

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

**Original Application No.117 of 2023
(EARLIER O.A.NO. 44 OF 2023 NGT, PRINCIPAL BENCH)**

Smt. Reena Varghese

Applicants

Vs.

Kerala State pollution Control Board & Others

Respondents

REPORT ON OA 117/2023 (SZ) FILED BY ENVIRONMENTAL
ENGINEER, KERALA STATE POLLUTION CONTROL BOARD,
KOTTAYAM ON BEHALF OF MEMBER SECRETARY, KERALA STATE
POLLUTION CONTROL BOARD

.....

STANDING COUNSEL FOR FIRST RESPONDENT

Adv. Rema Smrithi

Standing Council

NGT Sothern Zone



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Dated this the 31st day of January 2026

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL(SZ)
CHENNAI

Original Application No.117 of 2023

[Earlier O.A.No. 44 of 2023 Principal Bench]

Smt. Reena Varghese :: Applicants

Vs.

Kerala State pollution Control Board & Others :: Respondents

REPORT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, KOTTAYAM ON BEHALF OF THE 1ST RESPONDENT.

1. I, Gee M Chirayil, aged 47 years, S/o Eapen Mathew, residing at 4B, Tall County, Manganam, working as the Environmental Engineer, Kerala State Pollution Control Board, (hereinafter referred to as Board), District Office, Kottayam, do hereby solemnly affirm and state as follows:

2. It is respectfully submitted that the above Original Application was filed by Smt. Reena Varghese against the operations of a stone quarry namely M/s. Thavalappara Granites at Erumeli North Village, Kottayam District, Kerala alleging illegal mining in the Western Ghats region of Kerala.

3. It is respectfully submitted that the quarry has been functioning since the year 2012 under the name "Quarry Unit of Suresh Thomas", as per the records of the Kerala State Pollution Control Board. The consent was subsequently renewed on 15.02.2016




GEE M. CHIRAYIL
Environmental Engineer

with validity up to 31.12.2017. Thereafter, the unit applied for variation and obtained Variation Order dated 07.09.2016, whereby the name of the unit was changed to M/s Thavalappara Granites and occupier to Mr. Shylesan T.S. The unit obtained Environmental Clearance No. 13/Q/2018 dated 18.04.2018 from the District Environmental Impact Assessment Authority. As per the Environmental Clearance (EC), the life of the mine is 12 years and the quarry comprises an area of 3.426 hectares. Based on the said Environmental Clearance (EC), the consent was renewed by the Board on 09.05.2018 with validity up to 17.04.2023.

4. It is respectfully submitted that the unit submitted an application for renewal of consent on 09.08.2023. However, the consent has not been renewed since the case is pending before the Hon'ble National Green Tribunal (Southern Zone). Thereafter, the unit filed a writ petition before the Hon'ble High Court of Kerala, W.P (C) No.42572 of 2023 and the Hon'ble High Court disposed of the writ petition on 25.04.2024, directing the authorities to consider the application for renewal of consent to operate in accordance with law and after hearing both the petitioner and the respondent in the writ petition. Pursuant to the said judgment, a hearing was conducted on 17.05.2024 and further clarifications were sought from the occupier of the unit, to which the unit has not responded so far.

5. It is respectfully submitted that, based on the order dated 03.03.2023 of the Hon'ble National Green Tribunal (Principal Bench) in OA No.44/2023, a Joint Committee was constituted and conducted an inspection of the unit. During the joint inspection carried out on 14.08.2023, it was observed that the unit was not in operation. It was also observed that there is no residence within 100m from the boundary of the quarry.

6. It is respectfully submitted that, based on the order dated 24.08.2023 of the Hon'ble High Court of Kerala in WP(C) No.28218 of 2023 filed by Sri. Shylesan T.S., the occupier




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of the quarry, the period from 01.04.2020 to 31.03.2021 is not to be considered for the purpose of calculating the validity period of the Environmental Clearance (EC). Accordingly, the validity of the EC of the quarry was extended up to 17.04.2024. Further, as per the Circular No. KSPCB/98/2024-SEE-1 dated 27.03.2024, “Environmental Clearances granted by DEIAAs for quarries valid as on 28.04.2023 shall continue to be valid up to 27.10.2024, unless the validity of the EC granted by DEIAA has expired prior to 28.10.2024”. Since the validity of the EC of this quarry expired on 17.04.2024, a letter has been issued to the occupier of the quarry directing him to obtain the life of the mine as per the approved mining plan from Department of Mining and Geology. Accordingly, the online application has been returned on 01.08.2024.

7. It is respectfully submitted that, based on the information furnished by the occupier, the unit M/s Thavalappara Granite has remained non-operational since April 2023.

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 31st day of January 2026.



A handwritten signature in black ink, appearing to read "GEE M. CHIRAYIL".

GEE M. CHIRAYIL
Environmental Engineer
The Environmental Engineer
Kerala State Pollution Control Board
District Office Kottayam
On behalf of the 1st Respondent