

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

ORIGINAL APPLICATION NO.215 OF 2025 (SZ)

IN THE MATTER OF:

Ajeesh

...Applicant

v.

State of Kerala & Ors.

...Respondents

REPLY FILED BY THE 8TH RESPONDENT/SEIAA KERALA

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Dated on this the 4th day of March, 2026.



Counsel for 8th Respondent

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REPLY FILED BY THE 8TH RESPONDENT/SEIAA KERALA

I, Chandraprasad K. K, aged 52 years, S/o C.N. Karunakaran, working as Legal Officer, State Level Environment Impact Assessment Authority (SEIAA) at Thiruvananthapuram, having office at K.S.R.T.C Bus Terminal Complex, 4th Floor, Thampanoor, Thiruvananthapuram – 695 001, do hereby solemnly affirm and sincerely state as follows: -

1. I am well acquainted with the facts of the case from the available records and I am authorized to file this Reply on behalf of the 8th Respondent. I crave leave of the Hon'ble Tribunal to file report as and when additional facts are available to the Respondent.
2. It is submitted that the 8th respondent, issued expanded EC for 10 years from the date of original EC after the recommendation of SEAC by through appraisal. The validity of EC is subject to the review by SEAC at the end of five years, to verify whether the Project Proponent has violated any of the EC conditions and thereby caused any damage to the



Environment in the project region by violating EC conditions, subject to General Conditions and the following Additional Specific Conditions.

- 1) *The proponent shall carry out quarrying as per the approved Mining Plan and the proponent should strictly follow the Kerala Minor Mineral Concession Rules 2015 and amendments thereby.*
- 2) *The EC shall be valid from the date of execution of permit/lease from the Department of Mining and Geology. The copy of the lease order should be provided to the SEIAA before commencing the mining activity.*
- 3) *In the interest of residential buildings located at a distance of 51-200 mts radius from the quarry site, the Project Proponent shall attend the following:*
 - *An impact vibration study has to be carried out through a reputed agency and the Impact of vibration due to blasting on the nearest houses and built structures should be monitored in terms of Peak Particle Velocity and amplitude for maximum charge per delay within 3 months of commencing quarry operations and included in the Half Yearly Compliance Report. This study must be monitored by a committee which includes concerned ward member of Grama Panchayat and a representative of residents within 100 radius. The corrective measures have to be taken to minimize the vibration effect if any as suggested by the agency engaged for the study and the monitoring committee.*
 - *Priority should be given to the needs of local residences while implementing CER activities. If the need be the EMP approved shall be modified to accommodate these changes under intimation to SEAC.*
 - *One of the local residents shall be made member of the Environmental management cell and their grievances shall be heard and addressed.*
- 4) *The garland canal, silt traps, siltation pond and outflow channel should be provided prior to the commencement of mining.*

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- 5) *The drainage along with silt traps, collection tanks and outflow channel should be desilted and cleaned periodically and geo-tagged photograph of the same should be incorporated in the Half Yearly Compliance Report.*
- 6) *Measures incorporated in the CER should be implemented in total during the first two years and they should be operated and maintained during the subsequent years till the mine closure plan is implemented in total.*
- 7) *Green belt development in the buffer should be done in the first year of the project itself and it should be nurtured and maintained in subsequent years.*
- 8) *The proponent has to ensure that all the 11 species listed for the green belting are planted with saplings raised from seeds of a wider collection. As there is fairly larger area in their custody, planting of more diverse trees is proposed.*
- 9) *Transportation of mined material should not be done during the peak hours in the forenoon (8.30am to 10.30am) and afternoon (3.30pm to 5 pm).*
- 10) *The OB dumping site should be provided with protection wall.*
- 11) *Sprinkling of water should be done on the un-surfaced road prior to each movement of truck.*
- 12) *The proposed storm water pond should be developed before the rainy season prior to the commencement of quarrying operation.*
- 13) *The blasting should not be done when the crusher is in operation.*
- 14) *The maximum depth to mining should be limited to 45m above mean sea level considering the depth to groundwater table.*
- 15) *As per OM no F.No.22-65/2017-IA.111 dated 30th September 2020, under Corporate Environmental Responsibility (CER) the Project Proponent shall prepare an Environment Management Plan (EMP) as directed by SEAC during appraisal, covering the issues to address the environmental problems in the project region, indicating both physical and financial targets year wise. The EMP shall be*

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implemented in consultation with local self Govt. Institutions. The indicated cost for CER shall be 2% of the project cost depending upon the nature of activities proposed. The follow up action on implementation of CER shall be included in the Half Yearly Compliance Report which will be subjected to field inspection at regular intervals. A copy of the approved EMP shall be made available to the concerned Panchayat for information and implementation support.

16) In the wake of occurrence of large scale landslides in the state, as per the information provided by the Department of Mining & Geology, it is directed to use only NONEL (Non-Electrical) technology for blasting to reduce the vibration of the ground, which is one of the causative factors that triggers landslides, formation of cracks in the surrounding buildings and disturbance to human and wildlife.

17) As per the directions contained in the OM F.No.22-34/2018-IA.III dated 16th January 2020 issued by MoEF&CC. in obedience to the directions of the Hon'ble Supreme Court, the Project Proponent shall, undertake re-grassing the mining area and any other area which may have been disturbed due to his mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. The compliance of this direction shall be included in the Half Yearly Compliance Report which will be monitored by SEAC at regular intervals.

18) The violation of EC condition may lead to cancellation of EC and action under The Environment (Protection) Act 1986.

3. It is submitted that the 8th respondent has taken all the precautionary measures while issuing EC. The compliance of EC conditions are assessed through HYCRs which are to be submitted by the Project Proponents. It is observed that the 11th respondent has not yet submitted the mandatory HYCR. It is also submitted that SEIAA lacks a full-fledged post-monitoring cell to ensure if the EC conditions are

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effectively implemented by the Project Proponents by conducting field inspection, due to shortage of manpower and most of gap Project Proponents making use of this lacuna, and violate EC conditions very often. Also, for post clearance monitoring SEIAA requires additional manpower facilities, finance etc. which are lacking at present.

4. It is also submitted that as per EIA notification, 2006, the violation of EC conditions shall lead to cancellation of EC and action under The Environment (Protection) Act 1986. As per SO 637 (E) dated 28th February 2014, the Central government in exercise of powers conferred by section 23 of the Environment (Protection) Act 1986 had delegated the powers vested in it under section 5 of the said Act to all State and Union Territory Environment Impact Assessment Authorities constituted by the Central Government under sub-section (3) of section 3 of Environment (Protection) Act 1986, to issue show cause notice to the Project Proponents in case of violation of the conditions of the environmental clearances issued by the said authorities and to issue directions to the said project proponents for keeping such environmental clearances in abeyance or withdrawing it if required. It is also submitted that Department of Mining and Geology and Pollution Control Board are also appointed, along with SEIAA, to assess the violations of the quarrying activities.
5. It is submitted that regarding the crusher and its functioning, Specific Condition is provided as to not to function the crusher at the time of blasting and if the condition is violated, action will be initiated against the 11" respondent.
6. It is submitted that if the EC conditions are violated, strict action will be taken against the 11 respondent as per the existing laws.

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

Verified at Trivandrum on this the 4th day of March, 2026.

Prasad

Respondent No. 8

Chandraprasad K. K.

(PEN: 123636)

Deputy Secretary to Govt. &
Legal Officer, State Environment

Impact Assessment Authority

KSRTC Bus Terminal Complex, Thampancoor
Thiruvananthapuram-1

VERIFICATION

I, Chandraprasad K.K, aged 52 years, S/o C.N. Karunakaran, working as Legal Officer, State Level Environment Impact Assessment Authority (SEIAA) at Thiruvananthapuram, do hereby verify that the contents of the above paras are true to the best of my personal knowledge and paras believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Trivandrum on this the 4th day of March, 2026.

Prasad

Respondent No. 8

Chandraprasad K. K.

(PEN: 123636)

Deputy Secretary to Govt. &
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