NGT Act, as shall be discussed in later parts of the judgement, the intention behind the statute should receive our careful attention. Tracing the legislative history for creation of the NGT it is seen that the NGT is intended to address wide ranging societal concerns and these have prompted us to opt

for purposive interpretation. The Statue will have to be read in its entirety and each provision of the Act must be given its due meaning by comprehending the mischief it intends to remedy. The chosen interpretive exercise is best understood from the treatise *Interpretation of Statutes*, authored by Justice G.P. Singh who explained thus,

"When the question arises as to the meaning of certain provision in statute, it is not only legitimate but proper to read that provision in its context. The context here means, the statute as a whole, the previous state of the law, other statutes in pari materia, the general scope of the statute, and the mischief that it was intended to remedy. This statement of the rule was later fully adopted by the Supreme Court.

It is a rule now firmly established that the intention of the Legislature must be found by reading the statute as a whole. The rule is referred to as an 'elementary rule' by Viscount Simonds : a compelling rule by Lord Sommervell of Harrow; and a "settled rule" by B.K. Mukherjee J. "I agree" said Lord Halsbury, "that you must look at the whole in order to give effect, if it be possible to do so, to the intention of the framer of it."

31. The mischief that the NGT Act attempted to remedy were underscored in the legislative history, and the pronouncements of the constitutional Courts flagging their environmental concerns.

32. The application of the *Heydon's Rule* could adequately aid us here as the Rule directs adoption of that construction which "*shall suppress the mischief and advance the remedy*" as was pertinently observed by Justice S.R. Das, for a seven judge bench in *Bengal Immunity Co. v. State of Bihar*<sup>8</sup>,

"...the office of all judges is to make such construction as shall suppresses the mischief and advance the remedy, and to suppress subtle inventions and evasions for continuance of the mischief; and *pro privato commodo*, and to add force and life to the cure and remedy, according to the true intent of the makers of the Act, *pro bono publico*."

33. Francis Bennion in his book *Statutory Interpretation* described 'purposive interpretation' as under:

'A purposive construction of an enactment is one which gives effect to the legislative purpose by—

- (a) following the literal meaning of the enactment where that meaning is in accordance with the legislative purpose, or
- (b) applying a strained meaning where the literal meaning is not in accordance with the legislative purpose.'

34. Justice Frankfurter of US Supreme Court in '*Some Reflections on the Reading of Statutes*', has elucidated on the principles to ascertain the contextual meaning of statutes in the following manner,

'The purpose of construction being the ascertainment of meaning, every consideration brought to bear for the solution of that problem must be devoted to that end alone.

...

Judge Learned Hand speaks of the art of interpretation as 'the proliferation of purpose'.<sup>9</sup>

35. Eventually, Justice Frankfurter relied upon Justice Benjamin Cardozo's phraseology in *Panama Refining Co. v. Ryan*, and the same is taken as a lodestar in our quest,

"the meaning of a statute is to be looked for, not in any single section, but in all the parts together and in their relation to the end in view"<sup>10</sup>.

36. The laudatory objectives for creation of the NGT would implore us to adopt such an interpretive process which will achieve the legislative purpose and will eschew

procedural impediment or so to say incapacity. The precedents of this Court, suggest a construction which fulfills the object of the Act.<sup>11</sup> The choice for this Court would be to lean towards the interpretation that would allow fructification of the legislative intention and is forward looking. The provisions must be read with the intention to accentuate them, especially as they concern protections of rights under Article 21 and also deal with vital environmental policy and its regulatory aspects.

#### IV. SALIENT STATUTORY FEATURES OF NGT ACT

37. Applying the chosen tool of interpretation to the statutory layout of the NGT Act, following provisions will require the Court's attention. Section 2(1)(c) of the NGT Act defines the term "environment"; Section 2(1)(m) defines "substantial question relating to environment". Chapter III relates to jurisdiction, power and proceedings of the Tribunal. The Section 14 gives original jurisdiction to the NGT to decide a substantial question relating to environment; Section 15 deals with relief, compensation and restitution whereby besides providing relief to the victims of pollution, the NGT can direct restitution of property damage and restitution of environment for such area(s) "*as the Tribunal may think fit*". Section 16 gives appellate jurisdiction to the Tribunal against the orders passed under various enactments. Section 17 provides for liability to pay relief or compensation in certain cases, Section 18 specifies who can move application/appeal before the Tribunal. It includes, among others, 18(2)(d) "*any person aggrieved including any representative body/organization*" and the *locus standi* is not limited only to the aggrieved party. Section 19 provides for procedure and powers of the Tribunal. Section 19(1) significantly says that the Tribunal shall not be bound by procedures laid down in the CPC and shall be bound by the Principles of Natural Justice. Section 19(2) provides that subject to the provisions of the Act, the Tribunal shall have powers to regulate its own procedure. Section 19(3) mentions that the Tribunal shall not be bound by the rules of evidence contained in the Evidence Act, 1872. While discharging functions under Section 19(4), besides summoning, enforcing attendance, examining persons on oath, requiring discovery and production of documents, receiving evidence on oath, the NGT also has powers to review its decision, to pass interim orders as well as pass cease and desist orders. Section 20 says that while adjudicating issues, the Tribunal shall apply the environmental principles, namely, sustainable development principles, precautionary principles and polluter pays principle. Under Section 25, the Tribunal can execute its order/decision as a decree of the Civil Court and for that purpose shall have all the powers of a Civil Court. Section 29 bars the jurisdiction of the Civil Court to entertain all environmental matters covered by the Tribunal. Under Section 33, the NGT Act has an overriding effect over other laws.

38. While on the statutory provisions, it is seen that the Central Government has framed the *National Green Tribunal (Practice & Procedure) Rules, 2011* (for short "the NGT Rules"). For our purpose, Rule 24 is important which reads thus:

*"24. Order and directions in certain cases - 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."*

39. The said Rules make it clear that the NGT has been given wide discretionary powers to *secure the ends of justice*. This power is coupled with the duty to be exercised for achieving the objectives. The intention understandably being to preserve and protect the environment and the matters connected thereto.

40. By choosing to employ a phrase of wide import, i.e. *secure the ends of justice*, the legislature has nudged towards a liberal interpretation. Securing justice is a term of wide amplitude and does not simply mean adjudicating disputes between two rival entities. It also encompasses *inter alia*, advancing causes of environmental rights, granting compensation to victims of calamities, creating schemes for giving effect to

the environmental principles and even hauling up authorities for inaction, when need be.

41. Moreover, unlike the civil courts which cannot travel beyond the relief sought by the parties, the NGT is conferred with power of moulding any relief. The provisions show that the NGT is vested with the widest power to appropriate relief as may be justified in the facts and circumstances of the case, even though such relief may not be specifically prayed for by the parties.

42. Another distinguishing feature of the environmental forum is on the aspect of *locus standi* which was made as wide as is available to the High Courts and the Supreme Court. Thus, any person or organization who may be interested in the subject matter is permitted to approach the NGT.

43. The provisions of the NGT Act and the NGT Rules demonstrate that myriad roles are to be discharged by the NGT, as was encapsulated in the Law Commission Report, the Preamble and the Statement of Objects and Reasons. This is also forthcoming from the international obligation and commitment by India to implement the decision taken at the Stockholm and the Rio De Janeiro Conventions towards protection of the environmental rights under Article 21 of the Constitution.

#### V. NON-ADJUDICATORY ROLES OF NGT

44. As can be seen, the Parliament intended to confer wide jurisdiction on the NGT so that it can deal with the multitude of issues relating to the environment which were being dealt with by the High Courts under Article 226 of the Constitution or by the Supreme Court under Article 32 of the Constitution. The Tribunal is also expected to proceed with such matters with the understanding that environment and environmental principles are part of Article 21 of the Constitution. [See *Vellore Citizens' Welfare Forum v. UOI*<sup>12</sup>; *M.C. Mehta v. UOI*<sup>13</sup> etc.]

45. The Schedule I of the NGT Act is concerned with implementation of few environmental related enactments such as the Water Act, the Air Act, the Environment Act, the Forest Conservation Act etc. As one looks at these enactments, an expanded role for the NGT is clearly discernible. The activities of the NGT are not only geared towards the protection of the environment but also to ensure that the developments do not cause serious and irreparable damage to the ecology and the environment. These would suggest a broad canvas for the NGT Act as also its creation.

46. For the environmental forum, tasked with implementation of the statutes mentioned in Schedule I of the NGT Act, the concept of *lis*, would obviously be beyond the usual understanding in civil cases where there is a party (whether private or government) disturbing the environment and the other one (could be an individual, a body or the government itself), who has concern for the protection of environment. Therefore, the NGT is primarily concerned with protection of the environment and also preservation of the natural resources. As the specialized forum, the NGT would be expected to take preventive action, besides settling and adjudicating disputes and pass orders on all environment related questions.

47. The NGT is not just an adjudicatory body but has to perform wider functions in the nature of prevention, remedy and amelioration. This aspect was specifically flagged in the 186<sup>th</sup> Law Commission Report,

"The Environment Court, in our view, must have power to frame schemes and monitor them and also have power to modify the schemes from time to time. If one looks at the problems raised in several cases and the directions issued by the Supreme Court, it will be observed that such a power is necessary to be vested in these Courts. .... The Environment Court must be able to provide an "environmental solution" to grave problems like the one mentioned above and unless it has power to frame comprehensive schemes which will involve issuing directions to various departments, the solution cannot be implemented. Such a comprehensive

jurisdiction is now being exercised both by the Supreme Court and High Courts. In our view, the proposed Courts must have similar powers. They will also have to monitor the schemes till they are successfully implemented on ground and, if necessary, modify the schemes from time to time."

48. We have earlier discussed that the NGT is empowered to carry out restitutive exercise for compensating persons adversely affected by environmental events. The larger discourse which informs such functions is related to distributive and corrective justice, as will be elaborated in later paragraphs. Even in the absence of harm inflicted by human agency, in a situation of a natural calamity, the Tribunal will be required to devise a plan for alleviating damage. An inquisitorial function is also available for the Tribunal, within and without adversarial significance. Importantly, many of these functions do not require an active "*dispute*", but the formulation of *decisions*.

49. With the constitution of the NGT, many cases pending before the High Courts were transferred to the NGT. Apprehending the possibility of conflict between the High Courts and the NGT (in matters concerning environment and the statutes mentioned in Schedule I of the NGT Act), Justice Swatanter Kumar speaking for the three Judge Bench in *Bhopal Gas Peedith Mahila Udyog Sangathan v. Union of India*<sup>14</sup>, highlighted the NGT's role in the context, in the following words:—

"40. Keeping in view the provisions and scheme of the National Green Tribunal Act, 2010 (for short "the NGT Act") particularly Sections 14, 29, 30 and 38(5), it can safely be concluded that the environmental issues and matters covered under the NGT Act, Schedule I should be instituted and litigated before the National Green Tribunal (for short "NGT"). Such approach may be necessary to avoid likelihood of conflict of orders between the High Courts and NGT. Thus, in unambiguous terms, we direct that all the matters instituted after coming into force of the NGT Act and which are covered under the provisions of the NGT Act and/or in Schedule I to the NGT Act shall stand transferred and can be instituted only before NGT. This will help in rendering expeditious and specialised justice in the field of environment to all concerned.

41. We find it imperative to place on record a caution for consideration of the courts of competent jurisdiction that the cases filed and pending prior to coming into force of the NGT Act, involving questions of environmental laws and/or relating to any of the seven statutes specified in Schedule I of the NGT Act, should also be dealt with by the specialised tribunal, that is, NGT, created under the provisions of the NGT Act. The courts may be well advised to direct transfer of such cases to NGT in its discretion, as it will be in the fitness of administration of justice."

50. In the above case, this Court mandated transfer of all cases concerning the statutes mentioned in Schedule I of the NGT Act to the specialized forum as otherwise there can be conflicts with the High Courts. Notably, some of those cases were originally registered *suo motu* by the Courts.

#### VI EXERCISE OF SUO MOTU POWER BY NGT

51. Let us now explore whether the NGT in discharge of its functions, should also have *suo motu* power. The specialized tribunal's exercise of *suo motu* powers is somewhat distinct from those exercised by the constitutional Courts. The Supreme Court and High Courts can foray into any issues under their constitutional mandate but the NGT cannot naturally travel beyond its environmental domain in reference to the scheduled enactments. However, As long as the sphere of action is not breached, the NGT's powers must be understood to be of the widest amplitude.

52. Explaining the purpose for constituting the special court to deal with environmental issues, in *Mantri Techzone (P) Ltd. v. Forward Foundation*<sup>15</sup>, Justice S. Abdul Nazeer writing for the three Judge Bench, made the following pertinent observations on the status of the NGT:—

"40. The Tribunal has been established under a constitutional mandate provided in Schedule VII List I Entry 13 of the Constitution of India, to implement the decision taken at the United Nations Conference on Environment and Development. The Tribunal is a specialised judicial body for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to the environment. The right to healthy environment has been construed as a part of the right to life under Article 21 by way of judicial pronouncements. Therefore, the Tribunal has special jurisdiction for enforcement of environmental rights."

53. As can be seen from the quoted passage, this Court recognized that the NGT is set up under the constitutional mandate in Entry 13 of List I in Schedule VII to enforce Article 21 with respect to the environment and in the context observed that the Tribunal has special jurisdiction for enforcement of environmental rights.

54. Elaborating further, in paragraphs 44-46, the Supreme Court expressed that the interpretation that is in favour of conferring jurisdiction should be preferred rather than one taking away jurisdiction. It was specifically noted that,

"46. ... 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."

55. Such being the wide contour of the NGT's powers, the exposition in *Rajeev Suri v. DDA*<sup>16</sup> was not to constrict the *suo motu* powers of the NGT. To appreciate the implication of the ratio in *Rajeev Suri*, it must be noticed that it was in the specific context of 'Merits Review' and the NGT transgressing beyond its environmental mandate. This is why, one of us, Justice A.M. Khanwilkar observed that,

"503. NGT is not a plenary body with inherent powers to address concerns of a residuary character. It is a statutory body with limited mandate over environmental matters as and when they arise for its consideration. In a cause before it, NGT cannot directly go on to adjudicate on concerns of violation of fundamental rights and once the contours of a subject matter traverse the scope of appeal from a grant of EC, the merits review by tribunal cannot traverse beyond the scope of jurisdiction vested in it by the statute."

56. Thus, the ratio in *Rajeev Suri* to the quoted extent will not clash with the view propounded here as the exposition is not to allow any inherent power of residuary character for the NGT. In its own domain, as crystalized by the statute, the role of the NGT is clearly discernible.

57. The need for an expert body with extensive functions and the sources of inspiration behind it was articulated in *Andhra Pradesh Pollution Control Board v. Prof. M. V. Nayudu (Retd.)*<sup>17</sup> where Justice M. Jagannadha Rao speaking for a Division Bench referred to a comparable court in Australia and noted the following,

"The Land and Environment Court of New South Wales in Australia, established in 1980, could be the ideal. It is a superior court of record and is composed of four Judges and nine technical and conciliation assessors. Its jurisdiction combines appeal, judicial review and enforcement functions. Such a composition in our opinion is necessary and ideal in environmental matters."

58. The above would show that from the very inception, the role of the NGT was not simply adjudicatory in the nature of a *lis* but to perform equally vital roles which are preventative, ameliorative or remedial in nature. The functional capacity of the NGT was intended to leverage wide powers to do full justice in its environmental mandate.

### VII. UNIQUENESS OF NGT VIS-A-VIS OTHER TRIBUNALS

59. While we see many tribunals functioning within their specified domains, variances do exist in the manner in which they are designed to function. The statutory Tribunals were categorized to fall under four subheads; Administrative Tribunals under Article 323A; Tribunals under Article 323B; Specialized sector Tribunals and most prominently; Tribunals to safeguard rights under Article 21. As already noted, the duties of NGT brings it within the ambit of the fourth category, creating a compelling proposition for wielding much broader powers as delineated by the statute.

60. The ideal was to create a fairly proactive and responsive Institution which could step into varying roles, as the situation demanded. Commenting on the specialized and unique role of the NGT, Justice Ashok Bhushan in *State of Meghalaya v. All Dimasa Students Union*<sup>18</sup>, fittingly observed thus:—

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

61. Reflecting on the expanded role of NGT unlike other Tribunals, this Court so appositely observed that the forum has a duty to do justice while exercising "*wide range of jurisdiction*" and the "*wide range of powers*", given to it by the statute.

62. During the course of its functioning, the NGT has been recognized as one of the most progressive Tribunals in the world. This jurisprudential leap has allowed our country to enter a rather exclusive group of nations which have set up such institutions with broad powers. To understand how the NGT is perceived globally, we may usefully refer to the views of Chief Justice Brian Preston of the Land and Environment Court of NSW Australia,

"The NGT is an example of a specialized court to better achieve the goals of ensuring access to justice, upholding the rule of law and promoting good governance."<sup>19</sup>

### VIII. THE SUI GENERIS ROLE OF NGT

63. The NGT being one of its own kind of forum, commends us to consider the concept of a *sui generis* role, for the institution. The structure of *Sui generis* institutions was explained in *Paramjit Kaur v. State of Punjab*<sup>20</sup>, wherein Justice S. Saghir Ahmad spoke thus for a Division Bench,

"14. The concept of *sui generis* is applied quite often with reference to resolution of disputes in the context of international law. When the conventions formulated by compacting nations do not cover any area territorially or any subject topically, then the body to which such power to arbitrate is entrusted acts *sui generis*, that is, on its own and not under any law."

64. In *DG Nhai v. Aam Aadmi Lokmanch*<sup>21</sup>, Justice S. Ravindra Bhat commenting on the *sui generis* role of the NGT, so appropriately stated as follows:—

"38. A conjoint reading of Sections 14, 15 and the Schedules would lead one to infer that the NGT has circumscribed jurisdiction to deal with, adjudicate, and wherever needed, direct measures such as payment of compensation, or make restitutionary directions in cases where the violation (i.e. harm caused due to pollution or exposure to hazards, etc.) are the result of infraction of any enactment listed in the first schedule. Yet, that, interpretation, in the opinion of this court, is not warranted.

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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 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."

65. In that case, this Court repelled the argument for a restricted jurisdiction for the NGT, and fittingly observed in paragraph 76 that the powers conferred on the NGT are both reflexive and preventive and the role of the NGT was recognized in paragraph 77 as "*an expert regulatory body*", which can issue general directions also *albeit* within the statutory framework.

66. The above discussion would advise us to say that the NGT was conceived as a specialized forum not only as a like substitute for a civil court but more importantly to take over all the environment related cases from the High Courts and the Supreme Court. Many of those cases transferred to the NGT, emanated in the superior courts and it would be appropriate thus to assume that similar power to initiate *suo motu* proceedings should also be available with the NGT.

67. The NGT is a Tribunal with *sui generis* characteristic, with the special and all-encompassing jurisdiction to protect the environment. Besides its adjudicatory role as an appellate authority, it is also conferred with the responsibility to discharge role of supervisory body and to decide substantial questions relating to the environment. The necessity of having a specialized body, with the expertise to handle multidimensional environmental issues allows for an all-encompassing framework for environmental justice. The technical expertise that may be required to address evolving environmental concerns would definitely require a flexible institutional mechanism for its effective exercise.

#### IX. AUTHORITY WITH SELF-ACTIVATING CAPABILITY

68. Given the multifarious role envisaged for the NGT and the purposive interpretation which ought to be given to the statutory provisions, it would be fitting to regard the NGT as having the mechanism to set in motion all necessary functions within its domain and this, as would follow from the discussion below, should necessarily clothe it with the authority to take *suo motu* cognizance of matters, for effective discharge of its mandate.

69. The analysis for this segment should commence with Section 14 of the NGT Act and the same being of great relevance is being extracted hereunder,

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

70. The Section 14(1) of the NGT Act deals with jurisdiction, and the jurisdictional provision conspicuously omits to specify that an application is necessary to trigger the NGT into action. In situations where the three prerequisites of Section 14(1) i.e., Civil cases; involvement of substantial question of environment; and implementation of the enactments in Schedule I are satisfied, the jurisdiction and power of the NGT gets activated. On these material aspects, the NGT is not required to be triggered into action by an aggrieved or interested party alone. It would therefore be logical to conclude that the exercise of power by the NGT is not circumscribed by receipt of application. When substantial questions relating to the environment arise and the issue is civil in nature and those relate to the enactments in Schedule I of the Act, the NGT in our opinion even in the absence of an application, can self-ignite action either towards amelioration or towards prevention of harm.

71. In the same spirit, we find merit in the arguments that Section 14(1) exists as a standalone feature, not constricted by the operational mechanism of the subsequent subsections. The sub Section (2) of Section 14 functions as a corollary and comes into play when a dispute arises from the questions referred to in Section 14(1). Likewise sub Section (3) thereafter, refers to the period of limitation concerning applications, when they are addressed to the NGT. Where adjudication is involved, the adjudicatory function under Section 14(2) comes into play. When it is a case warranting NGT's intervention, or may be a situation calling for decisions to meet certain exigencies, the functions under Section 14(1) can be undertaken and those may not involve any formal application or an adjudicatory process. However, the later provisions may not work in similar fashion. Therefore, care must be taken to ensure unrestricted discharge of the responsibilities under Section 14(1) and that wide arena of NGT's functioning.

72. The other pertinent provisions relating to, *inter-alia*, jurisdiction, interim orders, payment of compensation and review, do not require any application or appeal, for the NGT to pass necessary orders. These crucial powers are expected to be exercised by the NGT, would logically suggest that the action/orders of the NGT need not always involve any application or appeal. To hold otherwise would not only reduce its effectiveness but would also defeat the legal mandate given to the forum.

73. It may also be relevant to bear in mind that while dealing with contested cases,

the NGT is required to pass "award" and "order" and the statute repeatedly uses the word "decision". Therefore, it is appropriate to correlate the word "decision" to the NGT, in its non-adversarial or inquisitorial role, as was suggested by the Law Commission and recognized in *DG, NHAI* (supra).

74. The duty to safeguard Article 21 rights cannot stand on a narrow compass of interpretation. Procedural provisions must be allowed to fall in step with the substantive rights that are invoked in the environmental domain, in larger public interest. The specialized forum is bestowed with the responsibility to ensure protection of the environment. To be effective in its domain, we need to ascribe to the NGT a public responsibility to initiate action when required, to protect the substantive right of a clean environment and the procedural law should not be obstructive in its application. In the context, Justice V.R. Krishna Iyer speaking for a Division Bench in *State of Punjab v. Shamlal Murar*<sup>22</sup> has so correctly prioritized the substantive rights and observed succinctly,

"8. ...We must always remember that processual law is not to be a tyrant but a servant, not an obstruction but an aid to justice. It has been wisely observed that procedural prescriptions are the handmaid and not the mistress, a lubricant, not a resistant in the administration of justice."

75. While discussing the NGT's power and responsibility, it is essential to keep in mind the *Principle 10 of the Rio Declaration* which speaks of three fundamental rights i.e., access to information, access to public participation and access to justice, as key pillars of environmental governance. Access to justice, may however be curtailed by illiteracy, lack of mobility, poverty or even the lack of technical knowledge on the part of citizens. Another deterrence is the likelihood of polluters/violators being powerful entities with adequate wherewithal to skirt regulations. Thus, it may not always be feasible for individuals to knock on the doors of the Tribunal, and NGT in such exigencies must not be made dysfunctional.

#### X. THE PRECAUTIONARY PRINCIPLE

76. Tracing the origin of the *Precautionary Principle*, Scott Lafranchi in his treatise<sup>23</sup> has expounded on the proactive role of the authorities in the following passage:—

"Many consider the German development of *Vorsorgeprinzip* to signify the true creation of the precautionary principle, in light of the attention it focuses on "long term planning to avoid damage to the environment, early detection of dangers to health and environment through comprehensive research, and acting in advance of conclusive scientific evidence of harm."<sup>16</sup> The precautionary foundation of *Vorsorgeprinzip* has been described as an "action principle" that holds public authorities responsible for protecting the natural foundations of life and preserving the physical world for the present and future generations, and "can therefore be used to counter the short-termism endemic in all democratic, consumption oriented societies."

77. The origin of the *Precautionary Principle* itself is rooted as an institutional obligation, by holding them primarily responsible for the environmental concerns and remedies.

78. As earlier seen, S.20 of the NGT Act which includes the term "decision", in addition to "order" and "award", also require the Tribunal to apply the '*Precautionary Principle*' and the statutory mandate being relevant is extracted:—

"20. Tribunal to apply certain principles. - The Tribunal shall, while passing any order or decisions or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle."

79. The principle set out above must apply in the widest amplitude to ensure that it is not only resorted to for adjudicatory purposes but also for other '*decisions*' or '*orders*' to governmental authorities or polluters, when they fail to "*to anticipate,*

prevent and attack the causes of environmental degradation"<sup>24</sup>. Two aspects must therefore be emphasized i.e. that the Tribunal is itself required to carry out preventive and protective measures, as well as hold governmental and private authorities accountable for failing to uphold environmental interests. Thus, a narrow interpretation for NGT's powers should be eschewed to adopt one which allows for full flow of the forum's power within the environmental domain.

80. It is not only a matter of rhetoric that the Tribunal is to remain ever vigilant, but an important legal onus is cast upon it to act with promptitude to deal with environmental exigencies. The responsibility is not just to resolve legal ambiguities but to arrive at a reasoned and fair result for environmental problems which are adversarial as well as nonadversarial. It would be apposite here to refer to Justice Benjamin Cardozo, of the United States Supreme Court, who in his seminal treatise, '*The Nature of the Judicial Process*', stated thus,

"It is true that codes and statutes do not render the judge superfluous, nor his work perfunctory and mechanical. There are gaps to be filled. There are doubts and ambiguities to be cleared. There are hardships and wrongs to be mitigated if not avoided."

81. The above could be a pointer towards the preemptive functions of the NGT as a *sui generis* body.

#### XI. ENVIRONMENTAL JUSTICE AND ENVIRONMENTAL EQUITY

82. The conceptual frameworks of environmental justice and equity should merit consideration vis-à-vis the NGT's domain and how its functioning and decisions can have wide implications in socio-economic dimensions of people at large. The concept of environmental justice is a trifecta of distributive justice, procedural justice and justice as recognition.<sup>25</sup> Environmental equity as a developing concept has focused on the disproportionate implications of environmental harms on the economically or socially marginalized groups. The concerns of human rights and environmental degradation overlap under this umbrella term, to highlight the human element, apart from economic and environmental ramifications. Environmental equity thus stands to ensure a balanced distribution of environmental risks as well as protections, including application of sustainable development principles.

83. Voicing concerns about the disproportionate harm for the poor segments, Lois J. Schiffer (then Assistant Attorney General, Environment & Natural Resources Division (ENRD), U.S. Department of Justice) and Timothy J. Dowling (then Attorney at ENRD) in their *Reflections on the Role of the Courts in Environmental Law*, wrote the following evocative passage on the concept of environmental justice,

"Environmental Justice, which focuses on whether minorities and low-income people bear a disproportionate burden of exposure to environmental harms and any resulting health effects. In the past ten to fifteen years, this issue has crystallized a grass-roots movement that combines civil rights issues with environmental issues, with a goal of achieving "environmental justice" or "environmental equity", which is understood to mean the fair distribution of environmental risks and protection from environmental harms."<sup>26</sup>

84. There is also a need to focus on the interconnection between principles of procedural justice and distributive justice. The concern is to create a system which is affirmative enough to balance the disproportionate wielding of power between polluters and affected people.

"Environmental justice starts with distributive justice, or more accurately, distributive injustice. The rich and powerful derive the most benefit while suffering the least harm from environmentally harmful activities; conversely, the poor and minorities derive the least benefit but suffer the most harm. Further, those who benefit cause harm to the places where people "live, work, play, and go to school",

whereas the people who reside there do little or nothing to harm their community."<sup>27</sup>

85. When substantive justice is elusive for a large segment, disengaging with substantive rights at the very altar, for a perceived procedural lacuna, would surely bring in a process, which furthers inequality, both economic and social. An "equal footing" conception may not therefore be feasible to adequately address the asymmetrical relationship between the polluters and those affected by their actions. Instead, a recognition of the historical experience of marginalized classes of persons while accessing and effectively using the legal system, will allow for necessary appreciation of social realities and balancing the arm of justice.

86. The law must be interpreted in such a manner as to foster further development of existing legal concepts by incorporating this sense of equity. The issues which this Court has had the occasion to examine have highlighted the limitations of the mechanisms to reach to the heart of environmental concerns. This Court has previously moulded the jurisdictional jurisprudence in favour of larger societal interest, whether that be in the form of 'Public Interest Litigation' or widening the scope of *locus standi*.

"The identification of potential environmental justice issues is very important in determining how our enforcement efforts are working in minority and low-income communities, and whether they are comparable to the enforcement efforts in other communities."<sup>28</sup>

87. In the backdrop of the above weighty concerns, this Court should advert to what Schiffer and Dowling have stated on the 'Blindfold of Lady Justice', which symbolizes "the ideal of administering equal justice to everyone who comes to our Courts, regardless of race, creed, or economic class."<sup>29</sup> The relevance of this concept is particularly apposite when we consider the inability of most marginalized communities, to access the legal machinery.

#### IX. ENVIRONMENTAL JURISPRUDENCE IN INDIA

88. Proceeding with the above understating, we can comfortably place the NGT within the rubric of the larger environmental jurisprudence which has been informing this unique institution. The role of this Court in establishing the legal connect between matters of environmental concern and fundamental rights of citizens, has produced much academic literature. Amongst others, Armin Rosencranz and Shyam Divan in their writing- *Environmental Law And Policy In India*, have noted that the field of laws pertaining to environmental concerns has been a fairly fertile ground for judicial innovations by this Court; moving the concept of Environmental law from the realm of torts to interlink it with fundamental rights<sup>30</sup>, liberalizing the concept of *locus standi* in environmental matters, exercising *suo motu* powers to reign in polluters, using expert committees to monitor implementation of Court orders, etc.<sup>31</sup>

89. By expanding the scope of Articles 21, 32, 48A, 51A(g), this Court has guaranteed the right to a pollution free environment for a holistic existence.<sup>32</sup> Most crucially, the expansion of Right to Life under Article 21 by this Court has become a touchstone to determine many environmental concerns. In *Subhash Kumar v. State of Bihar*, this Court explicitly held the following,

"Right to life is a fundamental right under Article 21 of the Constitution and it includes the right of enjoyment of pollution free water and air for full enjoyment of life."<sup>33</sup>

90. Adopting international principles and moulding them to Indian realities also became a focal concern, given the lacunae in regimes which may be exploited by those who may not have much concern for environmental degradation. Creation of the 'Absolute Liability Principle'<sup>34</sup> by this Court is a well recognized testament for this. It would thus be appropriate to state that much of the principles, institutions and

mechanisms in this sphere have been created, on account of this Court's initiative.

"The constitutionally-protected fundamental right to life and liberty has been extended through judicial creativity to cover unarticulated but implicit rights such as the right to a wholesome environment. ...The right was recognized as part of the right to life in 1991. ... The court has since fleshed out the right to a wholesome environment by integrating into Indian environmental jurisprudence not just established but even nascent principles of international environmental law."<sup>35</sup>

91. It has been noted that the Supreme Court adopted the role of an "amicus environment" by threading together human rights and environmental concerns, resultingly developing a *sui generis* environmental discourse.<sup>36</sup> There were both procedural and substantive innovations made, by entertaining PIL petitions, seeking remedies, including guidelines and directions in the absence of legislation. Many of the landmark cases which hold the fort to this day, were in recognition of the 'at risk' nature of some populations. The creation of the NGT itself was due in large part to the need expressed by this Court for such a forum.<sup>37</sup>

92. Justice T.S. Doabia in *Environmental & Pollution Laws in India*, has highlighted the larger societal concerns which have informed this Court's deliberation when dealing with environmental matters,

"The Supreme Court of India, in its interpretation of Article 21 of the Constitution of India, has facilitated the emergence of an environmental jurisprudence in India, while also strengthening human rights jurisprudence.

...The Courts have successfully isolated specific environmental law principles upon the interpretation of Indian statutes and the Constitution, combined with a liberal view towards ensuring social justice and the protection of human rights. The principles have often found reflection in the Constitution in some form, and are usually justified even when not explicitly mentioned in the statute concerned."<sup>38</sup>

93. Environmental jurisprudence in India has therefore been intrinsic to advancing a democratic, welfare oriented legal regime. Issues affecting the ecology and the environment must have a broad perspective and should have a society centric approach. Furthermore, the very nature of ecological and environmental issues has the propensity for rapid deterioration. Many such sensitive matters, as has been noted, stood transferred to the NGT, with the aim that those would be dealt with expediently with the required technical expertise and legal sophistication. The proactiveness of the superior Court was surely expected to be seen in the Tribunal's approach.

94. Analyzing the concept of the functioning of the NGT and its role within the broader concept of the environmental rule of law, Justice D.Y. Chandrachud speaking for a three judges Bench in *H.P. Bus Stand Management & Development Authority v. Central Empowered Committee*<sup>39</sup> so succinctly said that,

"40. The environmental rule of law, at a certain level, is a facet of the concept of the rule of law. But it includes specific features that are unique to environmental governance, features which are *sui generis*. The environmental rule of law seeks to create essential tools - conceptual, procedural and institutional to bring structure to the discourse on environmental protection. It does so to enhance our understanding of environmental challenges - of how they have been shaped by humanity's interface with nature in the past, how they continue to be affected by its engagement with nature in the present and the prospects for the future, if we were not to radically alter the course of destruction which humanity's actions have charted. The environmental rule of law seeks to facilitate a multi-disciplinary analysis of the nature and consequences of carbon footprints and in doing so it brings a shared understanding between science, regulatory decisions and policy perspectives in the field of environmental protection. It recognizes that the 'law' element in the environmental rule of law does not make the concept peculiarly the

preserve of lawyers and judges. On the contrary, it seeks to draw within the fold all stakeholders in formulating strategies to deal with current challenges posed by environmental degradation, climate change and the destruction of habitats. The environmental rule of law seeks a unified understanding of these concepts."

95. It is this environmental rule of law that has been encapsulated with the NGT's creation at this Court's behest. Professor Domenico Amirante in a comparative analysis of similar bodies across the world, notes that,

"With reference to the judicial enforcement of environmental law - which as we have seen should be considered an important condition not only for sustainable development but also for the sustainability of the legal environmental order - the National Green Tribunal of India seems to be the most comprehensive and promising among the specialized environmental Courts created in Asia over the last decade."<sup>40</sup>

96. The NGT therefore, is the institutionalization of the developments made by this Court in the field of environment law. These progressive steps have allowed it to inherit a very broad conception of environmental concerns. Its functions therefore, must not be viewed in a cribbed manner, which detracts from the progress already made in the Indian environmental jurisprudence.

#### X. CONCLUSION:

97. Before we set out our conclusion, we acknowledge the able contribution of Mr. Anand Grover as *amicus curiae*, assisted by Ms. Astha Sharma, AOR who were requested to assist the Court on the central issue of *suo motu* jurisdiction of NGT.

98. The NGT Act, when read as a whole, gives much leeway to the NGT to go beyond a mere adjudicatory role. The Parliament's intention is clearly discernible to create a multifunctional body, with the capacity to provide redressal for environmental exigencies. Accordingly, the principles of environmental justice and environmental equity must be explicitly acknowledged as pivotal threads of the NGT's fabric. The NGT must be seen as a *sui generis* institution and not *unus multorum*, and its special and exclusive role to foster public interest in the area of environmental domain delineated in the enactment of 2010 must necessarily receive legal recognition of this Court.

99. The environmental impacts on climate change are gaining increasing visibility in the shape of uncertain rains, species extinction, loss of natural habitat and so on. These also have the propensity to diminish fresh water resources, reduce agricultural yields and impact public health, particularly in the cities. The flooding and erosion in riverine and coastal areas are matters of serious concern. Governmental assessment of India's increased vulnerability to such changes in the near future also exists<sup>41</sup> with many countries declaring climate emergencies and many others being urged to follow suit<sup>42</sup>.

100. Therefore, the nature of ecological imbalance which is visible even in our own times may cascade, and the unforeseen injustice of the future may not be capable of being handled within the frontiers set forth today. The long term and very often irreparable environmental damage which are expected to be arrested by the NGT, urge this Court to advert to what is termed as *the 'Seventh Generation' sustainability principle*, or the *'Great Law of the Iroquois'* (as it originates from the Iroquois Tribe) which requires all decision making to withstand for the benefit of seven generations down the line.

101. It is vital for the wellbeing of the nation and its people, to have a flexible mechanism to address all issues pertaining to environmental damage and resultant climate change so that we can leave behind a better environmental legacy, for our children, and the generations thereafter.

102. In circumstances where adverse environmental impact may be egregious, but the community affected is unable to effectively get the machinery into action, a forum

created specifically to address such concerns should surely be expected to move with expediency, and of its own accord. The potentiality of disproportionate harm imposes a higher obligation on authorities to preserve rights which may be waylaid due to such restrictive access. It is also noteworthy that the "*global impacts of climate change will fall disproportionately on minority and low-income communities*".<sup>43</sup> Thus, an affirmative role, beyond mere adjudication at the instance of applicant, is certainly required for *servicing the ends of environmental justice*, as the statute itself requires of the NGT. We cannot validate an argument which furthers uncertainty to justify the role of a spectator, if not inaction, and would most assuredly result in injustice.

103. The NGT, with the distinct role envisaged for it, can hardly afford to remain a mute spectator when no-one knocks on its door. The forum itself has correctly identified the need for collective stratagem for addressing environmental concerns. Such a society centric approach must be allowed to work within the established safety valves of the principles of natural justice and appeal to the Supreme Court. The hands-off mode for the NGT, when faced with exigencies requiring immediate and effective response, would debilitate the forum from discharging its responsibility and this must be ruled out in the interest of justice.

104. It would be procedural hairsplitting to argue (as it has been) that the NGT could act upon a letter being written to it, but learning about an environmental exigency through any other means cannot trigger the NGT into action. To endorse such an approach would surely be rendering the forum procedurally shackled or incapacitated.

105. When the Registry of the NGT does indeed receive a communication or letter, including matters published in media, it may cause to initiate *suo motu* action by inviting attention of NGT to such matters in the form of office report. Such circumstances would however require a notice to be given to the sender of the communication or author of the news item, as the case may be, to assist the NGT in the course of hearing and to substantiate the factual matters. It must also be said that the exercise of *suo motu* jurisdiction does not mean eschewing with the principles of natural justice and fair play. In other words, the party likely to be affected should be afforded due opportunity to present their side, before suffering adverse orders.

106. One could admit to the argument of danger of *suo motu* jurisdiction, if the NGT was acting outside its domain. But when it is legitimately working within the contours of its statutory mandate and with procedural safeguards clarified above in play, the nature of the trigger itself viz. a letter or a '*suo motu*' initiation, cannot be the basis to curtail the role and responsibility of the specialized forum.

107. Institutions which are often addressing urgent concerns gain little from procedural nitpicking, which are unwarranted in the face of both the statutory spirit and the evolving nature of environmental degradation. Not merely should a procedure exist but it must be meaningfully effective to address such concerns. The role of such an institution cannot be mechanical or ornamental. We must therefore adopt an interpretation which sustains the spirit of public good and not render the environmental watchdog of our country toothless and ineffective.

108. Let us now hark back to the dialogues of the two protagonists, in *Waiting for Godot*, the play written by Samuel Beckett with which, we started this judgment. At the end of the deliberations, we find ourselves saying that the National Green Tribunal must act, if the exigencies so demand, without indefinitely waiting for the metaphorical *Godot* to knock on its portal. The preceding discussion advises us to answer the pointed question in the affirmative. It is accordingly declared that the NGT is vested with *suo motu* power in discharge of its functions under the NGT Act.

109. Having answered the common legal issue involved in all these cases regarding the *suo motu* jurisdiction of NGT, we direct delinking of these cases for now being

heard separately on merits. Indeed, if the case(s) emanate from same/common order of NGT, such case(s) be heard together. Registry may do the needful and post the matters on 25.10.2021 for direction and fixing date of hearing, before the Bench presided over by one of us (Justice A.M. Khanwilkar). For the purpose of further hearing, the respective cases shall not be treated as part-heard before this Bench.

<sup>1</sup> *Beckett, S.* (1954). *Waiting for Godot : Tragicomedy in 2 Acts.*

<sup>2</sup> (2013) 15 SCC 341

<sup>3</sup> (2008) 1 SCC 125

<sup>4</sup> (2011) 9 SCC 541

<sup>5</sup> (2018) 11 SCC 734

<sup>6</sup> (2019) 19 SCC 479

<sup>7</sup> Chapter II, 186<sup>th</sup> Law Commission Report.

<sup>8</sup> (1955) 2 SCR 603; AIR 1955 SC 661

<sup>9</sup> 47 Columbia Law Review 527

<sup>10</sup> 293 US 388 (1935) (dissenting)

<sup>11</sup> *Sarah Mathew v. Institute of Cardio Vascular Diseases*, (2014) 2 SCC 62, *New India Assurance Co. Ltd. v. Nusli Neville Wadia*, (2008) 3 SCC 279.

<sup>12</sup> (1996) 5 SCC 647

<sup>13</sup> (1997) 2 SCC 353

<sup>14</sup> (2012) 8 SCC 326

<sup>15</sup> (2019) 18 SCC 494

<sup>16</sup> 2021 SCC OnLine SC 7.

<sup>17</sup> (1999) 2 SCC 718

<sup>18</sup> (2019) 8 SCC 177

<sup>19</sup> GILL, G. (2020). *Mapping the Power Struggles of the National Green Tribunal of India : The Rise and Fall?* Asian Journal of Law and Society, 7(1), 85-126.

<sup>20</sup> (1999) 2 SCC 131

<sup>21</sup> 2020 SCC OnLine SC 572

<sup>22</sup> (1976) 1 SCC 719

<sup>23</sup> Scott La Franchi, *Surveying the Precautionary Principle's Ongoing Global Development : The Evolution of an Emergent Environmental Management Tool*, [32 B.C. Env'tl. Aff. L. Rev. 679 (2005)

<sup>24</sup> *Vellore Citizens (supra), S. Jagannathan v. Union of India*, (1997) 2 SCC 87, *Karnataka Industrial Areas Development Board v. C Kenchappa*, (2006) 6 SCC 371.

<sup>25</sup> Schlosberg D, *Defining Environmental Justice : Theories, Movements, and Nature* (Oxford University Press 2009)

<sup>26</sup> Schiffer, L. J., & Dowling, T. J. (1997). *Reflections On The Role Of The Courts In Environmental Law*. Environmental Law, 27(2), 327-342.

<sup>27</sup> Jeff Todd, *A "Sense of Equity" in Environmental Justice Litigation*, [44 HARV. ENVTL. L. REV. 169, 193 (2020).

<sup>28</sup> Supra Note 26.

<sup>29</sup> Ibid

<sup>30</sup> *Rural Litigation And Entitlement Kendra v. State Of U. P.*, AIR 1985 SC 652, *Charan Lal Sahu v. Union of India*, (1990) 1 SCC 613, *Virender Gaur v. State of Haryana*, (1995) 2 SCC 577

<sup>31</sup> See M.A.A. Baig, *Environmental Law And Justice*(1996). Domenico Amirante, *Environmental Courts In Comparative Perspective : Preliminary Reflections On The National Green Tribunal Of India* (2012). M.K. Ramesh, *Environmental Justice : Courts And Beyond*, Indian Jo. Of Env'tl. L. 20(2002).

<sup>32</sup> Maheshwara Swamy, N. *Law Relating to Environmental Pollution and Protection*. India, Thompson Reuters, Vol.I, Ed.5.

<sup>33</sup> (1991) 1 SCC 74.

<sup>34</sup> *M.C. Mehta v. Union of India*, [(1987) 1 SCC 395].

<sup>35</sup> Rajamani, Lavanya. 2007. *Public Interest Environmental Litigation in India : Exploring Issues of Access, Participation, Equity, Effectiveness and Sustainability*. *Journal of Environmental Law*

<sup>36</sup> *Supra*, Note 19.

<sup>37</sup> *M.C. Mehta v. Union of India*, (1986) 2 SCC 176, *Indian Council for Environmental-Legal Action v. Union of India*, (1996) 3 SCC 212, *A.P. Pollution Control Board v. M.V. Nayudu*, (1999) 2 SCC 718, *A.P. Pollution Control Board II v. M.V. Nayudu*, (2001) 2 SCC 62.

<sup>38</sup> Justice T.S. Doabia, *Environmental & Pollution Laws in India*, 3<sup>rd</sup> Ed., Vol 2 (2017).

<sup>39</sup> (2021) 4 SCC 309

<sup>40</sup> Domenico Amirante, *Environmental Courts in Comparative Perspective : Preliminary Reflections on the National Green Tribunal of India*, 29 *Pace Env'tl. L. Rev.* 441 (2012)

<sup>41</sup> Indian Network for Climate Change Assessment, *Climate Change and India : A 4X4 Assessment - A sectoral and regional analysis for 2030s*, Ministry of Environment and Forests, Government of India, 16 November 2010

<sup>42</sup> Secretary-General's Remarks at the Climate Ambition Summit. United Nations. United Nations, December 12, 2020.

<sup>43</sup> *Supra* Note 23.

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**ANNEXURE R-15**

Item No. 07

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 304/2019  
(M.A. No. 81/2021, M.A. No. 83/2021,  
M.A. No. 96/2021 & M.A. No. 85/2021 to  
M.A. No. 88/2021, I. A. No. 184/2022,  
I. A. No. 434/2023 & I. A. No. 435/2023,  
I. A. No. 439/2023 to I. A. No. 444/2023,  
I. A. No. 660/2023 to I. A. No. 662/2023)

M. Haridasan

Applicant

Versus

State of Kerala &amp; Ors.

Respondent(s)

Poabs Granites (Pvt.) Ltd. &amp; Anr.

Applicants in MA 81/2021

M/s. Panachayil Industries

Applicant in MA 83/2021

Crystal Granites Ltd. &amp; Anr.

Applicants in MA 96/2021

Raju K. Thomas &amp; Ors.

Applicants in MA 85/2021

Reji Joseph &amp; Anr.

Applicants in MA 86/2021

Thomsun Aggregates

Applicant in MA 87/2021

Michael Granites &amp; Ors.

Applicants in MA 88/2021

Date of hearing: 05.10.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Nishtha Kumar, Adv. for Original Applicant

Respondent: Mr. Nishe Rajen Shonker & Mr. Alim Anvar, Advs. for the State of Kerala  
Mr. Jogy Scaria & Ms. Beena Victor, Advs. for KSPCB  
Mr. Atmaram N.S. Nadkarni, Senior Advocate with Mr. S.S. Rebello & Mr.  
Mahesh Agarwal, Advs. in I.A 434/2023  
Mr. John Mathew, Adv. in I.A 435/2023  
Mr. Ravi Prakash Mehrotra, Senior Advocate with Mr. Alex M. Scaria &  
Ms. Usha Nandini, Advs. in I.A 439-440/2023  
Mr. Anshuman Shrivastava, Mr. Abhijeet Shrivastava & Ms. Usha  
Nandini Advs. in I.A 442-444/2023  
Mr. A. Karthik, Mr. Enoch D. Simon Joel & Ms. Smrithi Suresh, Adv. in  
I.A 660-662/2023  
Mr. Abhilash M.R & Mr. Sayooj Mohandas, Advs.  
Mr. E.M.S. Anam & Mr. M.S. Vishnu Shankar, Advs.

**ORDER**

1. This original application involves the issue of providing safeguards against operation of stone quarries close to the residences and public roads in Kerala.
2. The Tribunal had earlier issued certain directions and aggrieved with the same, some of the affected parties had approached the Hon'ble Supreme Court by filing the Civil Appeal Nos. 6273 of 2021, Civil Appeal Nos. 12122 – 12123 of 2018 and connected Civil Appeals. Hon'ble Supreme Court has relegated the appellants to the Tribunal to file a formal application and raise all contentions therein.
3. MA Nos. 85/2021, 86/2021, 87/2021, 88/2021 and IA Nos. 434/2023, 435/2023, 439/2023, 442/2023, 660/2023, 661/2023 and 662/2023 in OA No. 304/2019 have been filed by the affected parties seeking impleadment.
4. Though a letter was circulated by the Counsel for the Kerala State PCB with a prayer for adjournment on the ground of personal difficulty but the Counsel for the State PCB is present today and he has not pressed for such an adjournment, nor he has opposed the prayer for impleadment.
5. Having regard to the circumstances of the case, we deem it proper to allow the prayer for impleadment made in MA Nos. 85/2021, 86/2021, 87/2021, 88/2021 and IA Nos. 434/2023, 435/2023, 439/2023, 442/2023, 660/2023, 661/2023 and 662/2023 in OA No. 304/2019. If there is any other prayer, in addition to the prayer for impleadment, in the above MAs and IAs, then the concerned applicant will be at liberty to file fresh IA for the said prayer.

6. MA Nos. 85/2021, 86/2021, 87/2021, 88/2021 and IA Nos. 434/2023, 435/2023, 439/2023, 442/2023, 660/2023, 661/2023 and 662/2023 in OA No. 304/2019 are accordingly disposed of.
7. Registry is directed to prepare amended memo of parties.
8. The newly added respondents will be at liberty to file objection/reply within six weeks.
9. List on 08.12.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

October 05, 2023  
Original Application No. 304/2019  
DV

**ANNEXURE R-16**

**Building Stone Quarry Project**

**2842**

**Survey No. 555/2 at Nagaroor Village,  
Chirayinkeezhu Taluk, Thiruvananthapuram District**

Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019

**Half Yearly Compliance Report (HYCR)  
for the Period October 2022 to March 2023**

Project Proponent

**adani**

**Adani Vizhinjam Port Private Ltd. (AVPPL)**

**May 2023**

## Ports and Logistics

Ref: AVPPL/MoEF/2023-24/2436

Date: 24<sup>th</sup> May 2023

To,  
Ministry of Environment Forest and Climate Change (MoEF&CC),  
Regional Office (Southern Zone), Kendriya Sadan,  
IV<sup>th</sup> Floor, E&F Wings, 17<sup>th</sup> Main Road, II<sup>nd</sup> Block,  
Koramangala, Bangalore-560034  
[rosz.bng-mefcc@gov.in](mailto:rosz.bng-mefcc@gov.in)

**Subject:** Submission of **Half Yearly Compliance Report (HYCR)** to Conditions of Environmental Clearance (EC) for the Period October 2022 to March 2023 - Reg.

**Reference:** EC for Building Stone Quarry in Survey No. 555/2 at Nagaroor Village, Chirayinkeezhu Taluk, Thiruvananthapuram District, Kerala; by M/s. Adani Vizhinjam Port Pvt. Ltd. vide **No. 1200/EC2/2018/SEIAA dated 01.03.2019**

Dear Sir/Madam,

This has reference to the Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA issued on 1<sup>st</sup> March 2019 (vide reference cited) by the State Environmental Impact Assessment Authority (SEIAA), Kerala for the building stone quarry project in Survey No. 555/2 at Nagaroor Village, Chirayinkeezhu Taluk, Thiruvananthapuram District, Kerala; of M/s. Adani Vizhinjam Port Private Limited (AVPPL).

The Half Yearly EC Compliance Report (HYCR) of the conditions stipulated in the cited reference for the period from **October 2022 to March 2023** is enclosed herewith for record and reference. You are requested to kindly acknowledge the receipt of the same.

Thanking You.

Yours Sincerely,



Rajesh Jha  
MD & CEO – Authorized Signatory



Enclosed: As mentioned above

Copy to: State Environment Impact Assessment Authority (SEIAA), K.S.R.T.C Bus Terminal Complex, 4<sup>th</sup> Floor, Thampanoor, Thiruvananthapuram, Kerala

Adani Vizhinjam Port Pvt Ltd  
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Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023		
S. No.	Conditions	Compliance Status as on March 31, 2023
<b>Specific Conditions</b>		
1	The mining should be conducted with Non-Electric Detonator (NONEL) Method thereby minimizing air blast, fly rock and ground vibration.	<p><b>Complied</b></p> <p>Mining is being conducted using Non-Electric Detonator (NONEL) method of controlled blasting only; to minimize the air blast, fly rock and ground vibration. To date no incident of fly rock has been recorded.</p> <p>Adani Vizhinjam Port Pvt. Ltd. (AVPPL) had engaged Anna University, Department of Mining Engineering, Chennai to conduct a scientific study on Blast Induced Ground Vibration for the Quarry. Altogether 10 experimental blast rounds were conducted, and comprehensive vibration monitoring was carried out during the blasting experiment. In all the 10 trial blasts, ground vibrations were monitored at 47 locations around the blasting sites and neighboring villages, which includes domestic houses and other prominent structures of the village.</p> <p>Based on the scientific study, it is concluded that the blast induced ground vibrations and noise levels generated by the controlled blasting carried out in the quarry are safe and well within the permissible limit as per recommendations of Directorate General of Mine Safety (DGMS) and therefore is not affecting the residential buildings and other structures. Further, it had been observed that no flying fragments or projectiles travelled beyond 10 m from the site of blast. Hence, it was inferred through the study report that controlled blasting can be carried out at the Quarry. The Anna University Study Report was submitted along with the HYCR for the period April 2021 to September 2021.</p>
2	Extract a maximum of 7 lakh tons of building stone within a period of two years. Further permission for mining may be considered based on the requirement then and environmental assessment.	<p><b>Will be Complied</b></p> <p>In view of the additional requirement of building stone for completion of phase 1 of the Vizhinjam project, State Environmental Impact Assessment Authority (SEIAA), Kerala decided to issue EC for the extraction of a further 10.79 Lakh Tons granite rock for the period from 2021-22 to 2023-24 subject original EC conditions vide their order</p>

Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023		
S. No.	Conditions	Compliance Status as on March 31, 2023
		<p>No. 1200/EC2/2018/SEIAA dated 16.11.2020 (A copy of the order was submitted along with the HYCR for the period October 2020 to March 2021). The Modified Approved Mining Plan was submitted along with the HYCR for the period April 2021 to September 2021). Therefore, permission is accorded for a total of 17.79 (7 + 10.79) Lakh Tons of building stones to be extracted from the quarry.</p> <p>During the compliance period (October 2022 to March 2023), a total of 2.002 Lakh Tons of building stones have been extracted and a total cumulative quantity of 15.113 Lakh Tons of building stones have been extracted from inception of mining on 02.07.2019 till 31.03.2023.</p>
3	The proponent shall file an affidavit that he will expend Rs. 15 lakhs as a part of CER in consultation with Local Self Government.	<p><b>Complied</b> AVPPL have submitted to SEIAA an affidavit dated 08.11.2019 duly signed by the MD and CEO vide letter AVPPL/SEIAA/2019-20/945 dated 15.11.2019 that Rs. 15 Lakhs will be spent as a part of Corporate Environment Responsibility (CER) in consultation with the Local Self Government. A copy of the affidavit was submitted along with the HYCR for the period October 2019 to March 2020.</p> <p>As of March 31, 2023, AVPPL has spent Rs. 35.89 Lakhs towards CER Activities. Despite having exhausted the agreed-upon funds for CER activities, AVPPL remains committed to environmental responsibility and has exceeded the required expenditure of Rs. 15 Lakhs as stated in the affidavit.</p>
4	The proponent should follow the closure plans (progressive closure and final closure) as per KMMC Rules.	<p><b>Will be Complied</b> AVPPL will follow the closure plans (progressive closure and final closures) as per Kerala Minor Minerals Concession (KMMC) Rules and Mine Closure Plan in the Modified Approved Mining Plan (The Modified Approved Mining Plan was submitted along with the HYCR for the period April 2021 to September 2021).</p>


Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023		
S. No.	Conditions	Compliance Status as on March 31, 2023
		The closure procedure (progressive closure and final closures) shall be documented prior to and during the closure of the mine.
General Conditions		
1	A separate environmental management and monitoring cell with qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.	<b>Complied</b> A separate Environmental Management and Monitoring Cell (EMMC) with qualified personnel has been set up by AVPPL. The cell is under the control of the Head of Department (HoD), Environment who reports directly to the Chief Executive Officer (CEO), AVPPL. The details of the constitution of EMMC were submitted along with HYCR for the period April 2019 to September 2019. EMMC meeting is being conducted frequently to monitor the environmental issues at the quarry.
2	Suitable avenue trees should be planted along either side of the tarred road and open parking areas, if any, including of approach road and internal roads.	<b>Being Complied</b> There is already an existing plantation along the tar road. AVPPL have planted avenue trees at suitable locations, such as buffer zones for greenbelt development and the saplings planted are growing well and have started to bear fruits; as seen in the image below.


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S. No.	Conditions	Compliance Status as on March 31, 2023
		 <p style="text-align: center;"><b>Avenue Plantation</b></p>
3	Sprinklers shall be installed and used in the project site to contain dust emissions.	<p><b>Being Complied</b></p> <p>Regular water sprinkling through water tankers is being carried out on haul roads and other dust prone areas such as loading and unloading of minerals.</p>


Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023		
S. No.	Conditions	Compliance Status as on March 31, 2023
		 <p style="text-align: center;"><b>Water Sprinkling through Tankers</b></p>
4	Eco-restoration including the mine closure plan shall be done at the own cost of the project proponent	<p><b>Will be Complied</b></p> <p>Eco-restoration including Mine Closure Plan is provided in the Modified Approved Mining Plan (Submitted along with the HYCR for the period April 2021 to September 2021). The same shall be implemented during the closure at the cost of AVPPL.</p>
5	In view of the deep pits left after the excavation, stacking at maximum top level should be carried out.	<p><b>Not Applicable</b></p> <p>The Stacking of materials is not being carried out, as all the produced materials are used for Breakwater Construction at Vizhinjam Port. They are being transported directly to the Port site and not stacked at the quarry site.</p> <p>As per the mine closure plan the pit will be utilized for storing water as a rainwater harvesting method and will also be induced to sustain the groundwater table. As for the post mining land use, an area of 0.9540 Ha will be used for water pond for storage of water.</p>
6	Corporate Environment Responsibility agreed upon by the proponent should be implemented.	<p><b>Being Complied</b></p> <p>AVPPL is coordinating with the Local Self Government regarding approval of the proposed CER plan with expense heads under specific activities in line with MoEF&amp;CC Office Memorandum (OM) F.No.22-65/2017-IA.III dated 01.05.2018.</p>

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S. No.	Conditions	Compliance Status as on March 31, 2023
		<p>AVPPL had prepared a budget plan and had submitted the same to the Nagaroor Gram Panchayat seeking their confirmation and go ahead for the proposed CER (Proposed plan was submitted along with HYCR for the period October 2019 to March 2020). Correspondence to the President of the Nagaroor Gram Panchayat was submitted along with HYCR for the period April 2019 to September 2019.</p> <p>Considering the necessities of the community and discussions with the local panchayat, AVPPL has implemented CER activities in the surrounding areas of the quarry site (Details have been submitted along with earlier compliance reports). As per affidavit dated 08.11.2019 duly signed by the MD and CEO vide letter AVPPL/SEIAA/2019-20/945 dated 15.11.2019, that Rs. 15 Lakhs will be spent as a part of CER, AVPPL have surpassed the required expenditure of Rs. 15 Lakhs and spent Rs. 35.89 Lakhs towards CER activities. Despite having exhausted the agreed upon funds for CER activities, AVPPL are committed towards Environmental responsibility.</p>
7	The project proponent shall comply the conditions stipulated by the statutory authorities concerned.	<b>Being Complied</b> AVPPL is complying with all applicable conditions stipulated by respective competent statutory authorities.
8	Tarring /multiple options on the access roads shall be undertaken so as to reduce dust pollution during movement of vehicle.	<b>Complied</b> AVPPL has developed a tar road of around 0.9 km from the quarry project site gate to Kadavilla Junction (which is connected to SH46 and onto NH66) for movement of vehicles; thereby reducing the dust pollution.

**Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023**

S. No.	Conditions	Compliance Status as on March 31, 2023
		 <p align="center"><b>Tar Road at Project Site</b></p>
9	<p>Overburden materials should be managed within the site and used for reclamation of mine pit as per mine closure plan / specific conditions</p>	<p><b>Being Complied</b></p> <p>As such, the quarry had been mined earlier by another party and since this is already an open mine, there was no topsoil or overburden available in the quarry; all the produced materials are being used for Breakwater Construction at Vizhinjam Port.</p> <p>However, due to certain geological disturbances in the formation, some overburden has been found in between the rock formation after attaining 6 m on the western slope between p3 and p4 pillars. AVPPL have shifted the topsoil and overburden on the western slope to an area of land in the lower portions of the quarry along with 150 m gabion wall protection. The overburden materials will be managed in this area within the site as per mine closure plan.</p>

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S. No.	Conditions	Compliance Status as on March 31, 2023
		 <p style="text-align: center;"><b>Gabion Wall</b></p>
10	Height of benches should not exceed 5 m, and width should not be less than 5 m, if there is no mention in the mining plan/specific condition.	<b>Being Complied</b> As per the Modified Approved Mining Plan, the bench height and width need to be maintained at a maximum of 6.0 m. Also, a 45° pit slope will be maintained; which is currently being adhered to.
11	Ground level should be fixed in individual cases separately	<b>Being Complied</b> For every bench, ground level is fixed in MSL as individual cases separately. Surface plan with MSL levels is provided in the Modified Approved Mining Plan (Submitted along with the HYCR for the period April 2021 to September 2021).
12	No mining operations should be carried out at places having a slope greater than 45.	<b>Being Complied</b> No mining operations are being carried out at places having a slope greater than a 45 degrees angle.
13	Acoustic enclosures should have been provided to reduce sound amplifications in addition to the provisions of green belt and hollow brick envelop for crushers so that the noise level is kept within prescribed standards given by CPCB/KSPCB. This condition is applicable only in such cases if a crusher is adjacent to the quarry	<b>Not Applicable</b> There is no crusher adjacent to the quarry and the same is not proposed.
14	The workers on the site should	<b>Being Complied</b>

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	be provided with the required protective equipment such as ear muffs, helmet, etc.	<p>All employees are provided with relevant Personal Protective Equipment (PPEs) like Helmets, Shoes, Fluorescent Reflective Jackets, etc.</p>  <p style="text-align: center;"><b>Employees with PPEs</b></p>
15	Garland drains with clarifiers to be provided in the lower slopes around the core area to channelize storm water.	<p><b>Being Complied</b> Mining operations are being carried out at the top level during the compliance period. However, garland drainage/garland canals of 60 m have been developed in the lower slopes to channelize storm water.</p>

**Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023**

S. No.	Conditions	Compliance Status as on March 31, 2023
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**Garland Drain**

A siltation pond has been created by constructing a check dam, which is up to 10m X 1.5m in size, at the bottom of the quarry area to prevent the run-off of water and flow of sediments. The collected water is being utilized for watering the mine area, roads, greenbelt development, etc.



**Check Dam**

<b>Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023</b>		
<b>S. No.</b>	<b>Conditions</b>	<b>Compliance Status as on March 31, 2023</b>
16	The transportation of minerals should be done in covered trucks to contain dust emissions. The proponent should plant trees at least 5 'times of: the loss: that has been occurred while clearing the land for the project. SEAC should assess the number of trees in each project site before the issuance of EC so as to ensure the promptness in, planting.	<p><b>Being Complied</b></p> <p>The transportation of minerals in trucks is being undertaken covered with tarpaulin cover. Since this is an existing quarry which was already mined earlier, the quarry is in open condition. There was no clearing of land for the project and no trees have been cut down as there are no trees inside the lease area.</p>  <p style="text-align: center;"><b>Truck with Tarpaulin Cover</b></p>
17	Explosives should be stored in magazines in isolated place specified and approved by Explosives Department	<p><b>Being Complied</b></p> <p>AVPPL constructed 500 Kgs portable explosives magazine at an area called Chappath; which is 65 km away from the quarry location. AVPPL are transporting the explosives and detonators from Chappath to Kadavilla quarry through two authorized explosives vans for which following licenses were obtained from PESO:</p> <ul style="list-style-type: none"> <li>• Explosives magazine license E/SE/KL/22/331(E121778) dated 13.09.2021</li> <li>• Explosives van-1 (KL01CP2414) license E/SE/KL/25/99(E135886) dated 22.09.2021</li> <li>• Explosives van-2 (KL01CP2472) license E/SE/KL/25/99(E135883) dated 22.09.2021</li> </ul> <p>Copies of the above mentioned licenses were submitted along with the HYCR for the period April 2021 to September 2021. Operations at Explosives Storage at Chappath began in October 2021.</p>
18	A minimum buffer distance of 100m from the boundary of the quarry to the nearest dwelling	<p><b>Complied</b></p> <p>As per the Government of Kerala (GoK) State Gazette Notification G.O. (P) No. 25/2017/ID</p>


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	unit or other structures, not being any facility for mining shall be provided.	<p>dated 22.06.2017, permit holder shall not carry on or allow to be carried on any quarrying operations at or to any points within 50 m from any residential buildings or from the nearest dwelling unit or other structures.</p> <p>Also, as per the Consent to Operate (CTO) obtained from KSPCB, quarrying activities are restricted to a distance more than 50 m from the nearby residential buildings.</p> <p>Further, DMG had communicated to SEIAA vide its letter No. 9363/M3/2018 dated 23.03.2019 (A copy of the letter was submitted along with the HYCR for the period October 2019 to March 2020) that as per Rule 40 1(i) of the KMMC Rules, the lessee is permitted to carry out mining at 50 m from the residential houses.</p> <p>As per the map prepared by the village officer, the nearest house is ~60 m from the boundary of the quarry.</p>
19	50 m buffer distance should be maintained from forest boundaries.	<p><b>Not Applicable</b> There are no forests in the vicinity of the project site.</p>
20	Consent from Kerala State Pollution Control Board under Water and Air Act(s) should be obtained before initiating mining activity.	<p><b>Complied</b> CTO has been obtained from Kerala State Pollution Control Board (KSPCB) vide Consent No. PCB/TVM-DO/ICO/QRY/103/2019 dated 05.03.2019 valid up to 27.02.2021. A copy of the same was submitted along with HYCR for the period April 2019 to September 2019.</p> <p>Further, The CTO was renewed vide Consent No. PCB/TVM-DO/CHZ/ICO(R)/QRY/128/2020 dated 18.12.2020 valid up to 28.02.2024. Copy of the renewed CTO is was submitted along with HYCR for the period October 2020 to March 2021.</p>
21	All other statutory clearances should be obtained, as applicable, by project proponents from the respective competent authorities including that for blasting and storage of	<p><b>Complied</b> AVPPL have obtained all applicable statutory clearances from the respective competent authorities. The following clearances have been obtained:</p> <ul style="list-style-type: none"> <li>• No Objection Certificate (NoC) from</li> </ul>

Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023		
S. No.	Conditions	Compliance Status as on March 31, 2023
	explosives.	<p>Trivandrum District Collector vide Letter No. B7-40269/2017 dated 30.04.2018 for Govt. land.</p> <ul style="list-style-type: none"> <li>• Letter of Intent from DMG vide Letter No. 9363/M3/2018 dated 04.09.2018</li> <li>• CTO has been obtained from KSPCB vide Consent No. PCB/TVM-DO/ICO/QRY/103/2019 dated 05.03.2019 valid up to 27.02.2021. Further, The CTO was renewed vide Consent No. PCB/TVM-DO/CHZ/ICO(R)/QRY/128/2020 dated 18.12.2020 valid up to 28.02.2024.</li> <li>• Purchase and Use of Explosives Approval from Petroleum &amp; Explosives Safety Organization (PESO), Ernakulam vide Letter No. E/Misc/Expl dated 27.03.2019</li> <li>• Dangerous and Offensive Trade (D&amp;O) License from Nagaroor Gram Panchayat vide License Number A2.1836\2019 dated 01.04.2019</li> <li>• NoC for Use of Explosives from District Collector, Thiruvananthapuram vide File No. DCTVM/2436/2019-A17 dated 09.05.2019</li> <li>• Approved Mining Plan by District Geologist, Trivandrum vide Letter No. 1716/DOT/ML/18 dated 20.05.2019</li> <li>• Lease Order from DMG vide Letter No. 9363/M3/2018 dated 20.05.2019</li> <li>• Lease Execution from Additional Director of Mining and Geology vide Letter No. 79/2019-20/9363/M3/2018/DMG dated 20.05.2019</li> <li>• Quarrying Lease Registration Agreement in Form H at Chirayinkeezhu Register Office dated 22.05.2019</li> <li>• Explosives magazine license E/SE/KL/22/331(E121778) dated 13.09.2021.</li> <li>• Explosives van-1 (KL01CP2414) license E/SE/KL/25/99(E135886) dated 22.09.2021.</li> <li>• Explosives van-2 (KL01CP2472) license E/SE/KL/25/99(E135883) dated 22.09.2021.</li> <li>• Modified Approved Mining Plan by District Geologist, Trivandrum vide Letter No. 2436/DOT/ML/2020 dated 16.11.2020</li> </ul> <p>Copies of the above mentioned approvals were submitted along with HYCR for the period April</p>

Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023		
S. No.	Conditions	Compliance Status as on March 31, 2023
		2019 to September 2019. Copy of the renewed CTO was submitted along with HYCR for the period October 2020 to March 2021. Copies of the explosives vans and magazine licenses and Modified Approved Mining Plan was submitted along with the HYCR for the period April 2021 to September 2021.
22	In the case of any change(s) in the scope of the project, extent quantity, process of mining technology involved or in any way affecting the environmental parameters/impacts as assessed, based on which only the E.C is issued, the project would require a fresh appraisal by this Authority, for which the proponent shall apply and get the approval of this Authority	<p><b>Complied</b></p> <p>In view of the additional requirement of building stone for completion of phase 1 of the Vizhinjam project, SEIAA decided to issue EC for the extraction of a further 10.79 Lakh Tons granite rock for the period from 2021-22 to 2023-24 subject original EC conditions vide their order No. 1200/EC2/2018/SEIAA dated 16.11.2020 (A copy of the order was submitted along with the HYCR for the period October 2020 to March 2021). Therefore, permission is accorded for a total of 17.79 (7.00 + 10.79) Lakh Tons of building stones to be extracted from the quarry.</p> <p>During the compliance period (October 2022 to March 2023), a total of 2.002 Lakh Tons of building stones have been extracted and a total cumulative quantity of 15.113 Lakh Tons of building stones have been extracted from inception of mining on 02.07.2019 till 31.03.2023.</p>
23	The Authority reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.	<p><b>Being Complied</b></p> <p>Based on the SEIAA order No. 1200/EC2/2018/SEIAA dated 16.11.2020 (A copy of the order was submitted along with the HYCR for the period October 2020 to March 2021), as an additional precautionary safeguard measure, Authority decided to constitute a monitoring team to monitor the functioning of the quarry.</p> <p>The team will inspect the quarry at least once every 3 months and prepare an inspection report. The team will also suggest corrective measures for irregularities if any. The project proponent will provide logistic support for field inspection. The first visit was completed and AVPPL have complied with all observations and</p>

Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023		
S. No.	Conditions	Compliance Status as on March 31, 2023
		<p>recommendations of the monitoring committee.</p> <p>Thereafter, in line with email from SEIAA dated 03.11.2022 (<b>Annexure 1</b>), a second site visit and field inspection of the monitoring team consisting of Dr. R. Ajayakumar Varma, Chairman, SEAC and Er. M. Dileep Kumar was held on 12.11.2022.</p> <p>The field Inspection report was discussed in the 135<sup>th</sup> SEAC Meeting between 07.12.2022 to 17.12.2022, wherein the committee decided to recommend additional points for compliance. The observations and recommendations of the monitoring committee were received from SEIAA vide letter No. 1200/EC2/2018/SEIAA dated 30.12.2022 (<b>Annexure 2</b>). In this regard, AVPPL have complied with all the observations and recommendations of the monitoring committee and details of the same are given in <b>Annexure 3</b>.</p>
24	The stipulations by Statutory Authorities under different Acts and Notifications should be complied with, including the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.	<b>Noted</b>
25	The project proponent should advertise in at least two local newspapers widely circulated in the region, one of which (both the advertisement and the newspaper) shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Environment	<p><b>Complied</b></p> <p>EC for the project was issued on 01.03.2019. Advertisements, that the project has been accorded EC were published within Ten days in two widely circulated local newspapers: The Hindu (English) on 09.03.2019 and Mathrubhumi (Malayalam – vernacular language) on 10.03.2019. Also, copy of the EC is available with the SEIAA office and it is also available on the website of the Authority at <a href="http://www.seiaakerala.in">www.seiaakerala.in</a>. Screenshot of the website showing the details of the EC was submitted along with HYCR for the</p>

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S. No.	Conditions	Compliance Status as on March 31, 2023
	Impact Assessment Authority (SEIAA) office and may also be seen on the website of the Authority at <a href="http://www.seiaakerala.org">www.seiaakerala.org</a> . The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same signed in all pages should be forwarded to the office of this Authority as confirmation.	<p>period October 2019 to March 2020. Extracts of these newspaper clippings with the advertisements were submitted along with HYCR for the period April 2019 to September 2019.</p> <p>Copy of the advertisements signed on all pages were submitted to SEIAA vide Letter No. AVPPL/SEIAA/2019-20/731 dated 01.04.2019 was submitted along with HYCR for the period April 2019 to September 2019.</p> <p>The copy of EC is uploaded to the company website: <a href="https://www.adaniports.com/ports-downloads?port=Vizhinjam-Port">https://www.adaniports.com/ports-downloads?port=Vizhinjam-Port</a> Screenshot of the same was submitted along with HYCR for the period April 2019 to September 2019.</p>
26	The Environmental Clearance shall be put on the website of the company by the proponent.	<p><b>Complied</b></p> <p>The copy of EC is uploaded to the company website: <a href="https://www.adaniports.com/ports-downloads?port=Vizhinjam-Port">https://www.adaniports.com/ports-downloads?port=Vizhinjam-Port</a>. Screenshot of the same was submitted along with HYCR for the period April 2019 to September 2019.</p>
27	Proponent shall submit half yearly reports in soft copy and SEIAA will upload it on the website.	<p><b>Being Complied</b></p> <p>HYCRs on the status of compliance of the stipulated clearance conditions are being submitted to all the concerned agencies. As per the Notification of Ministry of Environment and Forests &amp; Climate Change (MoEF&amp;CC) dated 26.11.2018, wherein submission of HYCRs by email/soft copy is declared acceptable, soft copy of HYCR for the period April 2022 to September 2022 has been submitted vide email dated 30.11.2022 (a copy of the email is enclosed as <b>Annexure 4</b>).</p>
28	The details of Environmental Clearance should be prominently displayed in a metallic board of 3 ft x 3 ft with green background and yellow letters of Times New Roman font of size of not less than 40. Sign board with extent of lease area and boundaries shall be	<p><b>Complied</b></p> <p>The details of EC have been displayed at the site next to the entrance of the quarry, visible to the public.</p>

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S. No.	Conditions	Compliance Status as on March 31, 2023
	depicted at the entrance of the quarry, visible to the public	 <p style="text-align: center;"><b>EC Details Displayed on Board at Site</b></p>
29	The proponent should provide notarized affidavit (indicating the number and date of Environmental Clearance proceedings) that all the conditions stipulated in the EC shall be scrupulously followed.	<p><b>Complied</b></p> <p>AVPPL has submitted Notarized Affidavit dated 03.04.2019 to SEIAA stating that all the conditions stipulated in the EC shall be scrupulously followed. Copy of the affidavit and the cover letter vide No. AVPPL/SEIAA/2019-20/731 dated 01.04.2019 have been submitted along with HYCR for the period April 2019 to September 2019.</p>
30	No change in mining technology and scope of working should be made without prior approval of the SEIAA, No further expansion or modifications in the mine shall be carried out without prior approval of the SEIAA, as applicable	<p><b>Noted for Compliance</b></p>
31	The Project proponent shall ensure that no natural water course and/or water resources shall be obstructed due to any	<p><b>Not Applicable</b></p> <p>There are no natural water courses and/or water resources of first order streams in and around the mine lease area.</p>

Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023		
S. No.	Conditions	Compliance Status as on March 31, 2023
	mining operations. Necessary safeguard measures to protect the first order streams, if any, originating from the mine lease shall be taken.	
32	The top soil, if any, shall temporarily be stored at earmarked site(s) only for the topsoil shall be used for land reclamation and plantation. The over burden (OB) generated during the mining operations shall be stacked at earmarked dump site(s) only. The maximum height of the dumps shall not exceed 8m and width 20m and overall slope of the dumps shall be maintained to. The OB dumps should be scientifically vegetated with suitable native species to prevent erosion and surface run off. In critical areas, use of geo textiles shall be undertaken for stabilization of the dump. The entire excavated area shall be backfilled. Monitoring and management of rehabilitated areas should continue until the vegetation becomes self-sustaining.	<p><b>Being Complied</b></p> <p>As such, the quarry had been mined earlier by another party and since this is already an open mine, there was no topsoil or overburden available in the quarry; all the produced materials are being used for Breakwater Construction at Vizhinjam Port.</p> <p>However, due to certain geological disturbances in the formation, some overburden has been found in between the rock formation after attaining 6 m on the western slope between p3 and p4 pillars. AVPPL have shifted the topsoil and overburden on the western slope to an area of land in the lower portions of the quarry along with 150 m gabion wall protection. The overburden materials will be managed in this area within the site as per mine closure plan.</p> <p>It will be ensured that the maximum height of the dumps shall not exceed dimensions specified and overall slope of the dumps shall be maintained to 37.5 degrees. The overburden dumps will be vegetated with suitable native species and monitoring and management of the area shall be done until the vegetation becomes self-sustaining.</p>
33	Catch drains and siltation ponds of appropriate size shall be constructed around the mine working, mineral and OB dumps to prevent run off of water and flow of sediments directly into the river and other water bodies: 'The water so-collected should be utilized for watering the mine area, roads, green belt development.etc. The drains shall be regularly desilted	<p><b>Will be Complied</b></p> <p>The quarry has been mined earlier by other parties and is an already open mine and hence there is no topsoil or overburden available in the quarry. Also, there are no mineral dumps since all the produced materials are used for Breakwater Construction at Vizhinjam Port. Therefore, catch drains for prevention of run-off is not required at the project site.</p> <p>A siltation pond has been created by constructing a check dam (up to 10m X 1.5m size) at the</p>


Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023																											
S. No.	Conditions	Compliance Status as on March 31, 2023																									
	particularly after monsoon and maintained properly.	bottom of the quarry area to prevent run-off of water and flow of sediments. The water collected is being utilized for watering the mine area, roads, greenbelt development, etc.  The drains will be regularly desilted particularly after monsoon and maintained properly.																									
34	Effective safeguard measures such as- regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels. 'of PM 10, and PM 2.5, such as haul Road, loading and unloading points and transfer points— it shall 'be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard	<p><b>Being Complied</b></p> <p>Regular water sprinkling through water tankers on haul road and other dust prone areas such as loading and unloading of minerals is being carried out.</p> <p>Environment Monitoring at the site has been carried out by NABL accredited laboratory; M/s. Standards Environmental &amp; Analytical Laboratories. Summary of the Ambient Air Quality Monitoring (AAQM) during the compliance period at 5 monitoring locations is mentioned below.</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Unit</th> <th>Max</th> <th>Min</th> <th>Perm. Limit</th> </tr> </thead> <tbody> <tr> <td>PM<sub>10</sub></td> <td>µg/m<sup>3</sup></td> <td>58.7</td> <td>50.9</td> <td>100</td> </tr> <tr> <td>PM<sub>2.5</sub></td> <td>µg/m<sup>3</sup></td> <td>34.6</td> <td>28.3</td> <td>60</td> </tr> <tr> <td>SO<sub>2</sub></td> <td>µg/m<sup>3</sup></td> <td>BDL</td> <td>-</td> <td>80</td> </tr> <tr> <td>NO<sub>2</sub></td> <td>µg/m<sup>3</sup></td> <td>BDL</td> <td>-</td> <td>80</td> </tr> </tbody> </table> <p>The Ambient Air Quality Monitoring Report is enclosed as <b>Annexure 5</b>. All the monitored parameters were found within the prescribed limits.</p>	Parameter	Unit	Max	Min	Perm. Limit	PM <sub>10</sub>	µg/m <sup>3</sup>	58.7	50.9	100	PM <sub>2.5</sub>	µg/m <sup>3</sup>	34.6	28.3	60	SO <sub>2</sub>	µg/m <sup>3</sup>	BDL	-	80	NO <sub>2</sub>	µg/m <sup>3</sup>	BDL	-	80
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NO <sub>2</sub>	µg/m <sup>3</sup>	BDL	-	80																							
35	Fugitive dust emissions from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained	<p><b>Being Complied</b></p> <p>AVPPL have developed a tar road of around 0.9 km from Kadavilla Junction to the quarry project site gate for movement of vehicles: thereby reducing the dust pollution.</p> <p>Also, regular water sprinkling through water tankers on haul road and other dust prone areas such as loading and unloading of minerals is being carried out.</p>																									
36	Measures should be taken for control of noise levels below 85 dBA in the work environment.	<p><b>Being Complied</b></p> <p>The following measures are being taken for the control of noise levels:</p> <ul style="list-style-type: none"> <li>• Drilling: Good captive silencers are being used</li> </ul>																									

**Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023**

S. No.	Conditions	Compliance Status as on March 31, 2023																		
		<p>in drilling equipment.</p> <ul style="list-style-type: none"> <li>• Blasting: AVPPL uses the NONEL method - bottom initiation to reduce the noise of blasting.</li> <li>• Machinery &amp; Tippers: It is ensured that equipment is fitted with effective silencers, mufflers, acoustic linings, or shields, as necessary.</li> <li>• It is ensured that vehicles transporting the materials follow the speed limit to maintain the noise level.</li> <li>• Vehicles are serviced regularly and maintained properly to avoid any unwanted generation of noise or vibration from them.</li> </ul> <p>Ambient Noise is being monitored by NABL accredited laboratory; Standards Environmental &amp; Analytical Laboratories as per Noise Pollution (Regulation &amp; Control) Rules, 2000 (Rules 3 (1) and 4(1)) at 5 locations.</p> <p>Summary of the Ambient Noise Monitoring during the compliance period at 5 monitoring locations is mentioned below:</p> <table border="1" data-bbox="724 1357 1426 1720"> <thead> <tr> <th>Location</th> <th>L<sub>eq</sub> Day time</th> <th>L<sub>eq</sub> Night time</th> </tr> </thead> <tbody> <tr> <td>Quarry Area (Project Site)</td> <td>58.3</td> <td>42.3</td> </tr> <tr> <td>Near Operators Rest Room (North Side)</td> <td>53.9</td> <td>41.8</td> </tr> <tr> <td>Vanchiyoor UP School (West Side)</td> <td>52.6</td> <td>41.6</td> </tr> <tr> <td>St. Joseph of Cluny Public School (South Side)</td> <td>50.6</td> <td>41.3</td> </tr> <tr> <td>Viswanadhapuram Shiva Temple (East Side)</td> <td>50.4</td> <td>40.6</td> </tr> </tbody> </table> <p>The results obtained were compared with Noise Pollution (Regulation &amp; Control) Rule, 2000 (Rule 3(1) and 4(1)) and it is observed that the noise readings were within limits at all monitoring locations. The Noise Monitoring report is enclosed as <b>Annexure 6</b>.</p>	Location	L <sub>eq</sub> Day time	L <sub>eq</sub> Night time	Quarry Area (Project Site)	58.3	42.3	Near Operators Rest Room (North Side)	53.9	41.8	Vanchiyoor UP School (West Side)	52.6	41.6	St. Joseph of Cluny Public School (South Side)	50.6	41.3	Viswanadhapuram Shiva Temple (East Side)	50.4	40.6
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Viswanadhapuram Shiva Temple (East Side)	50.4	40.6																		
37	The funds earmarked for environmental protection measures and CER activate	<p><b>Being Complied</b> AVPPL has entered into a Concession Agreement with GoK for the construction and operation of</p>																		

Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023		
S. No.	Conditions	Compliance Status as on March 31, 2023
	should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the State Environment Impact Assessment Authority (SEIAA) office.	<p>Vizhinjam Port whereby it is mandated under Article 32 (copy submitted along with HYCR for the period April 2019 to September 2019) that an Escrow Account must be opened by AVPPL. All deposits must be made into this account and all payments have to be routed through this account for the construction of the port. This account is directly under the monitoring of both the Central and State governments through the Senior Lenders.</p> <p>Therefore, it is requested that the provision of opening of separate account be absolved as there will be a direct contradiction to the Concession Agreement. As the owner of the quarry, AVPPL guarantees that the amount of Rs. 15.00 Lakhs earmarked for CER and funds earmarked for environmental protection measures will be kept as a balance in the current Escrow Account. Furthermore, as provided above the account will be monitored by the government.</p> <p>Expenditure statement for CER and environmental protection measures is enclosed as <b>Annexure 7</b>.</p>
38	The Regional Office of MOEF & CC located at Bangalore shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (S) of the Regional Office by furnishing the requisite data/information/monitoring reports.	<p><b>Will be Complied</b></p> <p>All necessary support will be extended to the Regional Office of MoEF&amp;CC located at Bangalore for the monitoring of the compliance of the stipulated conditions Office by furnishing the requisite data/information/monitoring reports.</p>
39	Any appeal against this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.	<b>Noted</b>

Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023		
S. No.	Conditions	Compliance Status as on March 31, 2023
40	Concealing the factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.	<b>Noted</b>
41	The SEIAA may revoke or suspend the order, for non-implementation of any of the specific or this implementation of any of the above conditions is not satisfactory. The SEIAA reserves the right to alter/modify the above conditions or stipulate any further condition in the interest of environment protection	<b>Being Complied</b> Refer Point No. 23 above.
42	The above conditions shall prevail notwithstanding anything to the contrary, in consistent, or simplified, contained in any other permit, license or consent given by any other authority for the same project.	<b>Noted</b>
43	The Environmental Clearance will be subject to the final order of the courts in any pending litigation related to the land or project, in any court of law.	<b>Noted</b>
44	The mining operation shall be restricted to above ground water table and it should not intersect ground water table	<b>Complied</b> Based on observations made in and around the quarry area, it was found that the general ground level in the area is 32 m above MSL and the general groundwater table is 8 m below the general ground level i.e., 24 m above MSL. During monsoons the ground water table will rise by 2-3 m. The lease area is situated on an isolated hillock where the topmost working level is about 106 m above MSL, and the lowest working level is 70 m above MSL. The total depth will be 36 m.

Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023		
S. No.	Conditions	Compliance Status as on March 31, 2023
		Therefore, mining operations will be restricted to workings at a higher level at the quarry and will not touch the ground water table.
45	All vehicles used for transportation and within the mines shall have 'PUC' certificate from authorized pollution taking centre. Washing of all vehicles shall be inside the lease area	<p><b>Complied</b></p> <p>It is ensured that all vehicles used for transportation are having valid Pollution Under Control (PuC) certificate from authorized centers.</p>  <p style="text-align: center;"><b>PuC Certificate</b></p>
46	Project proponent should obtain necessary prior permission of the competent authorities for drawl of requisite quantity of surface water and ground water for the project	<p><b>Not Applicable</b></p> <p>AVPPL is not withdrawing the surface water or ground water from the project area for any purposes.</p>
47	Regular monitoring of flow rates and water quality upstream and downstream of the springs and perennial nallahs flowing in and around the mine lease area shall be carried out and reported in the six monthly reports to SEIAA	<p><b>Not Applicable</b></p> <p>There are no springs and perennial nallahs flowing upstream and downstream of the mine lease area as there are no water courses and/or water resources of first order streams in and around the mine lease area.</p>
48	Occupational health surveillance program of the workers should be under taken periodically to observe any contractions due to exposure to	<p><b>Being Complied.</b></p> <p>The medical health test checkup of the employees, workers, and laborers as per Director General of Mines (DGM) prescribed statutory format are being taken up periodically by the</p>

**Half Yearly Compliance Report (HYCR) on Conditions Stipulated in Environmental Clearance (EC) Order No. 1200/EC2/2018/SEIAA dated 01.03.2019 for the Period October 2022 to March 2023**

S. No.	Conditions	Compliance Status as on March 31, 2023
	dust and take corrective measures, if needed	<p>contractor involved in the mining operations to observe any contractions due to exposure to dust and take corrective measures.</p> <div data-bbox="724 656 1410 1496" style="border: 1px solid black; padding: 5px;"> <p align="center"><b>FORM 'O'</b> [Refer rules 29 - F (2) and 29 - L]</p> <p align="center"><b>REPORT OF MEDICAL EXAMINATION UNDER RULE 29 - B</b> (To be issued in triplicate)</p> <p>Certificate No. _____</p> <p>Certified that Shri <u>George Xavier Selvaraj</u> employed as <u>Blaster</u> in <u>Aveli - Kollavla</u> mine. For D.No. has examined for an initial/periodical medical examination. He appears to be <u>46</u> years of age. The findings of the examining authority are given in the attached sheet. It is considered that Shri <u>George Xavier Selvaraj</u></p> <p>a) Is medically fit for employment in mines.  b) Is suffering from _____ and is medically unfit for  i. Any employment in mines; or  ii. Any employment below ground; or  iii. Any employment or work _____</p> <p>c) Is suffering from _____ and should get this disability cured / controlled and should be again examined within a period of _____ months. He will appear for re-examination with the result of test of _____ and the opinion of _____ he may be permitted / not permitted to carry on his duties during this period.</p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">   Place: <u>DHC Nagavari</u>  Date: <u>29/03/23</u> </div> <div style="text-align: right;"> <p>Signature of the examining authority</p> <p><u>[Signature]</u></p> <p>_____</p> <p>Signature in block letters</p>  </div> </div> </div>

**Medical Examination Report (Form O)**

**Enclosures:**

Annexure Number	Details of Annexure
Annexure 1:	Email from SEIAA for SEAC Site Inspection
Annexure 2:	Letter from SEIAA based on Field Visit Report
Annexure 3:	Compliance of Recommendations by SEIAA Appointed Monitoring Committee
Annexure 4:	Email Submission of HYCR for the period April 2022 to September 2022
Annexure 5:	Ambient Air Quality Monitoring Report
Annexure 6:	Noise Monitoring Report
Annexure 7:	CER and EMP Expenditure Statement

**Annexure 1: Email from SEIAA for  
SEAC Site Inspection**

**From:** [Jesse Benjamin Fullonton](mailto:Jesse.Benjamin.Fullonton)  
**To:** [Jesse Benjamin Fullonton](mailto:Jesse.Benjamin.Fullonton)  
**Subject:** FW: SEIAA - Site inspection Intimation-File No.1200/EC2/2018/SEIAA  
**Date:** Monday, May 29, 2023 1:24:38 PM  
**Importance:** High

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**From:** seiaa kerala [<mailto:seacseiaakerala@gmail.com>]  
**Sent:** Thursday, November 3, 2022 8:20 PM  
**To:** [kadavilaland1@gmail.com](mailto:kadavilaland1@gmail.com); Hebin Chenthamarakshan <[Hebin.C@adani.com](mailto:Hebin.C@adani.com)>; Dr. R. Ajayakumar Varma <[akvarmaseac@gmail.com](mailto:akvarmaseac@gmail.com)>; M Dilipkumar <[dileppcb@ymail.com](mailto:dileppcb@ymail.com)>  
**Subject:** SEIAA - Site inspection Intimation-File No.1200/EC2/2018/SEIAA

**\*CAUTION: This mail has originated from outside Adani. Please exercise caution with links and attachments.\***

Sir,

As per the decision of SEAC meeting, Dr.R.Ajayakumar Varma, Chairman, SEAC (Contact No.**9447048526**) & Er.M.Dileep Kumar (Contact No.**9895623767**) will visit your project site on 12.11.2022 . Hence you are requested to be present with your RQP/Consultant during the site visit and make necessary arrangements for the same.

You can contact the members for further details

Mr.Rajesh JHA, CEO, M/s Adani Vizhinjam Port Ltd- 9099005722

Mr.Hebin, M/s Adani Vizhinjam Port Ltd- 9099056757

Regards,

Administrator, SEIAA

**Annexure 2: Letter from SEIAA based  
on Field Visit Report**

**State Environment Impact Assessment Authority  
(SEIAA) Kerala**

**KSRTC Bus Terminal, 4th floor, Thampanoor, Thiruvananthapuram - 695 001**

**Ph: +91471-2334262 (Off) +91471-2334265 (Fax)**

**e-mail:seacseiaakerala@gmail.com**

**web:www.seiaakerala.org**

No. 1200/EC2/2018/SEIAA

Date: 30.12.2022

From

The Administrator  
State Environment Impact Assessment Authority  
Thiruvananthapuram

To

Mr. Rajesh Kumar Jha,  
Chief Executive Officer,  
M/s Adani Vizhinjam Port Private Limited,  
2<sup>nd</sup> Floor, Vipanchika Tower, Thycaud,  
Thiruvananthapuram - 695014

Sir,

Sub:-SEIAA – Monitoring functioning of quarry of M/s Adani Vizhinjam Port Pvt. Ltd-  
Field inspection report - reg.

Ref :- Minutes of the 135<sup>th</sup> SEAC meeting held on 07<sup>th</sup> to 09<sup>th</sup> & 14<sup>th</sup> & 17<sup>th</sup>  
December, 2022

Attention is invited to the reference cited. The Committee in its 135<sup>th</sup> SEAC meeting, discussed the Field Inspection Report and decided to recommend the following points for compliance by the Proponent with immediate effect.

1. Install adequate sprinkling arrangements in the project area as no sprinklers are found installed in the project site to contain dust emissions except a small mobile water tanker. Sprinklers should be provided at the loading areas, vehicle parking areas and haulage roads
2. Improve the stormwater channelization by providing improved garland drain and silt traps.
3. Provide adequate sanitation arrangements to the workers at the site.
4. As per the approved mining plan, deep hole blasting (depth of the hole 6.5 m, dia 115 mm and 20 to 25 kg explosives per hole) was permitted. Considering the requirement of stringent norm of distance criteria, the Proponent stated that, now 33 mm dia holes of depth 2.4 m used for controlled blasting. The maximum explosive used per hole is



625 gm. This has to be complied with.

5. Deep hole blasting should be strictly avoided as dwelling units and built structures are located in the vicinity of the mine.
6. Green belt development in the buffer zone and the nurturing of plants should be done with more vigour.
7. Garland drain should be developed all around the mine and provided with intermittent silt traps to minimize the discharge of turbid water to the siltation pond and further to the natural drain.
8. Temporary shelters for the mine workers should be provided to safeguard themselves during the blasting events.
9. The Audit report received from the Mining & Geology Department should be shared with the SEIAA.

Hence you are requested to submit the compliance of the above mentioned points

Yours faithfully,

Sd/-

**Harikumar.A.S**  
Administrator,SEIAA

Approved for issue

  
A&S Section officer






**Annexure 3: Compliance of  
Recommendations by SEIAA Appointed  
Monitoring Committee**

## Annexure 3

S. No.	Condition	Compliance
1.	Install adequate sprinkling arrangements in the project area as no sprinklers are found installed in the project site to contain dust emissions except a small mobile water tanker. Sprinklers should be provided at the loading areas, vehicle parking areas and haulage roads.	<p><b>Being Complied</b></p> <p>Mobile Water Sprinklers are modified with good sprinkling capacities and are available to sprinkle water till the loading faces, Parking areas, Haulage roads, etc., and separate pipe is provided from the mobile tanker to spray all over the areas where the tanker is unable to reach.</p>  <p><b>Tanker with Pipeline for Sprinkling</b></p>
2.	Improve the storm water channelization by providing improved garland drain and silt traps.	<p><b>Complied</b></p> <p>The area between the gabion wall and garland drainage is concreted for the proper channelization of storm water.</p>
3.	Provide adequate sanitation arrangements to the workers at the site.	<p><b>Complied</b></p> <p>e-Toilet has been installed for the sanitation requirements of workers at the site.</p>  <p><b>Bio-Toilet at Site</b></p>

S. No.	Condition	Compliance
4.	As per the approved mining plan, deep hole blasting (depth of the hole 6.5 m, dia 115 mm and 20 to 25 kg explosives per hole) was permitted. Considering the requirement of stringent norm of distance criteria, the Proponent stated that, now 33 mm dia holes of depth 2.4 m used for controlled blasting. The maximum explosive used per hole is 625 gm. This has to be complied with.	<b>Complied</b> 33 mm dia holes of depth 2.4 m used for controlled blasting. The maximum explosive used per hole is 625 gm. This criterion is followed.
5.	Deep hole blasting should be strictly avoided as dwelling units and built structures are located in the vicinity of the mine.	<b>Complied</b> Deep hole blasting is not being undertaken.
6.	Greenbelt development in the buffer zone and the nurturing of plants should be done with more vigour.	<b>Complied</b> Greenbelt is developed and maintained in the buffer zone.

S. No.	Condition	Compliance
		 <p data-bbox="906 1328 1246 1357"><b>Greenbelt Development</b></p>
7.	<p>Garland drain should be developed all around the mine and provided with intermittent silt traps to minimize the discharge of turbid water to the siltation pond and further to the natural drain.</p>	<p><b>Complied</b> The area between the gabion wall and garland drainage is concreted for the proper channelization of storm water.</p>

S. No.	Condition	Compliance
		 <p data-bbox="979 1048 1171 1077" style="text-align: center;"><b>Garland Drain</b></p>
8.	<p>Temporary shelters for the mine workers should be provided to safeguard themselves during the blasting events.</p>	<p><b>Complied</b> A temporary shelter is available at the site for workers to safeguard themselves during blasting events.</p>  <p data-bbox="943 1727 1209 1765" style="text-align: center;"><b>Temporary Shelter</b></p>
9.	<p>The Audit report received from the Mining &amp; Geology Department should be shared with the SEIAA.</p>	<p><b>Complied</b> The audit report by Director of Mining &amp; Geology was submitted to SEIAA vide our letter AVPPL/SEIAA/2022-23/1981 dated 07.06.2022; which was also included as a part of the Half Yearly Compliance Report for the Period April 2022 to September 2022 as Annexure 3.</p>

**Annexure 4: Email Submission of HYCR  
for the period April 2022 to  
September 2022**

## Jesse Benjamin Fullonton

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**From:** Rajesh Kumar Jha  
**Sent:** Wednesday, November 30, 2022 12:51 PM  
**To:** rosz.bng-mefcc@gov.in; rosz.bng-mef@nic.in  
**Cc:** seiaa kerala; Hebin Chenthamarakshan; Jesse Benjamin Fullonton; Snehal Jariwala; Environment Avppl; Palanivelu Kumar  
**Subject:** EC No. 1200/EC2/2018/SEIAA dated 01.03.2019 - HYCR - Apr 2022 to Sep 2022 - Kadavilla-1 - Reg.  
**Attachments:** EC No.1200\_EC2\_2018\_SEIAA dated 01.03.2019-HYCR-Apr22-Sep22\_22.11.2022.pdf

Dear Madam/Sir,

This has reference to the Environmental Clearance (EC) Order **No. 1200/EC2/2018/SEIAA issued on 01.03.2019** by State Environmental Impact Assessment Authority (SEIAA), Kerala to Adani Vizhinjam Port Private Limited (AVPPL) for our **Building Stone Quarry Project in Survey No. 555/2 at Nagaroor Village, Chirayinkeezhu Taluk, Thiruvananthapuram District.**

The Half Yearly Compliance Report (HYCR) of the conditions stipulated in the EC for the period **April 2022 to September 2022** is attached vide reference AVPPL/MoEF/2022-23/2223 dated 22.11.2022; for record and reference please.

You are requested to kindly acknowledge the receipt of the same.

Thanks & Regards,

**Rajesh Jha**  
**MD & CEO**  
**Adani Vizhinjam Port Pvt Limited**  
**Third Floor, Aspinwall House, Kuravankonam, Kowdiar, Thiruvananthapuram, Kerala - 695003**  
Mobile: +91 471 277 2116  
[www.adani.com](http://www.adani.com)

The Adani logo consists of the word "adani" in a lowercase, sans-serif font. The letters are colored: 'a' is blue, 'd' is purple, 'a' is red, 'n' is green, 'i' is yellow, and 'com' is grey.

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**2880**

**Annexure 5: Ambient Air Quality  
Monitoring Report**

## TEST REPORT

<b>ULR No: TC54022300003281F</b>		
LRI No.: SEAAL23021248A	Date: 25-02-2023	Page 1 of 1

CUSTOMER DETAILS	
Customer Name & Address	<b>M/s Adani Vizhinjam Port Pvt Ltd</b> Nagaroor, Chirayinkeezhu, Thiruvananthapuram District.
Customer Reference	Test Request dt : 14-02-2023

SAMPLE DETAILS			
Product Category	Atmospheric Pollution	Sample Code	EN23020414
Sample Name	Ambient Air	Sample Received on	17-02-2023
Sample Conditions at Receipt	Fit for Analysis	Test Commenced on	17-02-2023
Sampled by	Lab Authorized Sampler	Test Completed on	24-02-2023

DETAILS OF SAMPLING			
Sampling Location	Project Site	Date of Sampling	14-02-2023
Sampling Procedure	SEAAL/ENL/GEN/SOP/02	Humidity	72 %
Latitude	8° 43'42.7" N	Longitude	76° 50'16.1" E

INFORMATION PROVIDED BY CUSTOMER - SAMPLING SITE DETAILS			
Re - Survey No	555/2, Block No.37		
Village	Nagaroor	Taluk	Chirayinkeezhu
District	Thiruvananthapuram	State	Kerala

TEST RESULTS - CHEMICAL DISCIPLINE					
Sl. No.	PARAMETERS	TEST METHOD	UNIT	RESULT	NAAQ STANDARDS
1	Particulate matter (PM <sub>10</sub> )	IS 5182 (Part 23): 2006	µg/m <sup>3</sup>	58.7	100 (Max)
2	Particulate matter (PM <sub>2.5</sub> )	IS 5182 (Part 24):2019	µg/m <sup>3</sup>	31.4	60.0 (Max)
3	Sulphur dioxide (SO <sub>2</sub> )	IS 5182 (Part 2): 2001	µg/m <sup>3</sup>	< 4.00	80.0 (Max)
4	Nitrogen dioxide (NO <sub>2</sub> )	IS 5182 (Part 6): 2006	µg/m <sup>3</sup>	< 4.00	80.0 (Max)

Remarks: The Air sample complies with National Ambient Air Quality Standards with respect to above parameters tested.

\*\*\*End of Report\*\*\*

**Shency Joy**  
Dy. TM-Chemical  
Checked by:



**Laiju P.N.**  
Laboratory Head  
Authorized Signatory

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**Standard<sup>S</sup> Environmental & Analytical Laboratories**

Accreditation & Approval: NABL accredited Testing Laboratory as per ISO/IEC 17025:2017  
vide Certificate No. TC - 5402 & "A" Grade Laboratory approved by KSPCB.

K.J. Tower, Pathalam, Udyogamandal P.O., Ernakulam-683 501, Tel. 0484-2546660, 93 87 27 24 02, 90 74 34 14 43  
Web: www.sealabs.in, E-mail: seaalab@gmail.com

## TEST REPORT

<b>ULR No: TC540223000003282F</b>		
LRI No.: SEAAL23021249A	Date: 25-02-2023	Page 1 of 1

CUSTOMER DETAILS	
Customer Name & Address	<b>M/s Adani Vizhinjam Port Pvt Ltd</b> Nagaroor, Chirayinkeezhu, Thiruvananthapuram District.
Customer Reference	Test Request dt : 14-02-2023

SAMPLE DETAILS			
Product Category	Atmospheric Pollution	Sample Code	EN23020415
Sample Name	Ambient Air	Sample Received on	17-02-2023
Sample Conditions at Receipt	Fit for Analysis	Test Commenced on	17-02-2023
Sampled by	Lab Authorized Sampler	Test Completed on	24-02-2023


DETAILS OF SAMPLING			
Sampling Location	Near Operators Rest Room North Side (2.33 km away from Project Site)	Date of Sampling	14-02-2023
Sampling Procedure	SEAAL/ENL/GEN/SOP/02	Humidity	73 %
Latitude	8° 43'11.2" N	Longitude	76° 49'6.9" E

INFORMATION PROVIDED BY CUSTOMER - SAMPLING SITE DETAILS			
Re - Survey No	555/2, Block No.37		
Village	Nagaroor	Taluk	Chirayinkeezhu
District	Thiruvananthapuram	State	Kerala


TEST RESULTS - CHEMICAL DISCIPLINE					
Sl. No.	PARAMETERS	TEST METHOD	UNIT	RESULT	NAAQ STANDARDS
1	Particulate matter (PM <sub>10</sub> )	IS 5182 (Part 23): 2006	µg/m <sup>3</sup>	52.6	100 (Max)
2	Particulate matter (PM <sub>2.5</sub> )	IS 5182 (Part 24):2019	µg/m <sup>3</sup>	29.1	60.0 (Max)
3	Sulphur dioxide (SO <sub>2</sub> )	IS 5182 (Part 2): 2001	µg/m <sup>3</sup>	< 4.00	80.0 (Max)
4	Nitrogen dioxide (NO <sub>2</sub> )	IS 5182 (Part 6): 2006	µg/m <sup>3</sup>	< 4.00	80.0 (Max)

Remarks: The Air sample complies with National Ambient Air Quality Standards with respect to above parameters tested.

\*\*\*End of Report\*\*\*

  
**Shency Joy**  
 Dy.TM-Chemical  
 Checked by:



  
**Laiju P.N.**  
 Laboratory Head  
 Authorized Signatory

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 Web: www.sealabs.in, E-mail: seaalab@gmail.com

## TEST REPORT

<b>ULR No: TC540223000003283F</b>		
LRI No.: SEAAL23021250A	Date: 25-02-2023	Page 1 of 1

CUSTOMER DETAILS	
Customer Name & Address	<b>M/s Adani Vizhinjam Port Pvt Ltd</b> Nagaroor, Chirayinkeezhu, Thiruvananthapuram District.
Customer Reference	Test Request dt : 14-02-2023

SAMPLE DETAILS			
Product Category	Atmospheric Pollution	Sample Code	EN23020416
Sample Name	Ambient Air	Sample Received on	17-02-2023
Sample Conditions at Receipt	Fit for Analysis	Test Commenced on	17-02-2023
Sampled by	Lab Authorized Sampler	Test Completed on	24-02-2023

DETAILS OF SAMPLING			
Sampling Location	Vanchiyoor UP School West Side (0.85 km away from Project Site)	Date of Sampling	14-02-2023
Sampling Procedure	SEAAL/ENL/GEN/SOP/02	Humidity	73 %
Latitude	8° 43'16.5" N	Longitude	76° 50'7.1" E

INFORMATION PROVIDED BY CUSTOMER - SAMPLING SITE DETAILS			
Re - Survey No	555/2, Block No.37		
Village	Nagaroor	Taluk	Chirayinkeezhu
District	Thiruvananthapuram	State	Kerala

TEST RESULTS - CHEMICAL DISCIPLINE					
Sl. No.	PARAMETERS	TEST METHOD	UNIT	RESULT	NAAQ STANDARDS
1	Particulate matter (PM <sub>10</sub> )	IS 5182 (Part 23): 2006	µg/m <sup>3</sup>	55.3	100 (Max)
2	Particulate matter (PM <sub>2.5</sub> )	IS 5182 (Part 24):2019	µg/m <sup>3</sup>	32.7	60.0 (Max)
3	Sulphur dioxide (SO <sub>2</sub> )	IS 5182 (Part 2): 2001	µg/m <sup>3</sup>	< 4.00	80.0 (Max)
4	Nitrogen dioxide (NO <sub>2</sub> )	IS 5182 (Part 6): 2006	µg/m <sup>3</sup>	< 4.00	80.0 (Max)

Remarks: The Air sample complies with National Ambient Air Quality Standards with respect to above parameters tested.

\*\*\*End of Report\*\*\*

**Shency Joy**  
Dy.TM-Chemical  
Checked by:



**Laiju P.N.**  
Laboratory Head  
Authorized Signatory

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Web: www.sealabs.in, E-mail: seaalab@gmail.com

## TEST REPORT

<b>ULR No: TC540223000003284F</b>		
LRI No.: SEAAL23021251A	Date: 25-02-2023	Page 1 of 1

CUSTOMER DETAILS	
Customer Name & Address	<b>M/s Adani Vizhinjam Port Pvt Ltd</b> Nagaroor, Chirayinkeezhu, Thiruvananthapuram District.
Customer Reference	Test Request dt : 14-02-2023

SAMPLE DETAILS			
Product Category	Atmospheric Pollution	Sample Code	EN23020417
Sample Name	Ambient Air	Sample Received on	17-02-2023
Sample Conditions at Receipt	Fit for Analysis	Test Commenced on	17-02-2023
Sampled by	Lab Authorized Sampler	Test Completed on	24-02-2023


DETAILS OF SAMPLING			
Sampling Location	St. Joseph of Cluny Public School South side (1.01 km away from Project Site)	Date of Sampling	14-02-2023
Sampling Procedure	SEAAL/ENL/GEN/SOP/02	Humidity	73 %
Latitude	8° 43'35.3" N	Longitude	76° 50'48.2" E

INFORMATION PROVIDED BY CUSTOMER - SAMPLING SITE DETAILS			
Re - Survey No	555/2, Block No.37		
Village	Nagaroor	Taluk	Chirayinkeezhu
District	Thiruvananthapuram	State	Kerala


TEST RESULTS - CHEMICAL DISCIPLINE					
Sl. No.	PARAMETERS	TEST METHOD	UNIT	RESULT	NAAQ STANDARDS
1	Particulate matter (PM <sub>10</sub> )	IS 5182 (Part 23): 2006	µg/m <sup>3</sup>	57.4	100 (Max)
2	Particulate matter (PM <sub>2.5</sub> )	IS 5182 (Part 24):2019	µg/m <sup>3</sup>	34.6	60.0 (Max)
3	Sulphur dioxide (SO <sub>2</sub> )	IS 5182 (Part 2): 2001	µg/m <sup>3</sup>	< 4.00	80.0 (Max)
4	Nitrogen dioxide (NO <sub>2</sub> )	IS 5182 (Part 6): 2006	µg/m <sup>3</sup>	< 4.00	80.0 (Max)

Remarks: The Air sample complies with National Ambient Air Quality Standards with respect to above parameters tested.

\*\*\*End of Report\*\*\*

  
**Shency Joy**  
 Dy.TM-Chemical  
 Checked by:



  
**Laiju P.N.**  
 Laboratory Head  
 Authorized Signatory

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 Web: www.sealabs.in, E-mail: seaalab@gmail.com

## TEST REPORT

<b>ULR No: TC540223000003285F</b>		
LRI No.: SEAAL23021252A	Date: 25-02-2023	Page 1 of 1

CUSTOMER DETAILS	
Customer Name & Address	<b>M/s Adani Vizhinjam Port Pvt Ltd</b> Nagaroor, Chirayinkeezhu, Thiruvananthapuram District.
Customer Reference	Test Request dt : 14-02-2023

SAMPLE DETAILS			
Product Category	Atmospheric Pollution	Sample Code	EN23020418
Sample Name	Ambient Air	Sample Received on	17-02-2023
Sample Conditions at Receipt	Fit for Analysis	Test Commenced on	17-02-2023
Sampled by	Lab Authorized Sampler	Test Completed on	24-02-2023


DETAILS OF SAMPLING			
Sampling Location	Viswanadhapuram Shiva Temple East Side (1.09 km away from Project Site)	Date of Sampling	14-02-2023
Sampling Procedure	SEAAL/ENL/GEN/SOP/02	Humidity	73 %
Latitude	8° 44'17.6" N	Longitude	76° 50'10.4" E

INFORMATION PROVIDED BY CUSTOMER - SAMPLING SITE DETAILS			
Re - Survey No	555/2, Block No.37		
Village	Nagaroor	Taluk	Chirayinkeezhu
District	Thiruvananthapuram	State	Kerala


TEST RESULTS - CHEMICAL DISCIPLINE					
Sl. No.	PARAMETERS	TEST METHOD	UNIT	RESULT	NAAQ STANDARDS
1	Particulate matter (PM <sub>10</sub> )	IS 5182 (Part 23): 2006	µg/m <sup>3</sup>	50.9	100 (Max)
2	Particulate matter (PM <sub>2.5</sub> )	IS 5182 (Part 24):2019	µg/m <sup>3</sup>	28.3	60.0 (Max)
3	Sulphur dioxide (SO <sub>2</sub> )	IS 5182 (Part 2): 2001	µg/m <sup>3</sup>	< 4.00	80.0 (Max)
4	Nitrogen dioxide (NO <sub>2</sub> )	IS 5182 (Part 6): 2006	µg/m <sup>3</sup>	< 4.00	80.0 (Max)

Remarks: The Air sample complies with National Ambient Air Quality Standards with respect to above parameters tested.

\*\*\*End of Report\*\*\*

  
**Shency Joy**  
 Dy.TM-Chemical  
 Checked by:



  
**Laiju P.N.**  
 Laboratory Head  
 Authorized Signatory

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 Web: www.sealabs.in, E-mail: seaalab@gmail.com

**Annexure 6: Noise Monitoring Report**

## TEST REPORT

<b>ULR No: TC540223000003286F</b>		
LRI No.: SEAAL23021253A	Date: 25-02-2023	Page 1 of 1

CUSTOMER DETAILS	
Customer Name & Address	<b>M/s Adani Vizhinjam Port Pvt Ltd</b> Nagaroor, Chirayinkeezhu, Thiruvananthapuram District.
Customer Reference	Test Request dt: 14-02-2023

DETAILS OF MONITORING			
Product Category	Atmospheric Pollution	Sample Code	EN23020419
Sample Name	Ambient Noise	Monitoring Commenced on	14-02-2023
Monitoring Location	Project Site	Monitoring Completed on	15-02-2023
Test Method	IS 9989:1981	Monitored by	Lab Authorized Sampler
Latitude	8° 43'42.7" N	Longitude	76° 50'16.1" E

INFORMATION PROVIDED BY CUSTOMER - SAMPLING SITE DETAILS			
Re - Survey No	555/2, Block No.37		
Village	Nagaroor	Taluk	Chirayinkeezhu
District	Thiruvananthapuram	State	Kerala

MONITORING RESULTS - Leq					
TIME	RESULTS dB(A)	TIME	RESULTS dB(A)	TIME	RESULTS dB(A)
06:00	44.6	14:00	59.8	22:00	43.2
07:00	47.8	15:00	60.3	23:00	39.1
08:00	52.9	16:00	61.6	24:00	41.9
09:00	57.0	17:00	62.1	01:00	42.7
10:00	59.8	18:00	55.7	02:00	42.3
11:00	63.5	19:00	51.5	03:00	43.1
12:00	60.3	20:00	46.9	04:00	41.9
13:00	59.3	21:00	46.4	05:00	43.9

TEST RESULTS- CHEMICAL DISCIPLINE				
Sl. No.	PARAMETERS	UNIT	RESULT	Limit as per Noise Pollution (Regulation and Control) Rules, 2000 (Industrial Area)
1	Ambient Sound Level (Leq) Day Time (06:00 to 22:00)	dB(A)	58.3	75 dB (A)
2	Ambient Sound Level (Leq) Night Time (22:00 to 06:00)	dB(A)	42.3	70 dB (A)

Remarks: The Noise level Monitoring complies with the Noise Pollution (Regulation and Control) Rules, 2000 (Rules3 (1) and 4(1)).

\*\*\*End of Report\*\*\*

**Shency Joy**  
Dy.TM-Chemical  
Checked by:



**Laiju P.N.**  
Laboratory Head  
Authorized Signatory

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Web: www.sealabs.in, E-mail: seaalab@gmail.com

## TEST REPORT

<b>ULR No: TC540223000003287F</b>		
LRI No.: SEAAL23021254A	Date: 25-02-2023	Page 1 of 1

CUSTOMER DETAILS	
Customer Name & Address	<b>M/s Adani Vizhinjam Port Pvt Ltd</b> Nagaroor, Chirayinkeezhu, Thiruvananthapuram District.
Customer Reference	Test Request dt: 14-02-2023

DETAILS OF MONITORING			
Product Category	Atmospheric Pollution	Sample Code	EN23020420
Sample Name	Ambient Noise	Monitoring Commenced on	14-02-2023
Monitoring Location	Near Operators Rest Room North Side (2.33 km away from Project Site)	Monitoring Completed on	15-02-2023
Test Method	IS 9989:1981	Monitored by	Lab Authorized Sampler
Latitude	8° 43'11.2" N	Longitude	76° 49'6.9" E

INFORMATION PROVIDED BY CUSTOMER - SAMPLING SITE DETAILS			
Re - Survey No	555/2, Block No.37		
Village	Nagaroor	Taluk	Chirayinkeezhu
District	Thiruvananthapuram	State	Kerala

MONITORING RESULTS - Leq					
TIME	RESULTS dB(A)	TIME	RESULTS dB(A)	TIME	RESULTS dB(A)
06:00	41.3	14:00	55.4	22:00	40.0
07:00	44.3	15:00	55.8	23:00	38.6
08:00	49.0	16:00	57.1	24:00	41.4
09:00	52.8	17:00	57.5	01:00	42.2
10:00	55.4	18:00	51.5	02:00	41.8
11:00	58.8	19:00	47.7	03:00	42.6
12:00	55.8	20:00	43.5	04:00	41.4
13:00	55.0	21:00	42.9	05:00	43.4

TEST RESULTS- CHEMICAL DISCIPLINE				
Sl. No.	PARAMETERS	UNIT	RESULT	Limit as per Noise Pollution (Regulation and Control) Rules, 2000 (Industrial Area)
1	Ambient Sound Level (Leq) Day Time (06:00 to 22:00)	dB(A)	53.9	75 dB (A)
2	Ambient Sound Level (Leq) Night Time (22:00 to 06:00)	dB(A)	41.8	70 dB (A)

Remarks: The Noise level Monitoring complies with the Noise Pollution (Regulation and Control) Rules, 2000 (Rules3 (1) and 4(1)).

\*\*\*End of Report\*\*\*

**Shency Joy**  
Dy. TM-Chemical  
Checked by:



**Laiju P.N.**  
Laboratory Head  
Authorized Signatory

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Web: www.sealabs.in, E-mail: seaalab@gmail.com

**TEST REPORT**

<b>ULR No: TC540223000003288F</b>		
LRI No.: SEAAL23021255A	Date: 25-02-2023	Page 1 of 1

<b>CUSTOMER DETAILS</b>	
Customer Name & Address	<b>M/s Adani Vizhinjam Port Pvt Ltd</b> Nagaroor, Chirayinkeezhu, Thiruvananthapuram District.
Customer Reference	Test Request dt: 14-02-2023

<b>DETAILS OF MONITORING</b>			
Product Category	Atmospheric Pollution	Sample Code	EN23020421
Sample Name	Ambient Noise	Monitoring Commenced on	14-02-2023
Monitoring Location	Vanchiyoor UP School West Side (0.85 km away from Project Site)	Monitoring Completed on	15-02-2023
Test Method	IS 9989:1981	Monitored by	Lab Authorized Sampler
Latitude	8° 43'16.5" N	Longitude	76° 50'7.1" E


<b>INFORMATION PROVIDED BY CUSTOMER - SAMPLING SITE DETAILS</b>			
Re - Survey No	555/2, Block No.37		
Village	Nagaroor	Taluk	Chirayinkeezhu
District	Thiruvananthapuram	State	Kerala

<b>MONITORING RESULTS - Leq</b>					
TIME	RESULTS dB(A)	TIME	RESULTS dB(A)	TIME	RESULTS dB(A)
06:00	40.4	14:00	54.1	22:00	39.1
07:00	43.3	15:00	54.5	23:00	38.4
08:00	47.8	16:00	55.7	24:00	41.2
09:00	51.6	17:00	56.2	01:00	42.0
10:00	54.1	18:00	50.3	02:00	41.6
11:00	57.4	19:00	46.6	03:00	42.4
12:00	54.5	20:00	42.4	04:00	41.2
13:00	53.7	21:00	41.9	05:00	43.2


<b>TEST RESULTS- CHEMICAL DISCIPLINE</b>				
Sl. No.	PARAMETERS	UNIT	RESULT	Limit as per Noise Pollution (Regulation and Control) Rules, 2000 (Industrial Area)
1	Ambient Sound Level (Leq) Day Time (06:00 to 22:00)	dB(A)	52.6	75 dB (A)
2	Ambient Sound Level (Leq) Night Time (22:00 to 06:00)	dB(A)	41.6	70 dB (A)

Remarks: The Noise level Monitoring complies with the Noise Pollution (Regulation and Control) Rules, 2000 (Rules3 (1) and 4(1)).

\*\*\*End of Report\*\*\*

  
**Shency Joy**  
Dy.TM-Chemical  
Checked by:



  
**Laiju P.N.**  
Laboratory Head  
Authorized Signatory

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Web: www.sealabs.in, E-mail: seaalab@gmail.com

## TEST REPORT

<b>ULR No: TC540223000003289F</b>		
LRI No.: SEAAL23021256A	Date: 25-02-2023	Page 1 of 1

CUSTOMER DETAILS	
Customer Name & Address	<b>M/s Adani Vizhinjam Port Pvt Ltd</b> Nagaroor, Chirayinkeezhu, Thiruvananthapuram District.
Customer Reference	Test Request dt: 14-02-2023

DETAILS OF MONITORING			
Product Category	Atmospheric Pollution	Sample Code	EN23020422
Sample Name	Ambient Noise	Monitoring Commenced on	14-02-2023
Monitoring Location	St. Joseph of Cluny Public School South side (1.01 km away from Project Site)	Monitoring Completed on	15-02-2023
Test Method	IS 9989:1981	Monitored by	Lab Authorized Sampler
Latitude	8° 43'35.3" N	Longitude	76° 50'48.2" E

INFORMATION PROVIDED BY CUSTOMER - SAMPLING SITE DETAILS			
Re - Survey No	555/2, Block No.37		
Village	Nagaroor	Taluk	Chirayinkeezhu
District	Thiruvananthapuram	State	Kerala

MONITORING RESULTS - Leq					
TIME	RESULTS dB(A)	TIME	RESULTS dB(A)	TIME	RESULTS dB(A)
06:00	38.9	14:00	52.1	22:00	37.7
07:00	41.7	15:00	52.5	23:00	38.1
08:00	46.1	16:00	53.7	24:00	40.9
09:00	49.7	17:00	54.1	01:00	41.7
10:00	52.1	18:00	48.5	02:00	41.3
11:00	55.3	19:00	44.9	03:00	42.1
12:00	52.5	20:00	40.9	04:00	40.9
13:00	51.7	21:00	40.4	05:00	42.8

TEST RESULTS- CHEMICAL DISCIPLINE				
Sl. No.	PARAMETERS	UNIT	RESULT	Limit as per Noise Pollution (Regulation and Control) Rules, 2000 (Industrial Area)
1	Ambient Sound Level (Leq) Day Time (06:00 to 22:00)	dB(A)	50.6	75 dB (A)
2	Ambient Sound Level (Leq) Night Time (22:00 to 06:00)	dB(A)	41.3	70 dB (A)

Remarks: The Noise level Monitoring complies with the Noise Pollution (Regulation and Control) Rules, 2000 (Rules3 (1) and 4(1)).

\*\*\*End of Report\*\*\*

**Shency Joy**  
Dy.TM-Chemical  
Checked by:



**Laiju P.N.**  
Laboratory Head  
Authorized Signatory

The results are related only to the samples submitted for analysis and this test report shall not be reproduced except in full, without the written approval of the laboratory.

**Standard<sup>S</sup> Environmental & Analytical Laboratories**

Accreditation & Approval: NABL accredited Testing Laboratory as per ISO/IEC 17025:2017  
vide Certificate No. TC - 5402 & "A" Grade Laboratory approved by KSPCB.

K.J. Tower, Pathalam, Udyogamandal P.O., Ernakulam-683 501, Tel. 0484-2546660, 93 87 27 24 02, 90 74 34 14 43  
Web: www.sealabs.in, E-mail: seaalab@gmail.com

## TEST REPORT

<b>ULR No.: TC540223000003290F</b>		
LRI No.: SEAAL23021257A	Date: 25-02-2023	Page 1 of 1

CUSTOMER DETAILS	
Customer Name & Address	<b>M/s Adani Vizhinjam Port Pvt Ltd</b> Nagaroor, Chirayinkeezhu, Thiruvananthapuram District.
Customer Reference	Test Request dt: 14-02-2023

DETAILS OF MONITORING			
Product Category	Atmospheric Pollution	Sample Code	EN23020423
Sample Name	Ambient Noise	Monitoring Commenced on	14-02-2023
Monitoring Location	Viswanadhapuram Shiva Temple East Side (1.09 km away from Project Site)	Monitoring Completed on	15-02-2023
Test Method	IS 9989:1981	Monitored by	Lab Authorized Sampler
Latitude	8° 44'17.6" N	Longitude	76° 50'10.4" E

INFORMATION PROVIDED BY CUSTOMER - SAMPLING SITE DETAILS			
Re - Survey No	555/2, Block No.37		
Village	Nagaroor	Taluk	Chirayinkeezhu
District	Thiruvananthapuram	State	Kerala

MONITORING RESULTS - Leq					
TIME	RESULTS dB(A)	TIME	RESULTS dB(A)	TIME	RESULTS dB(A)
06:00	38.7	14:00	51.9	22:00	37.5
07:00	41.5	15:00	52.3	23:00	37.4
08:00	45.9	16:00	53.5	24:00	40.1
09:00	49.5	17:00	53.9	01:00	40.9
10:00	51.9	18:00	48.3	02:00	40.5
11:00	55.1	19:00	44.7	03:00	41.3
12:00	52.3	20:00	40.7	04:00	40.1
13:00	51.5	21:00	40.2	05:00	42.1

TEST RESULTS - CHEMICAL DISCIPLINE				
Sl. No.	PARAMETERS	UNIT	RESULT	Limit as per Noise Pollution (Regulation and Control) Rules, 2000 (Industrial Area)
1	Ambient Sound Level (Leq) Day Time (06:00 to 22:00)	dB(A)	50.4	75 dB (A)
2	Ambient Sound Level (Leq) Night Time (22:00 to 06:00)	dB(A)	40.6	70 dB (A)

Remarks: The Noise level Monitoring complies with the Noise Pollution (Regulation and Control) Rules, 2000 (Rules3 (1) and 4(1)).

\*\*\*End of Report\*\*\*

**Shency Joy**  
Dy.TM-Chemical  
Checked by:



**Laiju P.N.**  
Laboratory Head  
Authorized Signatory

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**Annexure 7: CER and EMP Expenditure  
Statement**

## Annexure 7

**Expenditure Statement for CER for the FY 2022-2023:**

S. No.	CER Activity	Expenditure (Rs. Lakhs)
<b>Total FY 2020-2021</b>		<b>8.05</b>
<b>Total FY 2021-2022</b>		<b>6.25</b>
1.	Onam Kit (Groceries & Provisions) Distribution to BPL Families	3.00
2.	Strengthening of Ayiravally Temple Road	18.59
<b>Total FY 2022-2023</b>		<b>21.59</b>
<b>Cumulative Total till date</b>		<b>35.89</b>

**Expenditure Statement for EMP for the FY 2022-2023:**

S. No.	EMP Expenditure	Expenditure (Rs. Lakhs)
<b>Total FY 2019-2020</b>		<b>4.95</b>
<b>Total FY 2020-2021</b>		<b>7.34</b>
<b>Total FY 2021-2022</b>		<b>8.89</b>
1.	Water Sprinkling	10.40
2.	Greenbelt Development/Sapling Plantation	3.51
3.	Environmental Monitoring	0.68
<b>Total FY 2022-2023 (till 30.09.2022)</b>		<b>14.59</b>
<b>Cumulative Total till date</b>		<b>35.77</b>

**2894**

**Half Yearly Compliance Report (HYCR)  
October 2022 to March 2023**

**Building Stone Quarry Project: Survey No. 555/2 at Nagaroor Village,  
Chirayinkeezhu Taluk, Thiruvananthapuram District**

**adani**

**Adani Vizhinjam Port Private Ltd. (AVPPL)**