

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

Application No. 41 of 2017

IN THE MATTER BETWEEN

K. Maheswaran,

...Applicant

AND

State of Kerala, represented by its Secretary
Department of Industries & Commerce, and 4 Others.

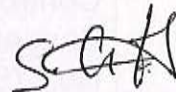
... Respondents

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Dated at Chennai, on this the 2nd day of January, 2024.



COUNSEL FOR THE 5TH RESPONDENT

1

REGISTERED PARCEL

GOVERNMENT OF INDIA
MINISTRY OF MINES
INDIAN BUREAU OF MINES
OFFICE OF THE REGIONAL CONTROLLER OF MINES

Tel No. 080 23371027
Fax No. 080 23373287
Email ID: : rcom_bng@vsnl.net
rcom_bng@rediffmail.com

29, Industrial Suburb, II Stage,
Tumkur Road, Goruguntapalya,
Yeshwantpur,
Bangalore- 560 022.

No. 279/1007/2008/BNG/1343

Dated: 29.09.2008.

To
M/s. English Indian Clays Limited
Veli
Thiruvananthapuram 695 021.
Kerala.

Sub: Approval of Mining Plan (including Progressive Mine Closure Plan) for china clay over an extent of 14.512 ha at Velloor village, Tq & Dist. Trivandrum of M/s. English India Clays Ltd., Trivandrum .. A Cat (OTFM) / Fresh / Private / Non-forest.

Ref: Your letter No. MIN/IBM/08-09/305 dated 21/08/2008 received submitting there with final bound copies of Mining Plan.

Sir,

In exercise of the power conferred by the clause (b) of sub-section (2) of Section 5 of the Mines and Minerals (Development & Regulation) Act, 1957 read with Government of India Order No.S.O.445 (E) dated 28.04.1987, I hereby approve the aforesaid Mining Plan (including Progressive Mine Closure Plan). This approval is subject to the following conditions:

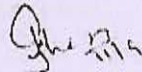
- (i) That the Mining Plan (including Progressive Mine Closure Plan) is approved without prejudice to any other law applicable to the mine/area from time to time whether made by the Central Government, State Government or any other authority.
- (ii) That this approval of the Mining Plan (including Progressive Mine Closure Plan) does not in any way imply the approval of the Government in terms of any other provision of the Mines & Minerals (Development & Regulation) Act, 1957 or the Mineral Concession Rules, 1960 or any other law including Forest (Conservation) Act, 1980, Environment Protection Act, 1986 and the rules made there under.
- (iii) That this Mining Plan (including Progressive Mine Closure Plan) is approved without prejudice to any other order or direction from any court of competent jurisdiction.

Contd....2

- 2
- (iv) The details of execution of the lease by the State Government whenever such an order is passed may be intimated to the Regional Controller of Mines, Indian Bureau of Mines, Bangalore.
 - (v) Provisions of the Mines Act, 1952 and Rules & Regulations made there under including submission of notice of opening, appointment of manager and other statutory officials as required by the Mines Act, 1952 shall be complied with.
 - (vi) The execution of Mining Plan / Scheme of Mining shall be subjected to vacation of prohibitory orders / notices, if any.
 - (vii) If anything is found to be concealed as required by the Mines Act in the contents of the Mining Plan and the proposals for rectification has not been made, the approval shall be deemed to have been withdrawn with immediate effect.
 - (viii) The Mining Plan (including Progressive Mine Closure Plan) is approved with the condition that the financial assurance for Rs. 2,00,000/- (Rupees Two lakhs only) should be prepared and submitted as per Rule 23F of MCDR, 1988 (duly amended) to the Regional Controller of Mines, Indian Bureau of Mines, Bangalore, before execution of mining lease.

Yours faithfully,

Encl: Two copies of approved Mining Plan
(including Progressive Mine Closure Plan)


(IVAN KHESS)
REGL. CONTROLLER OF MINES

Copy for kind information to:

1. Sri Jose Mathew, Mines Manager/ RQP, EICI, Thonnakkal.
2. The Director, Directorate of Mining & Geology, Kesavadasapuram, Pattom Palace P.O., Thiruvananthapuram 695 004. It is requested not to execute the Mining Lease till the financial assurance, as required under Rule 23F of MCDR, 1988 (duly amended) is submitted by the applicant to the Regional Controller of Mines, Indian Bureau of Mines, Bangalore.
3. The Director of Mines Safety, No. 46, AA Block, 2nd Street, Annanagar, Chennai- 600 040, along with a copy of the approved Mining Plan.
4. The Controller of Mines (SZ), Indian Bureau of Mines, Bangalore, along with a copy of the approved Mining Plan.

Encl: as above

/
(IVAN KHESS)
REGL. CONTROLLER OF MINES



2010:KER:20049

3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 4TH JUNE 2010 / 14TH JYAISTHA 1932

WP(C).No. 29634 of 2009(Y)

PETITIONER(S) :

ENGLISH INDIAN CLAYS LIMITED
HAVING ITS REGISTERED OFFICE AT T.C 79/34,
VELI, THIRUVANANTHAPURAM-695021,
REPRESENTED BY ITS MANAGER (MINES)
SRI.JOSE MATHEW.

BY ADV. SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.K.JOHN MATHAI
SRI.P.BENNY THOMAS
SRI.P.GOPINATH
SRI.V.J.ANAND

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.
2. THE VILLAGE OFFICER,
VEILOOR VILLAGE, THIRUVANANTHAPURAM TALUK,
THIRUVANANTHAPURAM DISTRICT.
3. KARTHIKEYAN,
ASSISTANT SUB INSPECTOR OF POLICE,
(CRIME BRANCH), 'GOKULAM', MULLASSERY,
THIRUVANANTHAPURAM DISTRICT.

GOVERNMENT PLEADER SHRI.K.RAMESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04/06/2010, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



20 10:KER:20049

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W.P. (C) .No. 29634/09.

APPENDIX

PETITIONER(S)' EXHIBITS

- P1. COPY OF THE ORDER REGARDING MINING.
- P2. COPY OF THE MEMO DTD.27.8.09.
- P3. COPY OF THE SHOW CAUSE NOTICE DTD.12.8.09.
- P4. COPY OF THE CERTIFICATE DTD.3.2.09.
- P5. COPY OF THE SHOW CAUSE NOTICE DTD.12.9.09.
- P6. COPY OF THE DEED OF MINING LEASE.
- P7. COPY OF THE NOTICE DTD.5.9.09 BY R1.
- P8. COPY OF THE HEARING NOTE DTD.17.9.09.
- P9. COPY OF THE ORDER DTD.19.9.09.

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///True copy///

P.A. to Judge



2010:KER:20049

S.SIRI JAGAN, J.

=====

W.P.(C).No. 29634 of 2009

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Dated this the 4th day of June, 2010

J U D G M E N T

The petitioner challenges Ext.P9 order passed by the District Collector under the Kerala Conservation of Paddy Land and Wet Land Act, 2008, directing the petitioner to stop the construction activities in the petitioner's property on the ground that the same is in violation of the Act and Rules. I am not inclined to entertain this writ petition on merits, in view of the fact that the petitioner has an effective alternate remedy by way of a revision before the Government against Ext.P9 order under Section 28 of the Act. Therefore, without prejudice to the right of the petitioner to challenge Ext.P9 in a properly constituted appeal this writ petition is dismissed. However, for the purpose of limitation, the period during which this writ petition was pending before this Court shall be excluded.

sdk+

Sd/-
S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge

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Sl. NO. 35(I)



GOVERNMENT OF INDIA
MINISTRY OF MINES
INDIAN BUREAU OF MINES
OFFICE OF THE REGIONAL CONTROLLER OF MINES

FAX: (080) 23371027 / 23373287
Tel: 080-23371027 / 23375366/67
Email ID : rcombng@rediffmail.com
ro. bangalore@ibm.gov.in.

29, Industrial Suburb, II Stage,
Tumkur Road, Goruguntapalya,
Yeshwantpur,
Bangalore- 560 022.

No.KRL/TRD/CC-58/BNG

Dated: 04.10.2013

To:
The Controller of Mines (SZ)
Indian Bureau of Mines
Bangalore

1784

Sub: Mining of China by English Indian clay mines company Pvt. Ltd. Thiruvananthapuram District, Kerala State-Conversion of Paddy field into barren land, Pollution of Air and Water - Reference received from Prime Minister's office.

Ref: CCOM's Letter No.O-11011/7/2010-CCOM/1731 dtd.4/03/2013

Sir,

Kindly refer to CCOM's letter cited above on the subject forwarding therewith the representation of Sri. K. Maheswaran, General Convener, Janashakthi action Council, Kerala. In this context, the subject lease area / mine was inspected by Sri. N.S.P.Rao, Assistant Controller of Mines of this office on 13.03.2013 to examine the complaint / representation of the NGO and submitted the report based on the inspection .

02. The said report is forwarded herewith in duplicate for your kind perusal and further necessary action.

Encl: As above

UNDER RTI ACT

Yours faithfully,

(Signature)
(B RAM MOHAN) 04/10/13
REGL. CONTROLLER OF MINES

1785

Copy to: The CCOM, IBM, Nagpur without enclosures for kind information.

(Signature)
(B RAM MOHAN) 04/10/13
REGL. CONTROLLER OF MINES

o/c

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Comments / report on the representation received from Janasakthi Action Council, Kerala state in regard to the Mining of China Clay by M/s. English India Clays Ltd., at Veiloor (VIII), Thiruvananthapuram Dist., Conversion of Paddy fields into barren land, pollution of Air and water - Reference received from Prime Ministers Office

BACKGROUND INFORMATION :

A representation was submitted to the Regl. Controller of Mines, IBM, Bangalore by Janasakthi Action Council, Valikanam, Thonnakkal - P.O, Thiruvananthapuram, Kerala State, regarding "Illegal Mining activities Mudukonam - Valikonam areas of Veiloor village, Thiruvananthapuram Taluka and District, Kerala State by M/s. English India Clays Ltd.," vide letter No. Nil, dated 26.01.2013 received in this office on 04.02.2013.

A copy of the representation was also been submitted to the CCOM, IBM, Nagpur by the said Janasakthi Action Council, Valikonam, Thonnakkal P.O., Thiruvananthapuram (Annexure - I).

The Regional Controller of Mines, IBM, Bangalore entrusted this assignment to N.S.P.Rao, ACOM and advised to examine the case and to furnish the comments/report after taking up the site inspection. Accordingly the case was examined by the said officer within the purview of MM(D&R) Act 1957 MCDR 1988 AND MCR 1960 and the mine was inspected on 13.03.2013. The officer also covered this mine for MCDR inspection.

Mean while the office of the CCOM, IBM, Nagpur has forwarded this case matter to the Regl. Controller of Mines, IBM, Bangalore with a request to examine the matter by detail spot inspection of the area and to furnish detailed report through the Controller of Mines (SZ), IBM, Bangalore vide letter No. O-11011/7/2010-CCOM/1731 dated 04.03.2013 (Annexure-2).

II ABOUT THE COMPANY .

M/s. English India Clays Ltd., (M/s. EICL), Thiruvananthapuram, Kerala state, a private Ltd., company incorporated on 18.11.1973 involved in mining of China Clay as Captive Source for their clay processing / washing Units to produce Value added Superior varieties of China Clay with ISO 9002 Certification during 1995 which has upgraded to 2000 version. The Clay processing Unit situated at Veli produces about 1.1 lakh TPA of several grades of value added refined China Clay (both spray dried and Rotary dried) to later paper, paint, rubber, plastic and Ultramarine Industries. The unit located at Thonnakkal producing about 0.4 lakh TPA of different grades of hydrous Clay and another Unit located in the same area has also got the 0.4 lakh capacity of calcined China Clay variety. The company backed with R & D Department which was recognized by the Department of Science & Technology, Govt. of India.

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Raw China Clay mined from the company sown captive mines located at Veiloor, Melthonnakkal and Karamood totaling about 09 mines, are located in Thiruvananthapuram District of Kerala State only. The details of mines owned by the company listed as under.

The company has the following other mining leases in Thiruvananthapuram district, Kerala State

Sl.No	G.O No. & Date	Date of Execution	Area (Hectares)	Period of Validity	Period Years
01	<u>Melthonnakkal Village</u> GONo.217/86/ID 29.8.1986	02.04.1987	2.6588	01.04.2007	20
02	GONo.98/94/ID, 18.4.1994	30.09.1994	1.9700	12.09.2014	20
03	GO No.98/94/ID 18.4.1994	12.10.1995	2.2025	11.10.2015	20
04	GONO 112/2003/ID 23.9.2003	22.03.2003	2.6593	21.03.2020	15
05	GO No.113/2003/ID 22.9.2004	22.09.2004	3.5700	21.09.2024	20
06	GO No.106/06/ID 10.11.2006		2.7220		20
07	GO No.106/06/ID 10.11.2006		2.7220		20
08	<u>Karamood Village</u> GO No.118/2003/ID 13.10.2003	13.10.2003	2.9253	12.10.2023	15
09	<u>Veiloor Village</u> G.O. 09/08/ID 16.01.2008	17.11.2008	14.51	16/11/2038	30

The present issue is, in regard to the mining lease located in Veiloor Village belongs to M/s. EICL which was granted to them vide Sl. No. 09 listed above. Copy of GO enclosed along with copy of ML deed (Annexure - 3)

The official address of the M/s. EICL is as follows :
M/s English India Clay,
P. O. 79/4, Veil, Thiruvananthapuram - 695 021,
Kerala State,

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Telephone No. : Factory: (0472), 2741133, 2741633, 2742033,

Mines : (0471) 3264396, 2618276

FAX : (+91) (0471) 2742233

E-mail : Josem@eicl.in.

Nominated Owner :Shri. G.S. Nair,

Agent & Vice President (works),

Veiloor China Clay Mine,

English Indian Clays Ltd.,

Thiruvananthapuram

Kerala State – 695 021.

- Reference No. and Date of consent letter of lease grant and period of mining lease etc., :
Mining Lease granted in favour of M/s. English India Clays Ltd., Trivandrum, Kerala state, vide G.O.(MS) No. 09/08/ID dated 16.01.2008 for a period of 30 years w.e.f. 17.11.2008 for China Clay over an extent of 14.5129 Ha.
- Location of the ML area with ref. to the Toposheet :
Toposheet No.: 58D/14.
Latitude : 8o, 37' 30" N to 837' 40" N.
76o 50' 10" E to 76o 50' 30" E
- Date of execution of Mining Lease : 17.11.2008 (Annexure – 4)
- Date of commencement of Mining Operations : 20.11.2008
- III GEOLOGY OF THE AREA AND RESERVE ESTIMATES :

• Topography :

- The topography of the area is with a steep slope towards the South. A seasonal drain exists on the southern boundary of the lease area. In part of the lease covering about 0.75 hectares area, overburden upto a depth of about 4 to 5m depth is already removed. The annual rainfall in the area is between 150 to 220 cm during the last decade. The monsoon is active from June to October. During heavy monsoon, the slope towards the south facilitates drainage of water towards the seasonal drain.

General Geology :

The China Clay deposits in Kerala is part of tertiary sedimentary formation of Kerala, which unconfirmably overlie the Precambrian garnet- sillimanite gneiss with graphite and Garnet Biotite Gneiss belonging to the Kondillite suite, with intermitted bands of charnockites. The tertiary sedimentary basic extends from Cape comerin to Manjeswar and it is the Southern most one among the chain of tertiary basin along the west cost of the Indian Peninsula.

The tertiary sedimentary formation extends as a narrow belt along the major part of the Kerala Coast. The land part of the basic essentially comprise of a series of variegated sand stone and clay with lenticular seams of lignite. This formation is called the Warkallai formation. The type area is located at Warkallai, edging the seashore. Other occurrences of the Warkallai formation are at Vettur, Kundara, Tamarakulam and Puliur in the south and in the cliffs at Cheruvathur and china clay quarried at Pazhayangadi, Ramapuram, Nileshwar and Kalanad in Kannur District. The Warkallai formation is equivalent of the Cuddalore sand stones of Miocene age (26 million years).

Regional / Geology :

The deposit in the applied area falls in the tertiary Warkallai formations. Clay deposits are proved from the open wells in the lease area and by the extension of the clay bed in the presently working Fast Clay and Clay India mines situated within 500 mtrs on the south. The stratigraphy exposed in one open well situated on the north side of the leasehold.

0 to 1m depth	Topsoil (1 m)
1 to 12 m	Laterite (11 m)
12 to 38 m	China Clay (26 m)

The china clay deposit in the area is transported as secondary deposit. The transported deposits are found in the basin and lakes, small or big away from the original place of decomposition. The residual kaolin on being transported by sub-aerial agencies such as wind, water for some distances from the source, undergo one or more of the processes of sorting or shifting, communiton, re-association and or impregnation with other materials before they are finally deposited at some favourable places. During the course of their journeys, they are exposed to many sources of contamination, so often happens that the transported kaolin is less pure than the insitue Kaolin. During the process of deposition, some alternate layeration of separate beds of sand and clay also taken place.

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Most of the transported Kaolin are fine grained and have their plasticity developed to a higher degree than the residual kaolin. The clay deposit encountered in the area is gently sloping towards south.

- During the course of modification approved mining plan dated 29.11.2012 total proved reserves in accordance with III category of UNFC have been estimated in the order of 43,12,355 MT. The total mineable reserves are placed at 31,93,406 MT.
- The analysis of china clay produced from this mine is as follows :

Chemical Analysis

Fe2O3	-	0.6
TiO2	-	0.5
CaO	-	Traces
K2O	-	0.1
Al2O3	-	38.0
MgO	-	Traces
LOI	-	14.5
Na2O	-	0.1

The applicant company's experience in this field supported by the R & D studies conducted.

IV METHOD OF MINING & LIFE OF THE MINE :

Mining being carried out by open cast mechanized means. There are separate benches in overburden and Clay. Hydraulic excavator, bulldozer and tippers are used for the working. The benches are maintained at 6m height and 6m width with bench slope of 70 to 80 deg. No drilling and blasting done since the deposits are sedimentary in nature and can be handled with excavator. OB and ore removed by excavator tipper combination and the OB being dumped on SW side of M1 area. However, during the course inspection, it was observed that no such practice is adopted and accordingly a violation cum Show Cause notice was issued to party for compliance (Annexure - 5). Proposed yearly the targeted production for the year 2012-13 & 2013 is @70,000 TPA. They have plans to increase the same upto 1 lakh tonnes and thereby the life of the mine will works out to be 34 years.

-The mine has got approved mining plan vide reference No.279/1007/2008/BNG dated 19.09.2008. For a period of 2009-10 to 2013-14. The modifications to the approved mining plan got approved vide letter of even number dated 29.11.2012 expiring on 31.03.2014.

V. PERFORMANCE OF MINE OWNER TOWARDS MCDR COMPLIANCE

The details of inspections carried out and the MCDR violations pointed out along with compliance position of the mine owner tabulated below

Sl.No.	Type of inspection	Dt. Of inspection	Violations pointed out	Date of issue of		Compliance position / remarks
				Violation letter	Show Cause Notice	
1	Jt. Inspection by AME alongwith DMG officials Kerala	26.05.2010	13(1)	09.07.2010	21.10.2010	Not complied
2	MP inspection by ACOM	04.08.2011	13(1)			Order of suspension of Mining Operations imposed on 20.10.2011. -Complied on 29.11.2012 -Revocation order issued on 18.01.2013.
3	MCDR & Spl. Reference from Ministry	13.03.2013	13(1)	15.05.2013	15.05.2013	Violation Cum ShowCause notice Issued on 15.05.2013 Complied on 18.09.2013

VI PRESENT ISSUE :

Janasakthi Action Council, Vallikonam, Thonnakkal, Kerala State represented the authorities of IBM, with a request that Illegal activities of the Veiloor China Clay mine owned by M/s. English India Clays Ltd., to be stopped and to close the illegal mine immediately and the affected people may be compensated for their losses, upon the issues as follows :

1. Thousand and thousands of heavy tipper loads of topsoil worth about Rs. Twenty Crores, were taken outside the mine for purposes other than refilling the mined out area. So it is nearly impossible to fill the mined out area
2. Precious ground water is being pumped away causing severe drinking water shortage in the locality. No arrangements are made in the mine for storing ground water. Polluted water is

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supplied to a few people around the mine as drinking water which is a potent source for diseases.

3. No benches are kept while mining. The top soil is being removed by mining vertically.
4. Large areas of paddy fields are converted. Water courses are obstructed. Thus cultivation is being made impossible around the area. The area was abundant in water resources which helped farmers around the area to cultivate paddy plantain, vegetables and other agriculture products. Now the area has become a graveyard.
5. No fencing is made around the mining area for preventing people and cattle from falling into the crevasses filled with water.
6. Mining has been done as near as half a metre from public pathways and homes. No minimum buffer zone is kept from houses and pathways.
7. Considerable part of the stream which runs across VeiloorEla (paddy field having two to three yields per year) is rendered useless.
8. As there is no protection wall around the mine the soil of the surrounding area is becoming unsuitable for cultivation because of leaching and drain from the mine.
9. All pollution is heavy due to the insufficiency of sprinkling of water on the roads. The people living in the area is severely affected by air pollution. Many people are afflicted with bronchitis, asthma, silicosis, cancer and other respiratory ailments. Children are the most affected.
10. People of the locality are under constant threat to their life as they are driving the tipper lorries loaded with clay and topsoil in a rash and negligent manner.
11. After removing the topsoil stacked in the mine, the clay company excavated an adjacent plot and removed the topsoil outside the mine from there also. Thus an area of about 10 acres of land including paddy field is now made into crevasses of varying depths. Thousand and thousands of heavy tipper loads of topsoil have been removed against the existing laws and rules.

-Janasakthi Action Council also referred several Writ Petitions in their representation which are self explanatory. (Annexure - 1).

- Janasakthi Action Council also mentioned that Kumaran Asian National Institute of culture, a memorial in the name of the poet and Social Reformer, Shri. KumaranAsam is situated within 1 km radius from Mining area.

Janasakthi Action Council represented that M/s. English India Clays Ltd., removed the Top - soil in large quantities and sent out side the Veiloor China Clay mine for other purposes, wasting ground

water, causing air and water pollution for nearby paddy fields and also Conversion of paddy fields into mining and water courses prove for pollution.

- In the enclosure addressed to DMG, Kerala, the Janasakthi Action Council represented that the Veiloor China clay mine is posing several pollution aspects there by affecting the many people by many disease. They have stated that M/s. EICL have not obtained permission of the pollution Control Board and not even fenced the mining area. Mining operations reached close to the leases of habitants i.e., not even a gap of 10m away. The water pumped is getting wasted and several tonnes damaging paddy fields of the villagers and converted 10 acrs of paddy field into barren land etc.,

VII. OBSERVATIONS&CONCLUSIONS :

- The site inspection was carried out by N S P Rao, ACOM on 13.03.2013.

- The following mine officials of M/s. English India Clays Ltd., have been reported the for the inspection and accompanied the inspecting officer on 13.03.2013. But no one from Janasakthi Action Council did either reported or accompany on that day.

1. K. Chandrasekaran – Dy. General Manager (Mines)
2. Sri. N ManojPillair – Mines Manager (Mines)
3. Sri. Hareesh G Thampy – Asstt. Manager (Mines&Liasion).

- However, the following members of Janasakthi Action Council did report to the inspecting officer on 15.03.2013 in the Camp Office, Hotel Pankaj, Thiruvananthapuram and apprised the issue.

1. Sri. K Maheswaran – General Convener.
2. Sri. B.K. Rajagopal – Member
3. Sri. B. ArjunanShettiar – Member
4. Sri. M Nisamuddin – Member
5. Sri. G. Murali – Member,

Based on the examination of the representation and the inspection carried out by the said inspecting officer the following observations have been made:

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This department have not received any copies of Writ Petitions or either not aware which are written referred in the representation submitted by Janasakthi Action Council and also the connected issues on Writ Petition does have scope of provision under MM (D & R) Act 1957, MCDR 1988 and MCR 1960.

KumaranAasan National Institute is located for beyond buffer zone / safe zone. No national monuments of Historical importance, wild life sanctuaries, any other public places etc., are existing nearby.

Party reported that the Vineal layer of Top Soil excavated from the mine has been given to near by villagers for their usage in agricultural purposes and the overburden dump which was dumped on S- E side of the Mining Lease area has been lifted up and used for backfilling in Karmood China Clay mine which is owned by the company and proposed to abundance the mining operations since the ore is totally exhausted in that mine. However, the deviation was observed in this regard for against the envisaged proposals the aspects of dumping for which the violation of provision of Rule 13(1) was pointed out. Party taken the compliance measures and submitted modifications in the approved Mining Plan which is received in this office on 23.09.2013 and is put into processing. Copy of violation cum Show Cause notice is enclosed (Annexure -5).

The water accumulated through seepage in the pit is being pumped out after the settlement which is used partly for agriculture nearby or being let out into nearby streams. The water being let out is found clean and doesn't contain any entrise solids to damage agriculture. As such the water pollution from the mine is re-mote.

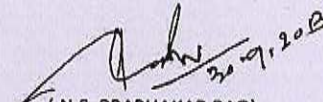
There are no paddy field existing nearby. Only seasonal agricultural activities observed all around the Mining lease area yielding Coconut and Tapioca.

During the course of inspection, on the enquiry it was noticed that no nearby villagers are affected by any mining disease. The mine is A - OTFM category mine, clearance from pollution control board has been obtained by the Lessee / Owner vide letter No. PLB/CC/RL/33/2009, dated 19.08.2009 on their environmental. Consultants same viz., M/s.JESCO, Kochi, Kerala (Annexure 6)

The house located close the pit belongs to party's own mine sit office : Party reported that they will be shifting the same immediately as per the statutes. Other than this, no other houses are located within Mining Lease area.

This China clay mine is operated by M/s. EICL in the village of Veiloor, after legally obtaining the Mining lease from the DMG, Govt. of Kerala vide GO(MS) No.09/08/ID dated 16.01.2008 over an extent of 14 5129 Hect for a period of 30 years expiring on 17.11.2038.

- Consequent to the inspection dated 13.03.2013 the mining operations envisaged in the approved Mining Plan have been observed deviated on the aspects of mining and dumping for which the violation of provision of Rule 13(1) of MCDR 1988 has been found has already been pointed out to the party (M/s. EICL) on 15.05.2013 by violation – Cum-Showcause notice and the party submitted required document of modifications of approved mining plan on 23.09.2013 in compliance of the violations.
- Mining operations are, though got deviated_ from the envisaged proposals to the effect as pointed out though violation – cum – showcause notice, it was noticed that all the mining operations carried out by M/s. EICL for their subjected China Clay mine located in Velloor village are totally confined within the Mining Lease area and no encroachments have been observed. As such no illegalities observed in accordance with MCDR_1988 or MM(D& R) Act 1957 on the aspects of Mineral Conservation, systematic and Scientific mining and the environment.


(N.S. PRABHAKAR RAO)
Asstt. Controller of Mines,
Indian bureau of Mines.

IN THE HIGH COURT OF KERALA AT ERNAKULAM

17

Present:

THE HONOURABLE MR. JUSTICE S. SIRI JAGAN
&
THE HONOURABLE MR. JUSTICE K. RAMAKRISHNAN

Monday, the 7th day of October 2013/15th Aswina, 1935

WP (C) .No. 8843/2013 (E)

PETITIONER:

EICL LIMITED,
TC-79/4, VELI, THIRUVANANTHAPURAM-695021,
REPLY BY ITS DEPUTY GENERAL MANAGER (MINES) R. CHANDRASEKHARAN.

RESPONDENTS:

1. THE CIRCLE INSPECTOR OF POLICE, KAZHAKUTTOM POLICE STATION, THIRUVANANTHAPURAM RURAL, THIRUVANANTHAPURAM-695 582.
2. THE SUB INSPECTOR OF POLICE, MANGALAPURAM POLICE STATION, KAZHAKUTTOM, THIRUVANANTHAPURAM-695 582.
3. K MAHESWARAN, S/O. KUNJUKRISHNAN, AGED 58, SREE SAILAM, VALIKONAM, THONNAKKAL POST, THIRUVANANTHAPURAM-695 317.
4. NIZAMUDDIN, S/O. MOHAMMED ALI, AGED 45, 'SINGAPORE VILLA', SASTHAVATTOM POST, VEILOOR, THIRUVANANTHAPURAM-695 317.
5. G. MURALI, (FATHER'S NAME NOT KNOWN TO THE PETITIONER), AGED 45 YEARS, M S LAND, THONNAKKAL POST, VALIAKONAM, THIRUVANANTHAPURAM-695 317.
6. SIVADASAN, S/O. APPU, AGED 42, SIVADASA MANDIRAM, THONNAKKAL POST, VALIAKONAM, THIRUVANANTHAPURAM-695 317.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim direction, directing Respondents 1 and 2 herein to grant adequate and effective police protection for mining and transportation of China Clay from the areas covered by Exts. P1 and P2 to the processing plants of the Petitioner at Veli and Thonnakkal without obstruction from Respondents 3 to 6 and their men and agents.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S P.B. KRISHNAN, N. AJITH, P.M. NEELAKANDAN & P.B. SUBRAMANYAN, Advocates for the petitioner and of Government Pleader for R1 & R2, the Court passed the following:


O R D E R

There would be an interim order as prayed for, provided, the petitioner has all necessary licences, permit, consent etc. for mining clay and transporting the same.

07-10-2013

Sd/-S. SIRI JAGAN, JUDGE
Sd/-K. RAMAKRISHNAN, JUDGE

/true copy/


ASSISTANT REGISTRAR

Ext. P1 : Dated 16.1.20108, true copy of the Order G.O. (Ms) No. 09/08/ID issued by the Government.

Ext. P2 : Dated 17.11.2008, true copy of the Indenture.

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BY SPEED POST



GOVERNMENT OF INDIA
MINISTRY OF MINES
INDIAN BUREAU OF MINES
OFFICE OF REGIONAL CONTROLLER OF MINES



FAX : 080- 23371027 / 23373287
Tel : 080-23371027 / 23375366 / 67
Email ID: ro.bangalore@ibm.gov.in
rcombng@rediffmail.com

29, Industrial Suburb, II Stage,
Tumkur Road, Gorguntapalya,
Yeshwantpur,
Bangalore- 560 022.

Dated 26/08/2014

07

No.279/1007/2008/BNG/1760

To
M/S-EICL Limited
TC-79/4, Veli
Thiruvananthapuram
Dist.- Thiruvananthapuram
Kerala State. 695021

Sub: Approval of Scheme of Mining (including Progressive Mine Closure Plan) in respect of Veiloor China Clay Mines (G.O. (MS) No: 09/08/ID dated 16/01/2008) over an area of 14.5129 ha. in Veiloor Village, Thiruvananthapuram Taluk and district, Kerala State submitted under Rule 12(3) & 23 B(3) of MCDR, 1988 .Revenue-Private / Cat-A (OTFM) / Non-Forest.

Ref: Your letter No.MIN/EICL/IBM/2014-15/9103 dated 13.06.2014 submitting therewith five bound copies of Scheme of Mining.

Sir,

In exercise of the power conferred by sub-rule (4) of Rule 12 of Mineral Conservation & Development Rules, 1988, I hereby **approve** the Scheme of Mining (including Progressive Mine Closure Plan). This approval is subject to the following conditions:

- i) The Scheme of Mining (including Progressive Mine Closure Plan) is approved without prejudice to any other laws applicable to the mine/area from time to time whether made by the Central Government, State Government or any other authority;
- ii) It is clarified that this approval of the Scheme of Mining (including Progressive Mine Closure Plan) does not in any way imply the approval of the Government in terms of any other provisions of the Mines and Minerals (Development and Regulation) Act 1957 or the Mineral Concession Rules, 1960 and any other laws including Forest Conservation Act, 1980.
- iii) The Scheme of Mining (including Progressive Mine Closure Plan) is approved without prejudice to any order or direction from any court of competent jurisdiction.
- iv) Provisions of the Mines Act, 1952 and Rules & Regulations made there under including submission of Notice of Opening, Appointment of Manager and other statutory officials as required by the Mines Act, 1952 shall be complied with.

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- v) If anything is found to be concealed as required by the Mines Act, 1952 in the contents of Scheme of Mining and the proposal for rectification has not been made, the approval shall be deemed to have been withdrawn with immediate effect, further at any stage, if it is observed that the information furnished in the document are incorrect or misrepresent facts, the approval of the document shall be revoked with immediate effect.
- vi) The company shall monitor ambient air quality, dust fall rate, water quality, soil sample analysis and noise level measurements on various stations established for the purpose both in the core zone and buffer zone as per Department of Environment guidelines and keeping in view IBM's circular No.3/92, season wise every year or by engaging preferably the services of an Environment Laboratory approved by MOEF/CPCB. The data so generated shall be maintained in a bound paged register kept for the purpose and the same shall be made available to the inspecting officer on demand.
- vii) The validity period of the financial assurance of Rs.2, 00,000/- expires on 10/10/2018. It should be renewed before the expiry of the same and should be submitted to this office.
- viii) In case the mining lease falls within a radius of 10 kms of National Park/ sanctuary, recommendations of NBWL have to be obtained as per the Order of Hon'ble Supreme Court in I.A.No 460/2004.
- ix) This department does not undertake any responsibility regarding fixing of boundary pillars on the ground & correctness of the boundaries of the lease area shown on the ground with reference to lease map & other plans furnished by the applicant/lessee.
- x) A yearly report should be submitted before 1st July of every year setting forth the extent of protective and rehabilitative works carried out as envisaged in the approved Mine Closure Plan.
- xi) The Scheme of Mining is approved for proposals contained therein and as applicable from the date of approval of the document for the mining activities to be carried out within the mining lease hold.
- xii) Approval is strictly confined to the proposals contained within the mining lease area duly authenticated by the State DMG, Govt. of Kerala. It does not convey approval to the proposals falling outside the mining lease area /boundary.

Yours faithfully,

Encl: One copy of the approved Scheme of Mining
(Including Progressive Mine Closure Plan)

- *BM* -
(B RAM MOHAN)
REGL. CONTROLLER OF MINES

Contd..3

-3-

No. 279/1007/2008/BNG

Copy for kind information to :

1. The Director, Directorate of Mining & Geology, Kesavadasapuram, Pattom Palace P.O., Thiruvananthapuram 695 004 along with a copy of the approved Scheme of Mining.
2. The Director, Bangalore Region(SZ), Directorate General of Mines Safety, No.6, 100 ft Road, 16th Main, Koramangala, Bangalore 560 036 along with a copy of the approved Scheme of Mining.
3. The Controller of Mines (SZ), Indian Bureau of Mines, Bangalore along with a copy of the approved Scheme of Mining.
- ✓ 4. N. Manoj Pilai & Hareesh G Thampy, EICL Limited, Veli, Thiruvananthapuram, Kerala-695021

Encl: as above

Bram
(B RAM MOHAN)
06/08/14
REGL. CONTROLLER OF MINES

IN THE HIGH COURT OF KERALA AT ERNAKULAM

21

Present:

THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

Friday, the 4th day of December 2015/13th Agrahayana, 1937

WP (C) .No. 32230/2015 (C)

PETITIONERS:

1. Jayachandran Nair B, aged 57 years, S/o Bhaskara Pillai, Devaragam (H), Veiloor, Thonnyakkal P.O, Thiruvananthapuram - 695 317.
2. Thankamani P, aged 48 Years. S/o (late) Sukumaran, Puthuval Puthan Veedu, Parayil, Valikonam, Thonnyakkal P.O, Thiruvananthapuram - 695 317.
3. Jagadamma, aged 57 years, S/o Raghavan, Kunjuveettuvila (H), Veiloor, Thonnyakkal P.O, Thiruvananthapuram - 695 317.
4. Shajahan A, aged 52 years, S/o Abdul Azees, Parayil Veedu, Veiloor, Thonnyakkal P.O, Thiruvananthapuram - 695 317.

RESPONDENTS:

1. Union of India represented by its Secretary, Mining and Geology department, New Delhi- 110 001
2. State of Kerala represented by the Principal Secretary, Department of Industries, Secretariat, Thiruvananthapuram- 695 001
3. The Director of Mining and Geology, Directorate of Mining and Geology, Kesavadasapuram, Pattom Palace Post, Thiruvananthapuram - 695004
4. The Regional Controller of Mines, Office of the Regional Controller of Mines, Indian Bureau of Mines, 29, Industrial Suburb, II Stage, Tumkur Road, Gorguntapalaya, Yeshwanthpur, Bangalore - 560022
5. District Collector, Civil Station, Kudappanakunnu , Thiruvananthapuram- 695043
6. Geologist, Department of Mining and Geology, District Office, Thiruvananthapuram- 695 013
7. Local Level Monitoring Committee, under the Conservation of Paddy lands and Wetland Act, Mangalapuram Grama Panchayath represented by its Secretary, Agriculture Officer, Mangalapuram Grama Panchayath, Thiruvananthapuram- 695 502

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8.M/S.ENGLISH INDIAN CLAYS PVT LTD.,EICL,COMPANY,REPRESENTED BY
ITS MANGING DIRECTOR,79/4.VELI,THIRUVANANTHAPURAM-695 021.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay all the mining activities conducted by the 8th respondent in Sy.Nos.177,178,179,180,242,241,181/21,181/10, 182/3,182/4,182/5,182/6,182/10,182/11,182/12,182/17,183,184,240/2, 240/13,240/14,240/12,229/14-1 of Veiloor village in Thiruvananthapuram district, without any further delay, pending final disposal of this writ petition (civil).

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 26.10.2015 and upon hearing the arguments of M/S P.G.SURESH, G.SUDHEER, RAJAN VISHNURAJ,HARISH VASUDEVAN, Advocates for the petitioners, ASSISTANT SOLICITOR GENERAL OF INDIA for Respondent 1 and 4, GOVERNMENT PLEADER for Respondents 2 to 6 and of M/S.P.B.KRISHNAN, P.M.NEELAKANDAN, P.B.SUBRAMANYAN, SABU GEORGE, N.NITHIN (ANCHAL), Advocates for Respondent 8, the court passed the following:

P.N.RAVINDRAN & SHAJI P. CHALY, JJ.

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W.P.(C)No.32230 of 2015

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Dated this the 4th day of December, 2015

ORDER

P.N.Ravindran, J.

Heard learned counsel appearing for the petitioners, learned Assistant Solicitor General of India appearing for respondents 1 and 4, learned Government Pleader appearing for respondents 2, 3, 5 and 6 and learned counsel appearing for the eighth respondent on the interim relief prayed for.

2. A reading of the writ petition discloses that the petitioner has prayed for an interim order staying the mining activities being conducted by the eighth respondent in the lands described in paragraph 2 and in the relief portion of the writ petition mainly on the ground that the directions issued in Ext.P11 letter dated 12.3.2015 by the Director of Mining and Geology to the eighth respondent are still in force. It is evident from Ext.R8(r) letter dated 4.9.2015 sent by the Director of Mining and Geology to the District Geologist, Thiruvananthapuram that the directions in Ext.P11 have since been withdrawn. It was without noticing the aforesaid fact that the learned single Judge passed an ex parte order on 26.10.2015 granting an

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W.P.(C)No.32230 of 2015

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interim order as prayed for in the instant writ petition. Ext.P11 states that though the lease had been granted subject to the condition that the lessee shall obtain the consent of owners of the residential houses located within 50 metres of the boundary of the area covered under the lease, till date the company has failed to fulfill the same. Ext.P2 which is the Government order granting the lease does not so stipulate. The stipulation therein reads as follows:

"The lessee shall obtain the consent of the owners of the residential houses located within 50 m of the boundary of the area covered under this land in lieu of which a buffer of 50 m shall be left undisturbed from the said houses."

3. The petitioners have no case that the eighth respondent has not left a buffer of 50 metres from their houses to the pit where mining activities are being done. The eighth respondent has filed a counter affidavit and averred that mining activities are for the time being conducted only in pit No.2 shown in Ext.R8(n) sketch and that the residential houses of the petitioners are situate beyond the distance of 50 metres. In such circumstances, notwithstanding the fact that the petitioners have not given consent in writing for the mining activities for being conducted in pit No.2, as their houses are situate beyond 50 metres from pit No.2 and no mining activities are being carried on in the buffer zone of 50 metres, we are satisfied that the interim order passed by this court on 26.10.2015 is liable to be vacated.

4. There is also yet another reason why we are persuaded to pass such an order. A Division Bench of this court has way back on 7.10.2013 in W.P.(C)No.8843 of 2013 granted an interim order of police protection, directing the Circle Inspector of Police, Kazhakkootam and the Sub Inspector of Police, Mangalapuram Police Station to grant adequate and effective police protection to the mining and transportation of china clay by the eighth respondent herein to the processing plants at Veli and Thonnakkal without obstruction from respondents 3 to 6 therein and their men and agents. The said interim order is even today in force. Though one among the party respondents in the said writ petition namely Nizamuddin later filed W.P.(C)No.3251 of 2015 praying for similar reliefs as the reliefs prayed for herein, no interim order was granted in the said writ petition. It is also relevant in this context to note that in W.P.(C)No.3251 of 2015, there is no averment as regards the fact that a Division Bench of this court has in W.P.(C)No.8843 of 2013 granted an interim order of police protection or that the petitioner therein is a party to W.P.(C)No.8843 of 2013. The petitioners herein have also not referred to the pendency of the earlier writ petition for police protection or of the fact that Nizamuddin, who is one of the respondents in W.P.(C)No.8843 of 2013, had earlier filed a writ petition praying for almost identical reliefs and that no interim order was granted therein.

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W.P.(C)No.32230 of 2015

-4-

Such being the situation, we find no reason to maintain the interim order passed by this court on 26.10.2015. The interim order passed by this court on 26.10.2015 is accordingly vacated. We however deem it appropriate to clarify that mining activities can be carried on only if the eighth respondent possesses the requisite licences and permits for mining and transporting clay and also complies with the stipulations in Ext.P2 Government order dated 16.01.2008 and Ext.R8(a) indenture of lease dated 17.11.2008.

Post after vacation along with connected cases.

Handover.

Sd/-
P.N.RAVINDRAN
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

TRUE COPY

Jayaram P
ASSISTANT REGISTRAR

vpv

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7/12/15
A

- Ext.P2:A true photocopy of G.O. (MS)No.09/08/ID dated 16.01.2008.
Ext.R8(a):A true copy of the Indenture executed by Govt.in favour of Respondent No.8 dated 17.11.2008.
Ext.R8(n):A true copy of the sketch dated Nil.
Ext.R8(r):A true copy of the Communication issued to Respondent No.8 bearing No.5006/MI/2016 dated 04.09.2015.
Ext.P11:A true photocopy of the letter No.5006/MI/2006 dated 12.03.2015 issued by the 3rd respondent to the 8th respondent.

MINUTES OF THE 75th MEETING OF SEAC, KERALA, HELD ON 29th & 30th JUNE, 2017, AT HARITHASREE HALL, DIRECTORATE OF ENVIRONMENT AND CLIMATE CHANGE, THIRUVANANTHAPURAM

The 75th meeting of SEAC commenced at 10.00 am with Sri.V. Gopinathan in the chair. The Chairman welcomed the members and initiated the proceedings of the Committee.

Item No. 75.00

Approval of Minutes: The minutes of the 74th SEAC meeting were read over, corrections made as suggested by the members and approved.

Item No. :75.01

Follow up action of minutes of the meetings of SEIAA

Minutes of the SEIAA were read and the Secretary was advised to place individual cases before the Committee for taking follow up action.

Item No. 75.02

Environmental clearance for the Proposed Residential cum Commercial Project ("Rajagiri Retreat") in Re-survey. Nos. 149/4 Aluva East Village, Edathala Panchayat, Aluva Taluk, Ernakulam District, Kerala of Fr.Johnson Vazhappilly CMI, Secretary & Treasurer, M/s Rajagiri Retreat Trust. (File. No.1092/EC/SEIAA/ KL/2017)

Project Proponent : Fr.Johnson Vazhappilly CMI, Secretary & Treasurer, M/s Rajagiri Retreat Trust.

The proponent did not turn up for presenting the details, so the Committee decided to defer the item.

Item No. 75.03

Environmental clearance for the Proposed Expansion of Special Residential-cum-Commercial Complex Project at Re-survey Nos. 4/3B, 4/4B, 4/5, Kottooli Village, Kozhikode Corporation, Kozhikode Taluk & District, Kerala of Mr.G.Baiju, Director, M/s Sree Gokulam Hotel (India) Pvt. Ltd. (FileNo. 1110/EC/SEIAA/KL/2017)

Project Proponent : Mr.G.Baiju, M/s Sree Gokulam Hotel (India) Pvt. Ltd.

The proponent did not turn up for presenting the details, so the Committee decided to defer the item.

A SEIAA may also obtain a commitment from the proponent to spent an appropriate amount for CSR activities for the welfare of the local community in consultation with the local body.

Item No: 75.08 Environmental clearance for the proposed china clay mining project in Sy. Nos. 427/1, 1-1, 1-2, 2, 4 & 5 at Melthonnakal Village, Trivandrum Taluk, Trivandrum District, Kerala by Sri. Chandrasekaran, M/s EICL limited (File No. 940/SEIAA/EC1/4098 /2015)

Project Proponent : Sri. Chandrasekaran, M/s EICL limited
&

Item No: 75.09 Environmental clearance for the proposed china clay mining project in Sy. Nos. 434/6, 8, 9, 15, 16, 17,482/11, 483/2, 6 and 484/1, 2 at Melthonnakal Village, Trivandrum Taluk, Trivandrum District, Kerala by Sri. Chandrasekaran, M/s EICL limited (File No. 941/ SEIAA /EC1/4099/2015)

Project Proponent : Sri. Chandrasekaran, M/s EICL limited

SEIAA has referred back both the above cases to ascertain whether the proponent has implemented the decisions of the meeting taken by the District Collector. The Committee examined the matter and is of the opinion that the question of adherence to the decisions of a meeting taken by the District Collector is a matter to be looked into by district administration. But the Committee has noted that various apprehensions and complaints raised by different individuals/organisations are well taken care of in the mining plan and through other interventions that are being taken up by the proponent in the locality. Hence as recommended earlier, EC can be issued after on completion of proceedings against violations already pointed out and subject to other conditions already proposed.

Item No.75.10 Environmental clearance for the proposed China Clay project in survey Nos. 177, 178, 179, 180, 241, 242, 181/21, 181/10, 182/3, 182/4, 482/5, 182/6, 182/10, 182/11, 182/12, 182/17, 183, 184, 240/2, 240/13, 240/14, 240/12, 229/14-1 of Veiloor Village, Thiruvananthapuram Taluk & Thiruvanthapuram District, Kerala by Sri. R. Chandrasekaran, M/s EICL Ltd. (File No. 1091/EC/SEIAA/2017)

Project Proponent : Sri. R. Chandrasekaran, M/s EICL Ltd.

Based on the Mining plan, Form.1, Pre-Feasibility Report, all other documents submitted with the proposal and the site inspection report the Committee appraised the proposal.

The proposal involves serious violations of the stipulations contained in the 2006 EIA notification. The application is for EC for mining Kaolin clay from 14.5129 ha of area in Veiloor village of Thiruvananthapuram taluk. The proponent has acquired the lease and commenced mining in 2008 without the mandatory EC. Though substantial initial extraction had been carried out from the area presently all the operations are discontinued. Hence it is recommended to initiate proceedings against the above violations.

The Committee also decided to **Recommend to issue EC** on completion of proceedings against violations subject to the following specific conditions over and above the general conditions.

1. The proposed channel along the boundary for diverting the existing local stream shall be built only with the consent of the local panchayat and the district administration.

The company has submitted their commitments for taking up CSR activities. They shall ensure that it is over and above the mandatory requirements.

Item No. 75.11 Environmental clearance for the proposed quarry project in Sy. No. 66 (Part) at Trikkur Village, Mukundapuram Taluk, Thrissur District, Kerala by Sri. M. J. Jose, Managing Partner, M/s Thattil Granites (File No. 958/SEIAA/EC1/4434/2015)

Project proponent: Sri. M. J. Jose, M/s Thattil Granites

The Committee appraised the proposal based on the Mining Plan, Pre-feasibility Report and all other documents submitted along with Form1 and decided to **defer the item for field inspection** and submission of a realistic CSR commitment

Item No.75.12 Environmental clearance for the quarry project in Sy. No. 432/3(part), 432/4 at Kummil village, Kottarakara Taluk, Kollam District, Kerala Sri. M. K. Biju, Karthika, Kottarakara (taluk), Kollam for M/s. Karthika Granite Quarry, Cherukara (File No. 638/SEIAA/KL/4909/2014)

Project proponent: Sri. M. K. Biju, M/s. Karthika Granite Quarry

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2018:KER:27725

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 8TH DAY OF JUNE 2018 / 18TH JYAISHTA, 1940

WP(C).No. 31654 of 2017

PETITIONER(S)

M/S. ENGLISH INDIA CLAYS LIMITED (EICL)
REPRESENTED BY ITS AUTHORISED OFFICER,
SANJEEV P.THOMAS, VICE PRESIDENT, CLAY BUSINESS,
TC 91/34, VELI, THIRUVANANTHAPURAM 695 021.

BY ADVS.SRI.P.RAVINDRAN (SR.)
SRIANIL SIVARAMAN

RESPONDENT(S):

1. THE STATE OF KERALA
REPRESENTED BY ITS ADDL. CHIEF SECRETARY,
INDUSTRIES DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.
2. THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, THIRUVANANTHAPURAM 695 013.
3. THE DISTRICT COLLECTOR, COLLECTORATE
THIRUVANANTHAPURAM - 43.
4. THE REGIONAL CONTROLLER OF MINES
OFFICE OF THE REGIONAL CONTROLLER OF MINES,
INDIAN BUREAU OF MINES,
29- INDUSTRIAL SUBURB, II STAGE, TUMKUR ROAD,
GORGUNTAPALAYA, YESHWANTHPUR, BANGALORE 560 022.
5. THE UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF ENVIRONMENT AND FORESTS, PARYAVARAN
BHAVAN, LODI ROAD, NEW DELHI 110 003.
6. THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
(SEIAA)
REPRESENTED BY ITS MEMBER SECRETARY,
THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.695001
7. THE STATE LEVEL EXPERT APPRAISAL COMMITTEE, (SEAC)
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM 695001

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WP(C).No. 31654 of 2017

2018:KER:27725

***ADDITIONAL R8 TO R10 IMPEADED:**

**ADDL.R8. D.RATNAKUMARAN, AGED 54 YEARS, S/O.DAMODARAN K.
SECRETARY, THIRUVANANTHAPURAM DISTRICT, CLAY WORKERS UNION (CITU)
THIRUVANANTHAPURAM**

**R9. S.R.BAIJU, AGED 43 YEARS, S/O.N.SOMAN, UNIT SECRETARY
ENGLISH INDIAN CLAYS
MAZDOOR SANGH (BMS) THIRUVANANTHAPURAM**

**R10. GOPAKUMAR.S., AGED 53 YEARS, S/O.SUBRAMANIYAN,
SECRETARY, ENGLISH INDIA CLAY WORKERS CONGRESS (INTUC)
THIRUVANANTHAPURAM**

**(ADDITIONAL R8 TO R10 ARE IMPEADED AS PER ORDER DATED 11.04.2018 IN I.ANO.20989 &
20990/2017 & 260/2018)**

**R4-5 BY ADV. SRI.R.PRASANTH KUMAR, CGC
RADDL. BY ADV. SRI.P.SASI
RADDL.&ADDL.10 BY ADV. SRI.M.SASINDRAN
R1,R2,R3 BY ADV. SRI.K.V.SOHAN, STATE ATTORNEY
BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
BY GOVERNMENT PLEADER SRI.MANU RAJ K.J**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-06-2018,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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2018:KER:27725

WP(C).No. 31654 of 2017 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 TRUE COPY OF GO DATED 20/5/2008 SANCTIONING LEASE

EXHIBIT P2 TRUE COPY OF GO DATED 16/1/2008 SANCTIONING LEASE

EXHIBIT P3 TRUE COPY OF GO DATED 16/1/2008 SANCTIONING LEASE

EXHIBIT P4 TRUE COPY OF GO DATED 28/2/2014

EXHIBIT P5 TRUE COPY OF GO 412/2014/ID DATED 29/3/2014

EXHIBIT P6 TRUE COPY OF ORDER IN WPC 32230/15

EXHIBIT P7 TRUE COPY OF MINUTES DATED 7/4/17

EXHIBIT P8 TRUE COPY OF MINUTES DATED 10/5/17

EXHIBIT P9 TRUE COPY OF MINUTES DATED 29/30 JUNE 2017 AND 20/21/ FEB 2017

EXHIBIT P10 TRUE COPY OF REPRESENTATION DATED 15/8/17

EXHIBIT P11 TRUE COPY OF MINUTES DATED 11.10.2017

EXHIBIT P12 TRUE COPY OF MINUTES DATED 28.10.2017

EXHIBIT.P13. TRUE COPY OF LETTER DATED 20/1/2018

EXHIBIT P14. TRUE COPY OF THE LETTER DATED 5/3/2018.

RESPONDENTS EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE



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A.K.JAYASANKARAN NAMBIAR, J......
W.P.(C).No.31654 Of 2017
.....**Dated this the 8th day of June, 2018****J U D G M E N T**

The petitioner is a company conducting mining of china clay and processing the same to Kaolin and Calcined Kaolin, which are inputs for various industries. In connection with the mining activities carried on in Thiruvananthapuram district, the petitioner had obtained mining leases from the Government of Kerala. The issue that arises for consideration in this writ petition is the inaction on the part of the 6th respondent in issuing final orders on an application for environmental clearance that was submitted by the petitioner before the said authority. It is stated that, while the application was considered by the 7th respondent, and a recommendation made and forwarded to the 6th respondent, the 6th respondent vide Ext.P7 minutes, returned the proposal to the 7th respondent for clear cut recommendations after ascertaining whether certain conditions, that had been prescribed at the district level meeting, had been implemented. It would appear that the 7th respondent, thereafter, once again recommended the case of the petitioner for environmental clearance, and this time around, when

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2018:KER:27725

the matter came up for consideration before the 6th respondent, the proceedings, as evidenced by Ext.P9, indicate that in view of the complaints raised by different individuals/organisations, the 6th respondent opined that the issuance of environmental clearance could only be after completion of the proceedings against the violations pointed out, and subject to other conditions already proposed. The reference in these proceedings is apparently to the Notification dated 14.03.2017 of the Ministry of Environment, Forest and Climate Change, which stipulated a new procedure for those projects that had been found to have undertaken activities without obtaining prior environmental clearance from the Central Government or the State Level Environmental Impact Assessment Authority. The said Notification mandated that such cases, of activities carried out without prior environmental clearance, had to be viewed as cases of violation of the Environment Impact Assessment Notification, 2006, and the application for environmental clearance submitted by such project proponents, had to be dealt with as per the procedure prescribed in the said Notification. It needs to be stated that the procedure envisaged in the said Notification contemplated a consideration of the applications for environmental clearance by a Committee

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2018:KER:27725

W.P.(C).No.31654 Of 2017

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constituted at the Central Government level. During the pendency of the writ petition, by an order dated 08.01.2018, this Court had directed the 6th respondent to forward the application submitted by the petitioner to the respective Environment Impact Assessment Authority at the Central Level, functioning under the 5th respondent, with a further direction that the 5th respondent shall ensure that the applications forwarded to him by the 6th respondent are considered on merits *de hors* the time limit prescribed in the Notification dated 14.03.2017, and a decision taken within 6 weeks from the date of receipt of the files from the 6th respondent. The 5th respondent has since brought to the notice of this Court that, by a subsequent Notification dated 08.03.2018, it has been clarified that cases such as that of the petitioner, for environmental clearance, where there has been a detection of a past activity done without prior environmental clearance, can now be dealt with by the Environment Appraisal Committee at the State level itself. Taking note of the said Notification, a further order dated 11.04.2018 was passed by this Court, which reads as follows:

“Read orders dated 08.01.2018 and 02.04.2018. By the order dated 08.01.2018, this



Court had, taking note of notification dated 14.03.2017 that had been issued by the Central Government in the Ministry of Environment, Forest and Climate Change, directed the 6th respondent to forward the files pertaining to the petitioner and in particular, the recommendations issued to the 7th respondent, as also the Minutes of the meetings of the 6th respondent, where the case of the petitioner's application for environmental clearance was discussed/considered to the Environment Impact Assessment Authority at the Central level, functioning under the 5th respondent. The said directions were issued in order to enable the said authority functioning under the 5th respondent to consider the application and pass final orders on the issue of environmental clearance to the petitioner. While the said directions have not been complied with by the 5th respondent and it is now brought to my notice by the learned Assistant Solicitor General, appearing for the 5th respondent that a detailed affidavit explaining the circumstances under which the action could not be taken and apologising for the delay in taking action, will be filed before this Court, within three weeks from today, and further finding that there has since been issued another notification dated 08.03.2018, as clarified by the



Office Memorandum dated 15.03.2018 by the Central Government in the Ministry of Environment, Forest and Climate Change, relegating such matters to the 6th respondent for consideration of application for environmental clearance, it would be in the interest of justice to now direct the 6th respondent to consider and take a decision on the application for environmental clearance submitted by the petitioner, within a period of six weeks from the date of this order. To enable the 6th respondent to do so, I direct the 5th respondent to return any files that have been obtained from the 6th respondent pursuant to the order dated 08.01.2018 to the 6th respondent, within a week from today."

2. When the matter came up for orders today, it is pointed out by the learned Senior counsel appearing on behalf of the petitioner, as also by the State Attorney on behalf of the 6th and 7th respondents, that the State Level Environment Impact Assessment Authority has to be reconstituted and the said procedure will take some time. Although it is the submission of the learned State Attorney that the steps in this regard have already been initiated, this Court finds that there will, inevitably, be a time lag before the

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2018:KER:27725

W.P.(C).No.31654 Of 2017

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Committee is constituted and the application of the petitioner for environmental clearance considered by the said Committee on the lines indicated in the Notification dated 08.03.2018. Under the said circumstances, I feel that, inasmuch as the project of the petitioner has already obtained the recommendations of the 7th respondent, and the recommendations of the 7th respondent that were forwarded to the 6th respondent have been kept for reconsideration only in the light of the Notifications of the Ministry of Environment, Forest and Climate Change referred above, it would be in the interests of justice to permit the petitioner to carry on the mining activities in the leased premises strictly in accordance with the conditions stipulated by the 7th respondent while recommending the case of the petitioner for environmental clearance before the 6th respondent, and I do so . It is made clear that this arrangement, permitting the petitioner to carry on mining activities as aforesaid, would be purely provisional and subject to any final orders that are passed by the 6th respondent, pursuant to its reconstitution, and on consideration of the application for environmental clearance submitted by the petitioner. Needless to say, in the event of any conditions being imposed by the 6th respondent, taking note of the previous defaults stated to have



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been committed by the petitioner, then it will be obligatory on the part of the petitioner to comply with the said conditions as the said conditions would then be seen as qualifying the environmental clearance granted to the petitioner.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/08.06.18

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या धारक को

Rupees रुपये *Ten Lakhs only*

अवा करें

₹ 10,00,000/-

A/c No.
खाता नं.

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For EICL LIMITED

[Signature]
Authorized Signatories
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42

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Pay *Jayachandran Nair B*

Or Bearer

या धारक को

Rupees रुपये *Thirteen thousand eight hundred only*

अदा करें

₹ 13,800/-

A/c. No.
खाता नं.

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Pay *Thankamani P*

Or Bearer

या धारक को

Rupees रुपये *Thirteen thousand eight hundred only*

अदा करें

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खाता नं.

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For EICL LIMITED

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08012019
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Pay *Jagadamma*

Or Bearer

या धारक को

Rupees रुपये *Thirteen thousand eight hundred only*

अदा करें

₹ 13,800/-

A/c. No.
खाता नं.

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For EICL LIMITED

[Signature]
Authorised Signatories

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43

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08012019
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Pay K. Maheswaran

Or Bearer

Rupees रुपये Thirteen thousand eight hundred only

या धारक को

अवा करें

₹ 13,800/-

A/c. No.
खाता नं.

50200023004210

Brn: 4740 Pdt: 809
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For EICL LIMITED

[Signature]
Authorised Signatories
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⑈000342⑈ 695240014⑈ 001606⑈ 29

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Weekly Holiday on SUNDAY

08012019
D D M M Y Y Y Y
Valid for 3 months only

Pay Shajahan A.

Or Bearer

Rupees रुपये Thirteen thousand eight hundred only

या धारक को

अवा करें

₹ 13,800/-

A/c. No.
खाता नं.

50200023004210

Brn: 4740 Pdt: 809
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⑈000343⑈ 695240014⑈ 001606⑈ 29

“ഭരണഭാഷ - മാതൃഭാഷ”

നമ്പർ: 11651/M2/2018

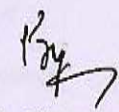
മൈനിങ്ങ് ആന്റ് ജിയോളജി ഡയറക്ടറേറ്റ്,
കേശവദാസപുരം, പട്ടം പാലസ് പി.ഒ.,
തിരുവനന്തപുരം - 695004.
Tel./Fax : 0471-2447429.
e-mail : director.dir.dmg@kerala.gov.in
www.dmg.kerala.gov.in
തീയതി : 03.04.2019

നോട്ടീസ്

വിഷയം:- വനിയും വനിജങ്ങളും - ചൈനാ ക്ലേ ഖനനം - വെയിലൂർ വില്ലേജിൽ മെ.ഇംഗ്ലീഷ് ഇന്ത്യൻ ക്ലേയ്സ് ലിമിറ്റഡിന് മൈനിങ്ങ് ലീസ് അനുവദിച്ച സ്ഥലത്തു നിന്നും മൈനിങ്ങ് പ്ലാനിലെ വ്യവസ്ഥകൾ ലംഘിച്ച് ചൈനാ ക്ലേയും മേൽ മണ്ണും (overburden) നീക്കം ചെയ്തതിന് പിഴ ഈടാക്കുന്നതു- സംബന്ധിച്ച്

- സൂചന :- 1. ബഹു. ഹൈക്കോടതിയിലെ W.A. No.1761/2018 നേൽ 04.10.2018 ലെ വിധിന്യായം
- 2. G.O (Rt) No.09/08/ID dated 16.01.2008

തിരുവനന്തപുരം ജില്ലയിൽ തിരുവനന്തപുരം താലൂക്കിൽ വെയിലൂർ വില്ലേജിൽ മെ.ഇംഗ്ലീഷ് ഇന്ത്യൻ ക്ലേയ്സ് ലിമിറ്റഡിന് സൂചന (2) പ്രകാരം മൈനിങ്ങ് ലീസ് അനുവദിച്ച സ്ഥലത്തു നിന്നും മൈനിങ്ങ് പ്ലാനിലെ വ്യവസ്ഥകൾ ലംഘിച്ച് ചൈനാ ക്ലേയും മേൽ മണ്ണും (overburden) നീക്കം ചെയ്ത ക്വട്ടന്റിന്, നീക്കം ചെയ്ത ധാതുക്കളുടെ നൂറു ശതമാനം വില ഈടാക്കാൻ സൂചന (1) പ്രകാരം ബഹു. ഹൈക്കോടതി ഉത്തരവിട്ടതിനെ തുടർന്ന് ഈ വകുപ്പും ഇന്ത്യൻ ബ്യൂറോ ഓഫ് മൈൻസും ചേർന്ന് സർവ്വേ ഡിപ്പാർട്ട്മെന്റിന്റെ സഹായത്തോടെ കമ്പനിയുടെ സാന്നിധ്യത്തിൽ സ്ഥല പരിശോധന നടത്തുകയും ടി സ്ഥലത്തു നിന്നും മൈനിങ്ങ് പ്ലാനിലെ വ്യവസ്ഥകൾ ലംഘിച്ച് നീക്കം ചെയ്ത ധാതുക്കളുടെ അളവ് കണക്കാക്കുകയും ചെയ്തിരുന്നു. അപ്രകാരം നീക്കം ചെയ്ത ധാതുവിന്റെ നൂറു ശതമാനം വില 1,36,30,440 (ഒരു കോടി മുപ്പത്തിയാറ് ലക്ഷത്തി മുപ്പതിനായിരത്തി നാനൂറ്റി നാല്പത് രൂപ മാത്രം) രൂപയാണെന്നും ഈ വകുപ്പ് കണക്കാക്കിയിരുന്നു. ഈ സാഹചര്യത്തിൽ ഈ നോട്ടീസ് കൈപ്പറ്റി 15 ദിവസത്തിനകം ടി തുക സർക്കാർ ട്രഷറിയിൽ അടച്ച് അസ്സൽ ചെലാൻ ഈ ഓഫീസിൽ ഹാജരാക്കേണ്ടതാണെന്ന് അറിയിക്കുന്നു. തുക സർക്കാർ ട്രഷറിയിൽ അടയ്ക്കുന്നതിലേയ്ക്കായി മേലൊപ്പു വച്ച ചെലാൻ ഇതോടൊപ്പം ഉള്ളടക്കം ചെയ്യുന്നു.



മൈനിങ്ങ് & ജിയോളജി ഡയറക്ടർ

ജനറൽ മാനേജർ,
മെ.ഇംഗ്ലീഷ് ഇന്ത്യൻ ക്ലേയ്സ് ലിമിറ്റഡ്,
വേളി, തിരുവനന്തപുരം.

ഉള്ളടക്കം : മേൽ പ്രകാരം
Catalog



45

+

135 GOVERNMENT OF KERALA
CHALAN
 FORM T-12
 [See Rules 102 (c) and 124 of Kerala Local Fund Code]
 Chalan for Payment of Money
 District Treasury/Sub Treasury
 State Bank of India/State Bank of Travancore



At _____
 Computer Seq. No. _____ Date of Kerala _____

Head Office: **0858 00 102 99 01**
 Mej Strj Mm Sub Dot Obj S Obj

*DDO Code: (Dept.) **458/1** (DDO) _____

*SDO Code: _____

By whom paid and name and address of the person on whose behalf money is paid	Purpose of remittance and authority, if any	Amount in ₹	Order to the Bank
<i>m/s. English Indian Clays Ltd</i> <i>v.e.l.</i> <i>(Travancore Region)</i> <i>P.O. 695 021</i>	<i>Fine imposed as per judgment in W.A. 1761/2018</i>	<i>R. 136.30,440/-</i>	Correct Receive and grant receipt Treasury Officer
Signature and Designation of the Departmental Officer countersigning the remittance			



Total in words: *Thirteen crores three lakhs and thirty thousand and*

Signature of Remitter: _____
 Received by: _____ Rupees

Date: *05 April 2019*

Signature of Treasurer/Cashier: _____
 Treasury Officer/Bank Manager

Note: 1. The receipt of the Treasury/Bank of collection shall be _____

2. If remittance is in official capacity (S.D.O./D.D.O.), write corresponding code in the column provided.

3. If loan repayment of S.D.O. write instalment number in purpose column.

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To

The Director,
Directorate of Mining & Geology
Kesavadasapuram, Thiruvananthapuram.

Sub : Payment of penalty as directed by the Hon'ble High Court of Kerala in respect of WA 1761/2018.

Ref : Notice No. 11651/M2/2018, Dt. 3.04.2019

Dear Sir,

With reference to the above subject, we would like to inform you that the penalty imposed as per the directions of Hon High Court's in respect of WA 1761/2018 Dt 4.10.2018 for paying 100 % mineral value for the quantity mined in violation of Mining Plan at Veiloor mines has been paid and the details are as follows

Challan No. : 97335
Dated : 4.04.2019
Amount : Rs.1,36,30,440/-
(Rs. One Crore Thirty Six Lakhs Thirty Thousand Four Hundred and Forty only)

The quantity mined from the mines was assessed by Mining & Geology and Indian Bureau of Mines with the assistance of Survey dept.

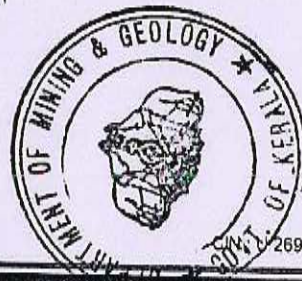
Kindly acknowledge the receipt of the compliance report.

Thanking You,

Yours Faithfully,


N Manoj Pillai
Dy General Manager (Mines)

Received
Amc
06/04/2019
Addl. Director,
M & G



EICL LIMITED

Melthonnakal PO, Thiruvananthapuram - 695 317, Kerala, India
Board: +91.471.4095248

Registered Office: TC-91/34 Velli, Thiruvananthapuram - 695 021, Kerala, India

www.eicl.in

26939 KL 1963 PLC 002039

MINUTES OF THE 126th MEETING OF THE SEAC KERALA HELD FROM 11TH TO 13TH APRIL, 2022 IN CONFERENCE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM

The 126th meeting of the SEAC, KERALA was held on 11th -13th April, 2022. The meeting started at 10.30 AM on 11th April, 2022. Dr.Ajayakumar Varma, Chairman, SEAC Kerala chaired the meeting. The Committee took the following decisions;

126.01: Noting of minutes of the 125th SEAC meeting held on 18th & 19th March, 2022

Decision: Noted & Approved with a correction that instead of first and last Friday and Saturday SEAC meetings will be scheduled generally on *every first and third Friday and Saturday*. The modified decision will read as;

1. "The Committee took note of OM F No. 22-35/ 2020-IA. III (E 144325) dated 29th October 2021 of MoEF& CC regarding conducting meetings and decided to hold two meetings in a month, i.e., on the first Friday and Saturday and third Friday and Saturday of each month generally ensuring that the interval between two meetings doesn't exceed 15 days."

126.02 Environmental Clearance for the proposed building stone quarry in Re-Survey No. 498/2, 498/3, 499/3, 499/4 in Chalavara Village, Ottapalam Taluk, Palakkad District, Kerala by Mr. Paul.K.T., Managing Director, M/s K.T.Crusher's & Aggregates Pvt. Ltd. (File No. 1260/EC2/2019/SEIAA)

Decision: The proponent along with RQP were present for the hearing. The Proponent and RQP, Sri. Zakkir explained their versions of the observations that led to the rejection of the project and also submitted that the field inspection was constrained by severe rain. The Committee entrusted Dr.R. Ajayakumar Varma, Dr. A.V Ragu & Dr. K. Vasudevan Pillai for field verification and report.

126.03 Rejected the Environmental Clearance for Granite building stone quarry Project at Re.Sy.Block No.2, Re.Sy.No.114pt in Chekkyad Village, Vadakara Taluk, Kozhikode District, Kerala (SIA/KL/MIN/140734/2020) {1429/EC3/2019/SEIAA}

Decision: The proponent and Consultant, Sri. Milan were present. The Committee heard the clarification provided by the proponent and Consultant. The clarifications were not satisfactory to the committee. The proponent requested an opportunity to revise the proposal by excluding the fragile areas with a revised mining plan. The committee agreed with the request of the proponent subject to the concurrence of SEIAA.

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an extent of 1.2120 Hectares in Re-Survey No. 222part (Govt. Land.) at Pazhayakunnummel Village, Block No.-33, Chirayinkeezhu Taluk, Thiruvananthapuram District of Kerala State by Mr. SAKKEER A

Decision: The committee deferred the item for detailed scrutiny.

10. SIA/KL/MIN/61795/2019 , 1894/EC6/2021/SEIAA

Building Stone Minor Mineral Mining (Quarry) project of Mr. Manoj K. at Kannamangalam Village, Thirurangadi Taluk, Malappuram District, Kerala for an area of 0.9524 hectors.

Decision: The committee deferred the item for detailed scrutiny.

**CONSIDERATION/RECONSIDERATION OF ENVIRONMENTAL
CLEARANCE(Extension/Amendment/Corrigendum)**

1. SIA/KL/MIN/159433/2020 , 2051/A12019/SEIAA

Environmental Clearance for removal of ordinary earth at Sy. No. 26/9-1, 26/9-2, 26/9-3 in Pooyapally Village, Kottaraka Taluk, Kollam District, Kerala

Decision: The committee deferred the item for detailed scrutiny.

2. SIA/KL/MIN/165541/2020 , 856/SEIAA/EC1/2980/2015

Granite Building stone quarry of M/S Thomarappara Bricks and Metals

Decision: The committee deferred the item for detailed scrutiny.

CONSIDERATION OF TOR PROPOSALS

1. SIA/KL/MIN/67030/2021 , 1926/EC1/2021/SEIAA

Application for ToR for the China Clay (Minor Mineral) Mining project of M/s EICL Limited in Velloor Village, Thiruvananthapuram Taluk, Thiruvananthapuram District for an area of 15.6039 Ha

Decision: The Committee examined the application for ToR for China Clay Mining and discussed the proposal and decided to approve Standard Terms of Reference with following additional study:

1. A comprehensive analysis of the impacts due to all abandoned quarries in the impact zone.

2. SIA/KL/MIN/41954/2019 , 1433/EC1/2019/SEIAA

Environmental Clearance for the Granite Building Stone Quarry project in Re Survey Nos. 321/1-1 of Kulukkallur Village, Pattambi Taluk, Palakkad District, Kerala by Sri.MuhammedSaleem.V (Part-2, item No. 12)

**MINUTES OF THE 114th MEETING OF THE STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)
KERALA, HELD ON 25th, 26th May and 1st June 2022 THROUGH
VIDEO CONFERENCING.**

Present:

- 1. Dr. H. Nagesh Prabhu IFS (Retd), Chairman, SEIAA, Kerala**
- 2. Sri. K. Krishna Panicker, Member, SEIAA**
- 3. Dr. V. Venu IAS, Member Secretary, SEIAA**

The 114th meeting of the SEIAA, KERALA was held on 25th May 2022. The meeting started at 10.00 AM on 25th May, 2022. Dr. H. Nagesh Prabhu, Chairman, SEIAA Kerala chaired the meeting. Dr. Venu V. IAS, Member Secretary, SEIAA and Sri. K. Krishna Panicker, Member, SEIAA attended the meeting. The Authority considered the agenda for the 114th meeting and took the following decisions:

Physical Files

Item No.114.01 Minutes of the 113th meeting of SEIAA held on 19th& 20th April 2022 for information

Authority noted that in spite of repeated instructions in this meeting also a statement showing pending court cases was not put up for the review of SEIAA. The Administrator and Legal officer in SEIAA are once again requested to put up the statement of pending court cases for the review of Authority as the 2nd Agenda item in all future meetings of SEIAA .

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Sri. Rajeevan P. V., S/o Kunhiraman, Puthiya Veetil House, Kooveri P.O, Kannur-670581 submitted an application for ToR in SEIAA through PARIVESH for the proposed Granite Building Stone Quarry Project in Re-Sy No. 5 at Thimiri Village, Thaliparamba Taluk, Kannur District of Kerala for an area of 0.9936 Ha.

Authority noticed that the SEAC had appraised the proposal based on Form I, Pre-Feasibility Report, additional details/documents obtained from the proponent during appraisal, Mining Plan and the Filed Inspection Report. After the due appraisal, the SEAC in its 127th meeting recommend to issue EC for the project life of 5 years, subject to certain Specific Conditions in addition to the General Conditions.

However, the Authority observed that the appraisal and recommendation of EC by SEAC were completed in the ToR application and the Proponent has not been submitted the EC application in PARIVESH. Hence Authority decided to direct the Proponent to apply for Environmental Clearance through PARIVESH with all necessary documents and SEAC to consider the project on priority in the next meeting itself.

Item No.11

ToR Application for the China Clay (Minor Mineral) Mining Project of M/s EICL Limited in Re-Sy Nos. 177, 178, 179, 180, 241, 242, 181/21, 181/10, 182/3, 4, 5, 6, 10, 11, 12, 17, 183, 184, 240/2, 12, 13, 14, 229/14-1 (existing mine lease area of 14.5129 Ha) and Re-Sy Nos. 196/7, 10-5, 10, 10-2, 10-3, 245/1, 1-2, 1-3, 2, 3, 4, 5, 6, 16, 17 (proposed mine lease area of 1.0910 Ha) in Veiloor Village, Thiruvananthapuram Taluk, Thiruvananthapuram District SIA/KL/MIN/67030/2021, 1926/EC1/2021/SEIAA

Sri. N. Manoj Pillai, Dy. General Manager (Mines), M/s EICL Limited, Thonnakkal P.O., Thiruvananthapuram-695317, submitted an application for ToR via PARIVESH for the China Clay (Minor Mineral) Mining Project in Re-Sy Nos. 177, 178, 179, 180, 241, 242, 181/21, 181/10, 182/3, 4, 5, 6, 10, 11, 12, 17, 183, 184, 240/2, 12, 13, 14, 229/14-1 (existing mine lease area of 14.5129 Ha) and Re-Sy Nos. 196/7, 10-5, 10, 10-2, 10-3, 245/1, 1-2, 1-3, 2, 3, 4, 5, 6, 16, 17 (proposed mine lease area of 1.0910 Ha) in Veiloor Village, Thiruvananthapuram Taluk, Thiruvananthapuram District for an area of 15.6039 Ha.

The Authority noted that the SEAC in its 126th meeting approved the Standard Terms of Reference with certain additional study. The Authority also noted that, the SEIAA Kerala in its 88th meeting held on 25.01.2019 has rejected the proposal of M/s EICL Limited for clay mining in Re-Sy Nos. 177, 178, 179, 180, 241, 242, 181/21, 181/10, 182/3, 4, 5, 6, 10, 11, 12, 17, 183, 184, 240/2, 12, 13, 14, 229/14-1 and the rejection proceedings was issued vide letter dated 20.04.2019 quoting reasons for rejection. In addition, there are pending Writ Petitions in Hon'ble High Courts, proceedings of Supreme Court and in NGT. All these court proceedings are related to irregularities committed by project proponent in violation of EIA notification 2006.

Authority decided to request the SEAC to examine all pending proceedings in different courts of law and rejection order issued by SEIAA carefully and clarify the circumstances under which TOR was recommended to a project, which was once rejected by SEIAA and cases are still pending in various courts of law, relating to irregularities committed by Project Proponent in violation of EIA notification 2006.

Item No.12 **Environmental Clearance for the Granite Building Stone Quarry project of Sri. Muhammed Saleem V. in Re-Sy Nos. 321/1-1 of Kulukkallur Village, Pattambi Taluk, Palakkad District, Kerala (Conversion ToR to EC) SIA/KL/MIN/169720/2020 1433/EC1/2019/SEIAA & SIA/KL/MIN/41954/2019, 1433/EC1/2019/SEIAA**

Decision taken in the EC Proposal, Part 1, Item No.6

Item No.13 **Environmental Clearance for the Granite Building Stone Quarry of Sri. Shabeer Ali in Re-Sy No. 383/1, 385 in Panthalloor Village, Ernad Taluk, Malappuram District for an area of 1.8112 Ha SIA/KL/MIN/158794/2020,1835/EC6/2020/SEIAA (EC Proposal) SIA/KL/MIN/35208/2019,1346/EC2/2019/SEIAA(ToR Proposal)**

Decision taken in the EC Proposal, Part 1, Item No.4

MINUTES OF THE 130TH MEETING OF THE SEAC KERALA HELD FROM 4TH TO 06TH JULY, 2022 IN CONFERENCE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM

The 130th meeting of the SEAC Kerala was held from 4th to 6th July 2022. The meeting started at 10.00 AM on 4th July 2022. Dr. R. Ajayakumar Varma, Chairman, SEAC Kerala chaired the meeting. The Committee discussed the agenda items in detail and took the following decisions;

130.01 Noting of minutes of the 129th SEAC meeting held on 08th – 10th June 2022

Decision: Noted.

130.02 Application for Environmental Clearance for mining of Granite Building Stone Quarry project in Survey No 292/1 A of Vellad Village, Thaliparamba Taluk, Kannur District, Kerala by Mr. Mathew, M/s Alacode Granites. (File No. 1277(A)/EC2/2019/SEIAA)

Decision: Sri. Jaijal K Tom and Jacintha Prasad Panicker on behalf of the proponent with an authorization letter, the Expert, who conducted the study, Dr. Ram Chandar Karra, Associate Professor, NIT, Karnataka and the RQP Sri. Mahesh S attended the hearing. The Committee heard the presentation made by Dr. Ram Chandar Karra and Sri. Mahesh S on the effect of blasting operation on the proposed quarry and surroundings and clarified certain aspects. The Committee decided that it is necessary to evaluate the result of the study presented before the Committee in detail and study the various findings of the report prepared by M/s. NIT, Surthkal. The Committee decided to entrust a Sub Committee consisting of Er. M. Dileepkumar, Dr. Mahesh Mohan and Sri. V. Gopinathan to evaluate the details presented before the Committee, study the report prepared by the NIT, Surathkal and assess the details of the project including the field inspection report, other studies and reports, if any, etc and advise the Committee to arrive at a final decision.

130.03 Environmental Clearance Issued for the Quarry Project in Sy. No. 274, 275/1A3, Thirumittacode Village II, Thirumittacode Panchayath, Pattambi Taluk, Palakkad District, Kerala by M/s Tripty Granite Pvt Ltd-Judgment dated 17.11.2020 in WP(C) No. 25111/2020. (File No. 826/ SEIAA/EC1/2609/2015)

Decision: The Committee examined the proposal and discussed the field inspection report. The Committee observed that the proponent has produced satisfactory CCR from MoEF & CC, IRO, Bangalore and the Project is eligible for revalidation of EC with a Project life of 8 Years from

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1. The EC issued will be subject to a review by SEAC after 5 years through filed verification to ensure that Mining is carried out sustainably as per the EC conditions.
2. The overburden dumping site should be protected with gabion wall to a height of about 2.5 m.
3. 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 and included in the first Half Yearly Compliance Report.
4. Green belt should be developed all along the entire buffer zone using indigenous species including climbers and herbs in the first year itself and it should be nurtured and maintained.
5. Compensatory afforestation should be done prior to the commencement of mining with indigenous species and the geocoordinates of the afforested place with photographs should be provided along with HYCR.
6. Garland drain should be laid covering the entire project area and it should be provided with intermittent silt traps, siltation pond and outflow channel and it should be connected to the nearest natural drain.
7. Garland drain, silt traps, siltation pond and outflow channel should be desilted periodically and geo-tagged photographs should be incorporated in the half yearly compliance report.
8. The CER should be implemented in total during the first two years and it should be operated and maintained during the rest of the project life till the mine closure plan is implemented in total.
9. The haulage road should be maintained well.
10. 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).
11. 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).

2. SIA/KL/MIN/67030/2021 , 1926/EC1/2021/SEIAA

Application for ToR for the China Clay (Minor Mineral) Mining project of M/s EICL Limited in Survey Nos. 177, 178, 179, 180, 241, 242, 181/21, 181/10, 182/3, 4, 5, 6, 10, 11, 12, 17, 183, 184, 240/2, 12, 13, 14, 229/14-1 (existing mine lease area of 14.5129 ha) and Survey Nos. 196/7, 10-5, 10, 10-2, 10-3, 245/1, 1-2, 1-3, 2, 3, 4, 5, 6, 16, 17 (proposed mine lease area of 1.0910 ha) in Veiloor Village, Thiruvananthapuram Taluk, Thiruvananthapuram District (Judgment dated 29.04.2022 in WP(C) No.11630/2022 and WP(C) No. 111030/2022 filed before the Hon'ble High court of Madras)

Decision: The 114th meeting of the Authority decided to request the SEAC to examine all pending proceedings in different courts of law and rejection order issued by SEIAA carefully and clarify the circumstances under which TOR was recommended to a project, which was once

rejected by SEIAA and cases are still pending in various courts of law, relating to irregularities committed by Project Proponent in violation of EIA notification 2006. The Committee noted that the rejection of application by SEIAA was not brought to the notice of SEAC. Based on discussions, the Committee decided to withdraw the ToR recommended with immediate effect, considering the fact that the proponent has hidden the facts in his TOR application. The Committee also decided to constitute a Sub Committee consisting of Dr. R. Ajayakumar Varma, Dr. A. Bijukumar, Dr. Ajithkumar and Dr. Mahesh Mohan to study the file, related judgments and decision of SEIAA and appraise the Committee.

PART 3

CONSIDERATION/RECONSIDERATION OF ENVIRONMENTAL CLEARANCE

1. SIA/KL/IND2/215978/2021 , 2020/EC2/2022/SEIAA

**Offshore Oil and Gas Exploration, Development and Production in Oil and Gas
Exploratory Block: KK-OSHP-2018/1**

Decision: The Committee examined the proposal and decided to invite the proponent for a presentation in the next meeting.

2. SIA/KL/MIN/127262/2019 , 1861/EC4/2019/SEIAA

**Environmental Clearance for the Proposed Granite Building Stone Quarry Project of
M/s Geo Enterprises is situated for an area of 2.6305 Ha in Re Survey No. 29 (pt) in
Sivapuram Village, Thamarassery Taluk, Kozhikode, District, Kerala**

Decision: The Committee examined the proposal and decided to entrust Dr. C. C Harilal and Dr. A.N. Manoharan for evaluation of the documents submitted, field inspection and report.

3. SIA/KL/MIN/129726/2019 , 1695/EC2/2020/SEIAA

**Environmental Clearance for the proposed Granite Building Stone Quarry of Mr.
Abdul Rahoof for an extent of 0.8209 Ha in Survey No. 28/3 in parappa Village,
Vellarikund Taluk, Kasargod District, Kerala**

Decision: The Committee observed that even after giving two invitations, the proponent failed to appear before the Committee for making the presentation. In the circumstance, the Committee decided to give more chance to the PP and decided to notify the PP that failure to attend for presentation will lead to the delisting of his application.

4. SIA/KL/MIN/129757/2019 , 1578/EC3/2019/SEIAA

**Environment Clearance for the Proposed Granite (Building Stone) Quarry for an
extent of 0.6111 Ha in survey Nos.155/1,154 Karakkunnu village, Eranad Taluk,
Malappuram District, Kerala.**

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**MINUTES OF THE 133RD MEETING OF THE SEAC KERALA HELD FROM
11TH TO 13TH OCTOBER, 2022 IN CONFERENCE HALL, STATE
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
THIRUVANANTHAPURAM**

The 133rd meeting of the SEAC Kerala was held from 11th to 13th October 2022. The meeting started at 10.00 AM on 11th October 2022. Dr. R. Ajayakumar Varma, Chairman, SEAC Kerala chaired the meeting. The Committee discussed the agenda items in detail and took the following decisions;

133.01 Noting of minutes of the 132nd SEAC meeting held on 13th - 15th September 2022

Decision: Noted.

133.02 Environmental Clearance issued from DEIAA, Palakkad for the Granite Building Stone Quarry in Re-Sy.Nos. 118/1, 118/2, 118/3 & 119/1 (119/1-2) in Vandazhi-1 Village, Alathur Taluk, Palakkad District of Sri.Joshy.P.J., Managing Partner, M/s Peejay Granites – Judgment in WP (C) No.3908/2021- Revalidation of EC.(File No. 747/EC1/2021/SEIAA)

Decision: As invited proponent, Mr. Joshy P J Managing Partner, M/s Peejay Granites and Sri. Haneesh Panicker, K R, EIA Co-ordinator and functional expert on behalf of ABC Techno Labs India Private Limited were present. The Committee heard the presentation and decided to entrust Dr. K.N Krishnakumar and Dr. A V Raghu for field inspection and report.

133.03 Environmental Clearance for the Quarry Project in Sy. No. 611/1A-303-147 at Keerampara Village and Panchayath, Kothamangalam Taluk, Ernakulam District, Kerala by Sri. Reji Kuriakose and Smt. Jeeva Reji. (File No: 144/SEIAA/KL/2745/2013)

Decision: As invited the authorized person by the proponent Adv. Baby Kuriakose and Mr. Eldhose M Kuriakose, Manager of the Company with an authorization letter attended for hearing. The Committee observed that the Environmental Clearance application for the Quarry Project was rejected on 13-09-2017. The Hon'ble National Green Tribunal vide judgment in Appeal No. 07 of 2020 (SZ) dated 31-03-2022 set aside the rejection order and directed SEIAA to refer back the matter to SEAC again for consideration. On receipt of the

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12. Water quality analysis of representative stream water samples and impounded water in the impact zone
13. Impact on the nearby buildings as well as those located in the break-in-slope region of the impact zone, particularly in the WSW and Eastern side.

**CONSIDERATION/RECONSIDERATION OF ENVIRONMENTAL
CLEARANCE(Extension/Amendment/Corrigendum)**

1. SIA/KL/MIN/268740/2022 , 538/SEIAA/EC3/3881/2014
Extension of Environmental Clearance project of Nizamudheen K.S. for the building stone quarry Survey No.567/1-2,567/2B2, 568/1-1,568/2-2, 569/1-3, 569/1-5, 567/2A, 567/2B1, of Thirumarady Village, Muvattupuzha Taluk, Ernakulam District, Kerala for an Area of 3.9662 Ha.

Decision: The Committee examined the proposal and discussed the evaluation report. The evaluation report is incomplete and hence the Committee assessed the project in detail. The project with an area of 3.9662 Ha was given EC on 1.6.2016 with validity up to 31.5.2021 with four specific conditions. The mineable reserve as per the Mining Plan approved on 21.1.2015 was 18, 55,676 MT with projected life of mine of 12 years and production rate of 1,60,000 TPA. The maps uploaded along with the mining plan is not legible. The elevation details provided in the mining plan and that in the drainage map are different. The cluster certificate dated 14.7.2022 indicates a project area of only 0.6070 Ha. The survey numbers given in the EC order and that shown in the cluster certificate are also different. There is no survey map showing the distance to built structures, revised scheme of mining, depth to ground water table etc. The Certified Compliance Report from the Regional Office of the MoEF & CC, Bangalore is missing. In the circumstance, the Committee decided to defer the application till the Project Proponent submits the application with all required details and documents as detailed above.

CONSIDERATION OF TOR PROPOSALS

1. SIA/KL/MIN/67030/2021 , 1926/EC1/2021/SEIAA
Application for ToR for the China Clay (Minor Mineral) Mining project of M/s EICL Limited in Survey Nos. 177, 178, 179, 180, 241, 242, 181/21, 181/10, 182/3, 4, 5, 6, 10, 11, 12, 17, 183, 184, 240/2, 12, 13, 14, 229/14-1 (existing mine

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lease area of 14.5129 ha) and Survey Nos. 196/7, 10-5, 10, 10-2, 10-3, 245/1, 1-2, 1-3, 2, 3, 4, 5, 6, 16, 17 (proposed mine lease area of 1.0910 ha) in Veiloor Village, Thiruvananthapuram Taluk, Thiruvananthapuram District for an area of 15.6039 Ha- *Judgement dated 29.04.2022 in No.11630/2022 and WP(C) No. 111030/2022 filed before the Hon'ble High court of Madras-(Request dated 29.09.2022 from M/s EICL to consider the application as per the Office Memorandum of MoEF dated 07..07.2021)*

Decision: As per the application, the proposed project area 15.6039 Ha includes the existing mine lease area of 14.5129 Ha and proposed mine lease area of 1.0910 Ha in Veiloor Village, Thiruvananthapuram Taluk. The Committee discussed the report of the Sub Committee constituted by the SEAC in its 130th meeting. Based on discussions, the Committee decided to inform SEIAA that it is desirable to assess the application for EC by M/s. EICL under File No. SIA/KL/MIN/67030/2021, 1926/EC1/2021/SEIAA as per the OM dated 7.7.2021 on the SoP for identification and handling of violation cases under EIA Notification 2006 issued in compliance to Order of Hon. NGT in OA No. 34/2020. However, this may be done after obtaining legal opinion with respect to the OA No. 41/2017 (SZ), the total interim environmental damage assessed by the Sub Committee constituted by the Hon. NGT in OA No. 41/2017 and order of the Hon HC of Madras in WP(C) 11630/2022 & WMP 11103 of 2022. The Committee also decided to request the SEIAA to seek legal opinion as stated above and provide further direction to the SEAC regarding the consideration of this application further.

PART 2

CONSIDERATION/RECONSIDERATION OF ENVIRONMENTAL CLEARANCE

1. SIA/KL/MIN/127122/2019 , 1562/EC1/2019/SEIAA
Proposed granite quarry of Mr. Mathew Daniel for an extent of 2.23.92 Ha in SY.No: 340/1/99-1, 340/1/99-2, 340/1/102/2-1, 340/1/100/3, 340/1/100-4, 340/1/100-1, 340/1/100-2, 340/1/102-2, 340/1/103-1 at Enadimangalam Village, Adoor Taluk, Pathanamthitta District, Kerala.

Decision: As invited, the Proponent Mr.Mathew Daniel and Consultant, Mr. Suryakumar on behalf of Aadhi Boomi Mining & Enviro Tech (P) Ltd, were present. The consultant

Subject: Application No.41 of 2017 – K. Maheswaran –Vs- M/s. English Indian Clays Ltd. & 4 Others on the file of National Green Tribunal (SZ), Chennai – Reg.

"Rajnish Pathiyil Advocate"<rajnishadvocate@rediffmail.com>

Sent: Mon, 2 Sep 2024 22:27:08 GMT+0530

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(1) Attachment: additional_typed_set_of_papers.pdf [10759.78 KB]

Sir/Madam,

Please find attached herewith the additional typed set of papers filed by the 5th Respondent pertaining to the subject case for your perusal.

Thanks and regards,

From the Desk of:

RAJNISH PATHIYIL - COUNSEL FOR THE 5TH RESPONDENT

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**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL (SZ), CHENNAI
Application No. 41 of 2017**

IN THE MATTER BETWEEN

K. Maheswaran,

...Applicant

AND

State of Kerala, represented by its
Secretary
Department of Industries &
Commerce, and 4 Others.

... Respondents

**INDEX TO ADDITIONAL TYPED
SET OF PAPERS**

**M/s. RAJNISH PATHIYIL
S. GEETHA**

**COUNSEL FOR THE 5TH
RESPONDENT**