



National Green Tribunal

Case Title Sajimon Joseph Narakathingal House Vs. Chief Secretary Govt of Kerala
Miscellaneous No. 3305117001602024/8
Transaction id 3300510007382025
Bank Transaction id 0901250025977
Payment Date 2025-01-09 00:00:00.0
Amount 160 Rs.
Status SUCCESS

S. No.	File Name	Party Name	Location	Document Type
1	OA 93 of 2024 full set.pdf	Chief Secretary Govt of Kerala	CHENNAI (SOUTHERN ZONE BENCH)	Reports

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)

ORIGINAL APPLICATION NO. 93 OF 2024 (SZ)

Sajimon Joseph

...Applicant

Versus

The Chief Secretary,

Government of Kerala and ors.

....Respondents

**REPORT SUBMITTED BY THE ADDITIONAL SECRETARY TO
GOVERNMENT ENVIRONMENTAL DEPARTMENT/1ST RESPONDENT**

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Dated at Chennai on this the 09th day of January, 2025

M/s. E.K.KUMARESAN

Mr. Alif Ali

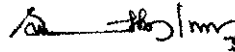
Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

Action Taken Report filed on behalf of the Additional Chief
Secretary to Government, Environment Department, Government of
Kerala before the Hon'ble National Green Tribunal (SZ) in OA
No.93/2024

Original Application No.770/2023 has been registered based on a letter petition received by the Hon'ble NGT, Principal Bench by e-mail from Shri. Sajimon Joseph. The grievances of the applicant were regarding unlawful, illegal quarry mining operations and related activities carried out by Shri.Thankachan Sebastian alias Mathalikkunnel Thankachan at Koombara, Punnakkadave Village, Koombara Bazaar P.O, Koodaranhi (via), Thamarassery Taluk, Kozhikode District, Kerala State, PIN 673604.

The quarry owner Shri. Thankanchan is having a valid Environmental Clearance from SEIAA by EC No.212/SEIAA/KL/252/2014 dated 04.11.2019 (the validity expires on 03.11.2025, considering Covid-19 relaxation of 1 yr.) for the quarry project in Sy. No.2442(pt) at Koodaranhi village, Koodaranhi Gramapanchayath, Thamarassery Taluk, Kozhikode District, Kerala for an area of 4.6963 hectares valid for a period of 5 years, up to 04.12.2024 (Annexure 1). As of now, there are two valid consents owned by Shri.Thankachan issued from KSPCB District Office, Kozhikode, the details are as given below:

- 1) The Integrated Consent to Operate Renewal Order issued is M/s. Mathalikkunnel Quarry No.1 dated 04.01.2020, by No. PCB/KKD/DO/ICO-R3/1507/R16KOZ4227391/12274532/2019ENVV-A3/200/2024 ENVTI/6197959/2024 valid up to 04/12/2024 (ie. till the expiry of validity of EC), for quarrying in 8.35 acres (3.3791 hectares) of land in Sy.


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No.2442(pt), Koodaranhi village, Thamarassery Taluk, Koodaranhi Panchayath

2) The Integrated Consent to Operate - Renewal Order issued to M/s. Mathalikunnel Quarry No.2, dated 16.07.2021, by No.PCB/KKD/DO/ICO-R3/11302/R17 KOZ5674911/13972542/2021 valid up to 30.09.2024, for quarrying in the same Sy. No.2442(pt) of the same village, same Panchayath of Kozhikode District from an area of 0.8710 hectares of land. Copies of the consents are enclosed herewith and marked as Annexure II and Annexure III respectively.

Both Quarry I and 2 are under the same Environmental Clearance vide Annexure I. Out of the 4.6963 hectares having EC, 0.8710 hectares of quarry land is on permit (Quarry 2) and the rest is on lease(Quarry 1).

Hon'ble NGT vide order dated 31.01.2024, considered appropriate to constitute a Joint Committee to verify the factual position and take remedial action and accordingly constituted a Joint Committee, comprising of representatives of the Central Pollution Control Board(CPCB), Kerala State Pollution Control Board (KSPCB), Collector, Kozhikode and directed to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due course of law. KSPCB was made the Nodal agency for co-ordination and compliance.

Status of actions so far is respectfully submitted herewith:


1. In pursuant to the Hon'ble NGT Order vide above, the Chairperson, Kerala State Pollution Control Board had issued Orders vide proceedings No.KSPCB/611/2024-SEE-1 dated 23.03.2024, appointing Environmental Engineer, Kerala State Pollution Control Board, District Office, Kozhikode as Nodal Officer for Co-ordination and compliance. Copy of the Proceedings by the Board is produced herewith and marked as Annexure IV.

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2. The matter was intimated to the District Collector, Kozhikode through an official letter from the Member Secretary, KSPCB and also requesting to urgently nominate a representative to the Joint Committee and to co-ordinate with Environmental Engineer, Kerala State Pollution Control Board, District Office, Kozhikode for compliance. A copy of the above letter by No.KSPCB/611/2024-SEE-1 dated 22.03.2024 is produced here with and marked as Annexure V.
3. Central Pollution Control Board (CPCB) has nominated Dr. Deepesh.V, Scientist - C, CPCB Regional Directorate -Bengaluru as member in the Joint Committee. A copy of the letter of nomination by No.CM-13011/02/2024-TECH-RO-BENGALURU dated 16.02.2024 is produced here with marked as Annexure VI.
4. Accordingly, the District Environmental Engineer, Kozhikode who is appointed as the Nodal Officer had contacted the other Joint Committee members in person. The Central Pollution Control Board (CPCB) member was contacted over phone, and ENVT-A3/200/2024-ENVTI/6197959/2024 the District Collector, Kozhikode was met at his chamber and the matter was discussed in detail. The District Collector nominated the Assistant Collector (u/t), Shri. Prateek Jain.IAS as his representative in the Joint Committee. Site inspection was fixed, on 25.03.2024 to be conducted by the Joint Committee, after intimating the petitioner, Shri. Sajimon Joseph as well as the quarry owner, Shri. Thankachan Sebastian

Site Inspection

5. The quarry site was inspected on 25.03.2024. The name and designation of the Officers participated in the site inspection are given below..
- i. Shri. Prateek Jain.IAS, Assistant Collector (u/t) (Representing District Collector), Kozhikode.
 - ii. Dr. Deepesh.V, Scientist - C, Regional Directorate, Central Pollution Control Board, Bengaluru (Member from CPCB)


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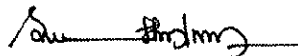
iii. Smt. Sauna Hameed, Environmental Engineer, Kerala State Pollution Control Board, District office, Kozhikode (Member & Nodal officer)

iv. Shri. Bijesh.K, Assistant Engineer, Kerala State Pollution Control Board, District Office, Kozhikode..

On intimation over phone, the quarry owner Shri.Thankachan Sebastian was present at the site during inspection. The petitioner Shri. Sajimon Joseph, though contacted over phone, informed that he is residing in his work place at Mysore. Shri. Sajimon Joseph had arranged five local residents (Sri.Ansar Meleparmbil, Sri.Harris Palliyalil, Sri.Noufal Kalliyil, Sri.Faisal.K.P and Sri.Hamsa Kadakkadan) of the area for representing the petitioner. The above local Representatives presented the issues before the Committee. The quarry owner Shri. Thankachan Sebastian presented his reply to the allegations leveled against his quarry. He stated that the complaints are fictitious in nature made by the complainants to harass him. After hearing the representatives of complainant and the quarry proponent it could be ascertained that there are some previous issues between them. A copy of the original complaint submitted by Shri. Sajimon Joseph to Hon'ble NGT was collected from the representatives for the petitioner at the time of inspection to look into the detail of grievances of the applicant and to verify the factual position.

6. The major observations of the Joint Committee, with respect to each alleged complaint in the petition are summarized along with remarks and are respectfully submitted herewith:


Alleged Complaint	Observations	Remarks
1) Illegal quarry mining in ecologically sensitive zone :-Koombara Punnakadave village is part of Western Ghats and many quarries are operating in this reserved forest area	The existing quarry owned by Mr.Mathalikunnel Thankanchan at Koombara Punnakadave area is operating with ECNo.212/SEIAA/KL/	The legality of quarry operation in ecologically sensitive area needs to be verified by members from SEIAA and Directorate of mining , and Geology.



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illegally by exercising undue influence on 25/1/2014, dated 04-11-2019 (Annexure I) panchayath, Revenue, validity of the EC administrative officials granted by SEIAA is up and politicians which to 04.12.2024 Prima are owned by Mr. Mathalikulnel violations with respect Thankanchan at to EC conditions. EC is Koombara granted after Punnakadave area, in considering the fact that Koodaranhi Panchayath the project location is andvillage, within an ecological Thamarassery Taluk, sensitive zone of not. Calicut District, Kerala 673604.

<p>2) Public Nuisance and Safety:- Consequent to the quarry operations and its transportation, the narrow road has effective broken and not able to walk due to heavy vehicle, road since operator pouring water on the road, Air, Sound and Water Pollution etc. the vehicles are seen transporting boulders, mud, quarry waste etc. beyond the allowable limit and capacity of vehicles covering it for safety specified by the</p>	<p>The quarry was operating at the time of inspection. It was observed that no effective countermeasures are adopted by the quarry owner to reduce pollution from dust, and water. No effective water sprinkling provided. The access roads leading to quarry were not tarred or concreted, appeared to be muddy, broken, and in a dilapidated condition. The tanks provided are not utilized and the mine</p>	<p>Kerala State Pollution Control Board and Central Pollution Control Board may jointly conduct monitoring verification site and of consent conditions.</p>
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(6)

<p>MVD and it makes pit water is discharged terrible sound, serious directly in to private health hazardous & lands. The manager of safety concern to public the quarry agreed that and,damaged the entire they - are transporting road etc. boulders beyond permissible limits in the vehicles. The vehicles are not properly covered during transportation. Air. Noise and water pollution, to be assessed by the Committee.</p>		
<p>3) Threat on health & safety of life, property and disasters by negligence: - The copious quarry waste and gallons of polluted water have been stored on the hilly area of the sites and it is a big threat to our life, drinking water and our agricultural property.</p>	<p>Water pollution due to mine pit water to be assessed and probed. Sample was collected from the quarry mine pit for analysis and transferred to the Regional Laboratory of KSPCB Kozhikode.</p>	<p>Kerala State Pollution Control Board and Central Pollution Control Board may jointly conduct site monitoring and verification of consent condition.</p>
<p>4) Mischief/ Unlawful activities of Quarry Operator Thankanchan Mathalikunnel and negligence or failure on part of administrative Authorities in taking proper legal actions: - The quarry operator</p>	<p>Observed that the pathway of a natural seasonal stream entering the quarry site from the nearby hill, was obstructed by dumping large amount of quarry waste blocking the pathway</p>	<p>Directorate of Mining & Geology to address the issue.</p>

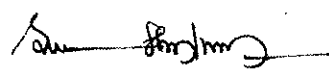

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blocked the path of of the seasonal stream. river by dumping. This will affect the quarry waste and flow nearby water bodies as of water has been, they will be deprived of completely blocked their original which is a source of source, which may lead water for the citizens. to water scarcity on a Also, made an attempt long run. Also the to divert the panchayath distance between the road to maintain the panchayath road and distance between quarry are seems to be quarry and road but no inadequate. case has been registered despite of the same was reported to the Koodaranhi panchayath President at the night on the same day.

Recommendations:

7. Based on the preliminary field inspection findings, the following recommendations are respectfully submitted by the Joint Committee before the Hon'ble Tribunal;

- i. The nature of the compliant is largely on the illegal quarry mining, encroachment of forest land/mining in ecologically sensitive area and transportation of quarry products without the mandatory pass from Kompass portal of Dept. of Mining and Geology. To look into the above aspects, the Committee has to co-opt members from the Dept. of Mining and Geology, Forest Department and member from the local Panchayath to look into alleged illegal mining.
- ii. On preliminary site inspection, it is observed that many of the EC conditions are not complied by the quarry proponent and this has to be assessed by a member from SEIAA. The Committee needs to co-opt a member to ascertain the EC compliance verification.



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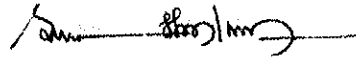
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iii. The issue of Air, Noise and Water pollution from the quarry needs to be monitored by KSPCB and CPCB.

iv. The Committee may co-opt expert members from other Stakeholder Departments/Agencies and may plan for a comprehensive joint field monitoring to ascertain the ground realities. Nodal Agency may initiate activities to obtain nominations from other Departments/Agencies to the Joint Committee.

It is humbly prayed before the Hon'ble Tribunal that reasonable time extension be granted (at least 3 months) to complete the whole exercise.

Dated this the 18th day of May 2024.



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Validity expires on 04.12.2023

**Proceedings of the State Environment Impact Assessment Authority
Kerala
(Present. Sabitha S)**

Sub: SEIAA- Quarry Project in Sy. Nos. 2442(pt) at Koodarambi Village, Koodarambi Grama Panchayath, Kozhikode Taluk, Kozhikode District Kerala by Sri Thankachan M.S - Extension of period of Validity of E.C - Granted - Orders issued.

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

No.212/SEIAA/KL/251/2014

dated, Thiruvananthapuram 04.11.2019

Read -

1. Proceedings No. 212/SEIAA/KL/251/2014 dt.05.12.2014
2. Request from Sri.Thankachan M.S dt.13.08.2019
3. Minutes of the 87th meeting of SEIAA held on 14.01.2019
4. Judgement dated 29.01.2019 in W.P.C. No. 30828/17 & 8644/2018
5. Minutes of the 93rd SEAC meeting held on 21st February, 2019
6. Minutes of the 89th meeting of SEIAA held on 27.02.2019
7. Minutes of the 94th meeting of SEAC held on 12-13th March, 2019
8. Minutes of the 97th meeting of SEAC held on 21-22nd May, 2019
9. Minutes of the 91st meeting of SEIAA held on 3.05.2019
10. Minutes of the 96th meeting of SEIAA held on 29th August, 2019
11. Minutes of the 103rd SEAC meeting held on 17-18th September, 2019
12. Minutes of the 98th meeting of SEIAA held on 18-19th October 2019
13. G.O (Rt.) No.29/2019/Env dt.12.04.2019

ORDER

Environment Clearance had been accorded for the Quarry Project in Sy. Nos. 2442(pt) at Koodarambi Village, Koodarambi Grama Panchayath, Kozhikode Taluk, Kozhikode District Kerala by Sri Thankachan M.S for an area of 4.9963 hectares for a period of 5 years as per the order read as 1st paper above. The validity of EC will be expired on 04.12.2019. The proponent requested to extend the validity of EC vide request read as 2nd paper above.

2. DFO Kozhikode has forwarded a letter dt.05.06.2017 to the Chairman SEIAA alleging that Sri.Thankachan M.S, the quarry owner is conducting quarrying operations within 100 metre distance from the forest boundary violating the existing rules and guidelines issued by the SEIAA.

3. Challenging the action taken by the DFO Kozhikkode Sri.Thankachan has filed WP(C) 30828/2017 before the Hon'ble High Court of Kerala, in which SEIAA was not arrayed as a party respondent. Against the issuance of EC to Sri.Thankachan, one Shri. Abdul Salam has filed WP(C) 8644/2018 before the Hon'ble High Court of Kerala. With the direction of the Hon'ble High Court of Kerala, SEIAA was impleaded as respondent in the case and Authority has filed Counter Affidavit in the case.

4. The 87th meeting of SEIAA held on 14.01.2019 forwarded the proposal to SEAC for report. In the same meeting it was also decided to impose a minimum distance of 50 m should be left from the forest boundary to the quarry.

5. The proposal was placed in the 93rd SEAC meeting held on 21st February,2019 but the item was defferd for next meeting. Hence the matter was placed before 94th SEAC meeting held on 12-13th March 2019 and it was decided to conduct a field verification. Accordingly a field verification was done on 06th April 2019 by Sub Committee. During inspection it is noticed that the distances from the proposed quarry site of Sri.Thankachan to the forest boundary were 66m, 54m and 81m as per GPS readings taken at different points. Meantime the Division Bench of the Hon'ble High Court of Kerala heard both the above cases jointly and on 29.01.2019, disposed the writ petitions by directing the SEIAA to finalise the proceedings pending before the Authority within a period of 6 weeks from the date of receipt of copy of the judgement with notice to the petitioners in both writ petitions, after hearing.

6. Accordingly the matter was placed in the 89th SEIAA meeting held on 27.02.2019 and the Authority decided to seek report from SEAC on priority basis in view of the time limit prescribed by the Honourable High Court and also decided to move for extension of time. Directions have also been given to the Standing Counsel to seek an extension of time for compliance of court direction.

7. The Sub Committee report was placed in the 97th SEAC meeting held on 21st & 22nd May 2019 and SEAC accepted the observation of Subcommittee in which it was stated that no violation has taken place.

8. The proposal was again placed in the 93rd meeting of SEIAA held on 30.05.2019. SEIAA noted the recommendations of SEAC and decided to call for Sri.Thankachan (in WP(C) No.30828/17) and Sri.Abdul Salam (in WP(C) No.8644/2018) for hearing. Meantime the proponent applied for extension of Environment Clearance.

9. The proposal was placed in the 96th SEIAA meeting held on 20th August 2019. As per the direction contained in W.P.(C) 30208 of 2017, an opportunity of being heard was given to Sri.Thankachan M.S and Sri.Abdul Salam, the petitioner in WP (C) 8644/2018. Both of them appeared before the Authority and Sri.Abdul Salam stated that he doesn't have any objection in the operation of the quarry if it functions beyond the prescribed distance from the forest boundary and to that effect he has given a written statement. Sri.Thankachan stated that in the present proposal the quarry operations are proposed beyond 50 mts from the forest boundary and he has given a written statement to the effect that he will not violate the boundary norms fixed. The Sub Committee report was placed in the 97th SEAC meeting held on 21st & 22nd May 2019 and SEAC accepted the report of Sub committee in which it was stated that there has been no violation of distance from the forest in the quarry of Sri.Thankachan. Considering the Sub Committee report and perusal of other documents, SEAC decided to recommend for extension of EC.

During the personal hearing it is also brought to the notice of the Authority that, there is another quarry functioning within 500 m from the quarry of Sri.Thankachan. Thankachan's quarry is also functioning in 2-3 bits. Hence it leads to a cluster situation for which a different procedure has to be followed as per S.O 2269 (E) of MoEF dt.01.07.2016. There had been complaints and court cases about functioning of this quarry. More over after the issue of previous Environmental Clearance in 2014, lots of developments might have taken place.

Considering all these aspects the Authority decided to refer the proposal back to SEAC to appraise the proposal afresh before extension of EC.

10. The proposal was then placed in the 103rd SEAC meeting held on 17-18th September, 2019 and SEAC reported that the functioning of adjacent quarry of Matha Industries started functioning based on an EC issued on 23.09.2017 by DEIAA Kozhikode. This was about three years after Shri.Thankachan obtained the EC and SEAC is of the opinion that it would be denial of natural justice if it is considered as cluster situation and decision is prolonged for reasons beyond the control or fault of Shri.Thankachan.

11. In the 98th meeting of SEIAA held on 18-19th October,2019, Authority is of the opinion that there is a cluster situation and hence an Environmental Management Plan has to be prepared by the proponent and implemented by all the quarry owners in the cluster for the Environmental stability of the quarry cluster and surrounding area. Considering all the above facts Authority decided to give an extension of EC for 5 years for the quantity mentioned in the approved Mining Plan subject to the following specific conditions in addition to the general conditions.

- 1) *An Environmental Management Plan shall be prepared by the proponent through a Recognized qualified person /NABET accredited Agency and got it approved by the SEAC within 6 months. The proponent as well as all the other quarry owners within the cluster shall implement the proposed activities in the EMP the environmental stability of the cluster and surrounding area.*
- 2) *Activities relating to Corporate Environmental Responsibilities (2% of total project cost) shall be carried out leading to protection and promotion of environment in the project region as per OM F.No.22-65/2017-IA-III dt.01.05.2018 of MoEF & CC in consultation with the District Collector.*
- 3) *The proponent shall carry out quarrying as per the approved Mining Plan and the proponent should strictly follow the Kerala Minor Mineral Concession Rules 2015 and amendments thereby.*
- 4) *In the wake of occurrence of large scale landslides in the state, as per the information provided by the Department of Mining & Geology, it is directed to use only NONEL (Non Electrical) technology for blasting to reduce the vibration of the ground, which is one of the causative factors that triggers landslides, formation of cracks in the surrounding buildings and disturbance to human and wildlife.*

12. In the above circumstances extension of the validity of Environmental Clearance for a period of 5 years for the quantity mentioned in the approved Mining Plan from 05.12.2019 is hereby accorded for the Quarry Project in Sy No. 2442(pt) at Koodaranhi Village, Koodaranhi Grama Panchayath, Kozhikode Taluk, Kozhikode District Kerala by Sri.Thankachan M.S subject to the strict compliance of the conditions in the EC already issued and specific conditions specified at para 11 above in addition to the general conditions.

13. The extension of the Environment Clearance issued will also be subject to full and effective implementation of all the undertakings given in the application form, mitigation measures as assured in the Environment Management Plan and the mining features including progressive mine closure plan as submitted with the application and relied on for grant of this clearance. The above undertakings and the conditions and the undertakings in Chapter 4 (Mining), Chapter 5 (Blasting), Chapter 6 (Mines Drainage), Chapter 7 (Stacking of Mineral rejects and Disposal of waste) Chapter 11 (Environment Management Plan) of the Mining Plan as submitted will be deemed to be part of this proceedings as conditions as undertaken by the proponent, as if incorporated herein.

14. Validity of the extension of the Environmental Clearance will be five years from 5.12.2019, subject to inspection by SEIAA on annual basis and compliance of the conditions, subject to earlier review of E.C in case of violation or non-compliance of conditions or genuine complaints from residents within the security area of the quarry.

15. Compliance of the conditions herein will be monitored by the State Environment Impact Assessment Authority or its authorized offices and also by the regional office of the Ministry of Environment & Forests, Govt. of India, Bangalore.

- i. Necessary assistance for entry and inspection should be provided by the project proponent and those who are engaged or entrusted by him to the staff for inspection or monitoring.
- ii. Instances of violation if any shall be reported to the District Collector, Kozhikode.
- iii. The Half Yearly Compliance Report (HYCRs) with its contents of a covering letter, compliance report and environmental monitoring data has to be in PDF format merged into a single document. The email should clearly mention the name of the project, EC No and date, period of submission and to be sent to the Regional Office of MoEFF & CC by email only at email ID: msz_bng_mefcc@gov.in. Hardcopy of

HYCRs shall not be acceptable.

- iv. The given address for correspondence with the authorised signatory of the project is Sri.Thankachan M.S.Mathalikkunnel House, Koombara -Bazar, Koodaranhi, Kozhikkode District, Kerala-673604.

The Hon'ble High Court directions in the judgement thus complied with accordingly



Sabitha S

Administrator, SEIAA

✓ To,

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Copy to:

1. MoEF Regional Office, Southern Zone, Kendriya Sadan, 4th Floor, E&F Wing, II Block, Koramangala, Bangalore-560034.
2. The Additional Chief Secretary to Government, Environment Department, Government of Kerala.
3. District Collector, Kozhikode
4. Director, Mining & Geology, Thiruvananthapuram -4.
5. The Member Secretary, Kerala State Pollution Control Board, Thiruvananthapuram
6. District Geologist, Kozhikode
7. Tahsildar, Kozhikode Taluk, Kozhikode
8. Secretary, Koodaranhi Grama Panchayat, Kozhikode
9. Village Officer, Koodaranhi Village, Kozhikode
10. Chairman, SEIAA.
11. Website
12. S/I
13. O/c



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY KERALA GENERAL CONDITIONS (for mining projects)

1. A separate environmental management and monitoring cell with qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
 2. Suitable avenue trees should be planted along either side of the tarred road and open parking areas, if any, including of approach road and internal roads.
 3. Sprinklers shall be installed and used in the project site to contain dust emissions.
 4. Eco-restoration including the mine closure plan shall be done at the own cost of the project proponent.
 5. In view of the deep pits left after the excavation, stacking at maximum top level should be carried out.
 6. Corporate Environment Responsibility agreed upon by the proponent should be implemented.
 7. The project proponent shall comply the conditions stipulated by the statutory authorities concerned.
 8. Tarring multiple options on the access roads shall be undertaken so as to reduce dust pollution during movement of vehicle.
 9. Overburden materials should be managed within the site and used for reclamation of mine pit as per mine closure plan / specific conditions.
 10. Height of benches should not exceed 5 m, and width should not be less than 5 m, if there is no mention in the mining plan/specific condition.
 11. Ground level should be fixed in individual cases separately.
 12. No mining operations should be carried out at places having a slope greater than 45°.
 13. Acoustic enclosures should have been provided to reduce sound amplifications in addition to the provisions of green belt and hollow brick envelop for crushers so that the noise level is kept within prescribed standards given by CPCB/KSPCB. This condition is applicable only in such cases if a crusher is adjacent to the quarry.
 14. The workers on the site should be provided with the required protective equipment such as ear muffs, helmet, etc.
 15. Garland drains with clarifiers to be provided in the lower slopes around the core area to channelize storm water.
 16. The transportation of minerals should be done in covered trucks to contain dust emissions. The proponent should plant trees at least 5 times of the loss that has been occurred while clearing the land for the project. SEAC should assess the number of trees in each project site before the issuance of EC so as to ensure the promptness in planting.
 17. Explosives should be stored in magazines in isolated place specified and approved by the Explosives Department.
 18. A minimum buffer distance of 100m from the boundary of the quarry to the nearest dwelling unit or other structures, not being any facility for mining shall be provided.
 19. 50 m buffer distance should be maintained from forest boundaries.
 20. Consent from Kerala State Pollution Control Board under Water and Air Act(s) should be obtained before initiating mining activity.
 21. All other statutory clearances should be obtained, as applicable, by project proponents from the respective competent authorities including that for blasting and storage of explosives.
 22. In the case of any change(s) in the scope of the project, extent, quantity, process of mining technology involved or in any way affecting the environmental parameters/impacts as assessed, based on which only the E.C. is issued, the project would require a fresh appraisal by this Authority, for which the proponent shall apply and get the approval of this Authority.
 23. The Authority reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.
- The conditions to be Statutory Authorities under different Acts and Notifications should be

complied with, including the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.

- 25. The project proponent should advertise in at least two local newspapers widely circulated in the region, one of which (both the advertisement and the newspaper) shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Environment Impact Assessment Authority (SEIAA) office and may also be seen on the website of the Authority at www.seiainkerata.org. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same signed in all pages should be forwarded to the office of this Authority at confirmation.
- 26. The Environmental Clearance shall be put on the website of the company by the proponent.
- 27. Proponent shall submit half yearly reports in soft copy and SEIAA will upload it on the website.
- 28. The details of Environmental Clearance should be prominently displayed in a metallic board of 3 ft x 3 ft with green background and yellow letters of Times New Roman font of size of not less than 40. Sign board with extent of lease area and boundaries shall be depicted at the entrance of the quarry, visible to the public.
- 29. The proponent should provide notarized affidavit (indicating the number and date of Environmental Clearance proceedings) that all the conditions stipulated in the EC shall be scrupulously followed.
- 30. No change in mining technology and scope of working should be made without prior approval of the SEIAA. No further expansion or modifications in the mine shall be carried out without prior approval of the SEIAA, as applicable.
- 31. The Project proponent shall ensure that no natural water course and/or water resources shall be obstructed due to any mining operations. Necessary safeguard measures to protect the first order streams, if any, originating from the mine lease shall be taken.
- 32. The top soil, if any, shall temporarily be stored at earmarked site(s) only for the topsoil shall be used for land reclamation and plantation. The over burden (OB) generated during the mining operations shall be stacked at earmarked dump site(s) only. The maximum height of the dumps shall not exceed 8m and width 20m and overall slope of the dumps shall be maintained to 45°. The OB dumps should be scientifically vegetated with suitable native species to prevent erosion and surface run off. In critical areas, use of geotextiles shall be undertaken for stabilization of the dump. The entire excavated area shall be backfilled. Monitoring and management of rehabilitated areas should continue until the vegetation becomes self-sustaining.
- 33. Catch drains and siltation ponds of appropriate size shall be constructed around the mine working, mineral and OB dumps to prevent run off of water and flow of sediments directly into the river and other water bodies. The water so collected should be utilized for watering the mine area, roads, green belt development etc. The drains shall be regularly desilted particularly after monsoon and maintained properly.
- 34. Effective safeguard measures such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of PM₁₀ and PM_{2.5} such as haul Road, loading and unloading points and transfer points - it shall be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
- 35. Fugitive dust emissions from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- 36. Measures should be taken for control of noise levels below 85 dBA in the work environment.
- 37. The funds earmarked for environmental protection measures and CER activate should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the State Environment Impact Assessment Authority (SEIAA) office.
- 38. The Regional Office of MOEF & CC located at Bangalore shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (S) of the Regional Office by furnishing the requisite data/information/monitoring reports.
- 39. Any appeal against this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
- 40. Concealing the factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
- 41. The SEIAA may revoke or suspend the order, for non implementation of any of the specific or

The SEIAA shall have the right to alter, modify the above conditions or stipulations, or add conditions to the interest in environment protection.

The above conditions shall prevail notwithstanding anything to the contrary in contracts, as simplified, contained in any other permit, license or consent given by any other authority for the same project.

- 41. The Environmental Clearance will be subject to the final order of the courts in any pending litigation related to the land or project in any court of law.
- 42. The mining operation shall be restricted to above ground water table and it should not intersect ground water table.
- 43. All vehicles used for transportation and within the mines shall have "PUC" certificate from authorized pollution taking centre. Washing of all vehicles shall be inside the lease area.
- 44. Project proponent should obtain necessary prior permission of the competent authorities for disposal of required quantity of surface water and ground water for the project.
- 45. Regular monitoring of flow rates and water quality upstream and downstream of the springs and perennial gullies flowing in and around the mine lease area shall be carried out and reported in the six monthly reports to SEIAA.
- 46. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.

Administrator, SEIAA



KERALA STATE POLLUTION CONTROL BOARD

FILE NO. :PCB/KKD/DO/1507/2010

Date of issue :04/01/2020

INTEGRATED CONSENT TO OPERATE - RENEWAL

Consent No : PCB/KKD/DO/ICO-R3/1507/R16KOZ4227391/12274532/2019

Ref : 1.Your online application no.12274532 dated 06.12.2019

2. Consent No. PCB/RO/KKD/ICO-R/03/2017 DATED 03.03.2017 VALID UPTO 31.12.2019

The ' Integrated Consent to Operate' issued as per reference above to M/s MATHALIKUNNEL QUARRY I,KOOMBARA BAZAR P.O. KOODARANHI VIA KOZHIKODE. is hereby renewed up to 04/12/2024 and issued to M/s MATHALIKUNNEL QUARRY I,KOOMBARA BAZAR P.O. KOODARANHI VIA KOZHIKODE, The consent(s)/ variation order(s) cited under reference are integral part of this renewal order and this order is subject to the conditions stipulated therein and the following modifications/ additions.

I. GENERAL

S.No.	Items	Description
1	Survey number	2442(pt)
2	Fee remitted	Rs.174667/-
3	Annual fee	Rs.30000/-
4	Validity	04.12.2024
5	Quarrying area	Quarrying in 8.35acres of land in survey no. 2442(pt), Koodaranhi Village, Thamarassery Taluk and in Koodaranhi Panchayath

II. Stack Details

Stack No.	Source of Emission	Emission Rate(Nm3/Hr)	Stack Height above		Control Equipment
			Ground Level(In Meters)	Roof Level(In Meters)	

III. CONDITIONS

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3.1 Condition no.2.4 of the consent referred 2nd above is modified to the extent that for renewal of the integrated consent application in the prescribed form shall be submitted to the Board before 28.2.2024 through the web portal of the Board (kroemms.nic.in) for Online Consent Management & Monitoring System. Late application will be accepted only with fine/late fee as applicable.

3.2 The quarry should not be operated between 6.00 p.m. and 6.00 a.m.

5.3 Noise measured 1 m outside the boundary of the premises shall not exceed the limit specified for the area under the Ambient Air Quality Standards in respect of noise.

5.4 The concentration of particulate matter PM 10 and PM 2.5 at the boundary of the premise shall not exceed 100 microgram/m³ and 60 microgram/m³ respectively.

5.5 Permanent fence made of wire mesh shall be provided and maintained along the boundary of the approved quarry area.

5.6 The applicant shall put up a 6 ft. x 4 ft. signboard near entrance to the quarry for displaying the name of the quarry and owner, production details and time of the day when blasting is permitted to be undertaken.

5.7 Location and extent of quarry shall be as per the approved site plan attached.

5.8 After completion of quarrying, the land may be reclaimed as per the mining plan approved by the Department of Mining and Geology.

5.9. Quarrying operations shall be started only after obtaining the all the statutory clearances required, which shall be valid throughout the period of operations.

5.10. This consent is issued based on EC no 212 / SEIAA/KL/251/2014 dated 04.11.2019 valid up to 04.12.2024 .

All other conditions of the Integrated Consent to Operate issued as per reference above remain unchanged.

SHABNA KUSHE
SHEKHAR

Digitally signed by SHABNA
KUSHE SHEKHAR
Date: 2020.01.04 17:08:02
+05:30

DATE :04/01/2020

SIGNATURE & SEAL OF ISSUING AUTHORITY
ENVIRONMENTAL ENGINEER



20

To
SRI THANKACHAN SEBASTIAN
MATHALIKUNNEL HOUSE,
KOOMBARA BAZAR P.O.
KODARANHI,
KOZHIKODE-673604

1. This digitally signed document is legally valid as per the Information Technology Act 2000
2. For verifying this document please go to krocmms.nic.in and search using date of issue/name of the unit/Application Number in "Consent Granted Applications" link in the home page of the Board's Online Consent Management and Monitoring System.



KERALA STATE POLLUTION CONTROL BOARD

FILE NO. :PCB/KKD/DO/11302/2021
Date of issue :16/07/2021

INTEGRATED CONSENT TO OPERATE - RENEWAL

Consent No : PCB/KKD/DO/ICO-R3/11302/R17KOZ5674911/13972542/2021

- Ref : 1. Your online application no. 13972542 dated 08.07.2021
- 2. Consent No.PCB/KKD/DO/ICO-R2/1508/2017 dated 31.10.2017 valid up to 30.09.2020

The ' Integrated Consent to Operate' issued as per reference above to M/s MATHALIKUNNEL QUARRY 2 KOOMBARA BAZAR P.O KOODARANHI VIA KOZHIKODE is hereby renewed up to 30/09/2024 and issued to M/s MATHALIKUNNEL QUARRY 2 KOOMBARA BAZAR P.O KOODARANHI VIA KOZHIKODE The consent(s)/ variation order(s) cited under reference are integral part of this renewal order and this order is subject to the conditions stipulated therein and the following modifications/ additions.

I. GENERAL

S.No.	Items	Description
1	Capital investment	29 lakh
2	Annual fee	5800/-
3	Fee Remitted	33605/-
4	Survey no	U/S [Field No.2442(pt)]
5	Validity	30/09/2024
6	Quarrying area	0.8710 Ha

II. Stack Details

Stack No.	Source of Emission	Emission Rate(Nm3/Hr)	Stack Height above		Control Equipment
			Ground Level(In Meters)	Roof Level(In Meters)	

III. CONDITIONS

- 3.1. This consent is issued based on E.C no 212/SEIAA/KL/251/2014 dated 04/11/2019 LOI of mining and geology DOZ/M-2833/17 dated 29.12.2017.
- 3.2. This consent is granted on the basis of the affidavit dated 22.09.2020, self certification dated 22.09.2020 and Sakhyapathram dated 09.02.2021 by the applicant. On notice of non compliance to Board's norms the consent issued from the Board will be revoked.

All other conditions of the Integrated Consent to Operate issued as per reference above remain unchanged.

VARUN NARAYANAN Digitally signed by VARUN
GOPINATHAN NARAYANAN GOPINATHAN
Date: 2021.07.17 16:20:06 +05'30'

DATE :15/07/2021

SIGNATURE & SEAL OF ISSUING AUTHORITY
ENVIRONMENTAL ENGINEER



To
Sri.THANKACHAN M S MATHALIKUNNEL HOUSE KOOMBARA BAZAR PO KOODARANHI VIA
KOZHIKODE-673604
MATHALIKUNNEL QUARRY 2
KOOMBARA BAZAR P.O KOODARANHI VIA KOZHIKODE

1. This digitally signed document is legally valid as per the Information Technology Act 2000
2. For verifying this document please go to krocmms.nic.in and search using date of issue/name of the unit/Application Number in "Consent Granted Applications" link in the home page of the Board's Online Consent Management and Monitoring System.

PROCEEDINGS OF THE MEMBER SECRETARY
KERALA STATE POLLUTION CONTROL BOARD

(Present: Er. Sreekala S)

Sub:-Order dated 16.02.2024 in OA No. 770/2023(PB) before Hon'ble National Green Tribunal, Principal Bench- Constitution of Joint Committee - Officers nominated - Orders issued

KERALA STATE POLLUTION CONTROL BOARD

KSPCB/611/2024-SEE-1

Thiruvananthapuram

Date: 23.03.2024

Read: Order dated 16.02.2024 in OA No. 770/2023(PB) before before Hon'ble National Green Tribunal, Principal Bench.(copy enclosed).

ORDER

The Hon'ble National Green Tribunal (NGT) Principal Bench had ordered vide Order dated 16.02.2024 in Original Application No.770/2023, filed by Sri. Sajimon Joseph against alleged illegal quarry operations by Mr. Thankanchan Mathalikunnel, in Koombra- Punnakkadavu Village, Thamarassery Taluk, Kozhikode District the formation of a Joint Committee consisting of

1. Representative of Central Pollution Control Board
2. Representative of Kerala State Pollution Control Board, and
3. Representative of the Collector, Kozhikode district.

The Kerala State Pollution Control Board shall be the nodal agency for coordination and compliance. As per the Order, the committee shall meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take remedial action by following due course of law. The matter has been transferred to Southern Zone Bench of the Tribunal for further hearing.

Accordingly, Environmental Engineer, Kerala State Pollution Control Board, District Office, Kozhikode is appointed as the Nodal Officer for coordination and compliance.

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The expenditure in this regard shall be met from the head of account Non-Plan 'Research on Pollution Resources' from current year's budget.

Sd/-

CHAIRPERSON

To

Environmental Engineer,

Kerala State Pollution Control Board,

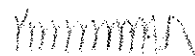
District Office,

Kozhikode

Copy to:

1. District Collector,
Collectorate,
Kozhikode,
Kerala
2. Member Secretary,
Central Pollution Control Board,
New Delhi
3. Regional Director,
Central Pollution Control Board- Regional Directorate,
Bengaluru.
4. Sri Deepesh Valsan,
Scientist-C, Central Pollution Control Board- Regional Directorate,
Bengaluru
5. Stock File

FORWARDED/BY ORDER



SENIOR ENVIRONMENTAL ENGINEER-I

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Accordingly, Environmental Engineer, Kerala State Pollution Control Board, District Office, Kozhikode is appointed as the Nodal Officer for coordination and compliance. Copy of the Proceedings constituting the Committee is attached.

It is requested to urgently nominate a Representative to the Joint Committee and to coordinate with Environmental Engineer, Kerala State Pollution Control Board, District Office, Kozhikode for compliance. The matter is next posted before the Tribunal's Southern Bench on 09-04-2024. The details of the Nodal Officer are as follows: Er.Sauma Hameed, Environmental Engineer, email: pebdokkd@gmail.com, phone no: 9447975721.

Yours faithfully,

Sauma H

MEMBER SECRETARY

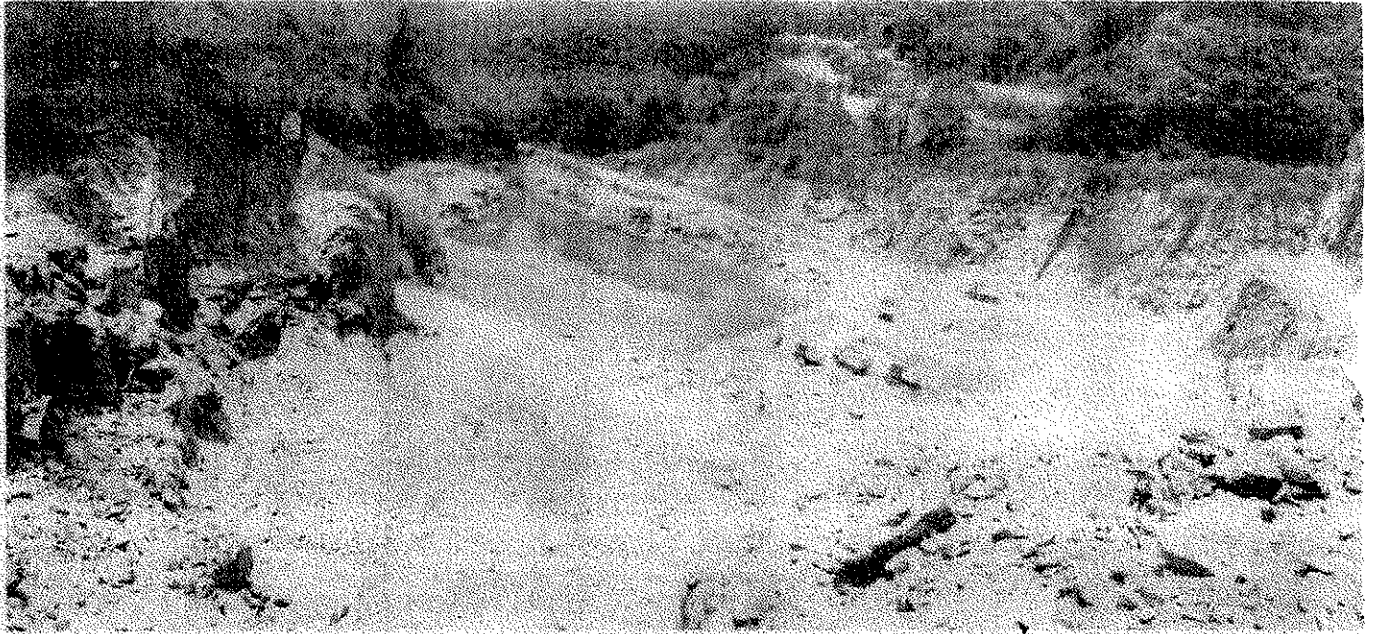
Copy to

1. Environmental Engineer,
Kerala State Pollution Control Board,
District Office, Kozhikode
2. Chief Environmental Engineer,
Kerala State Pollution Control Board,
Regional Office, Kozhikode (for information and necessary follow-up)

(29)

Annexure VII (a)

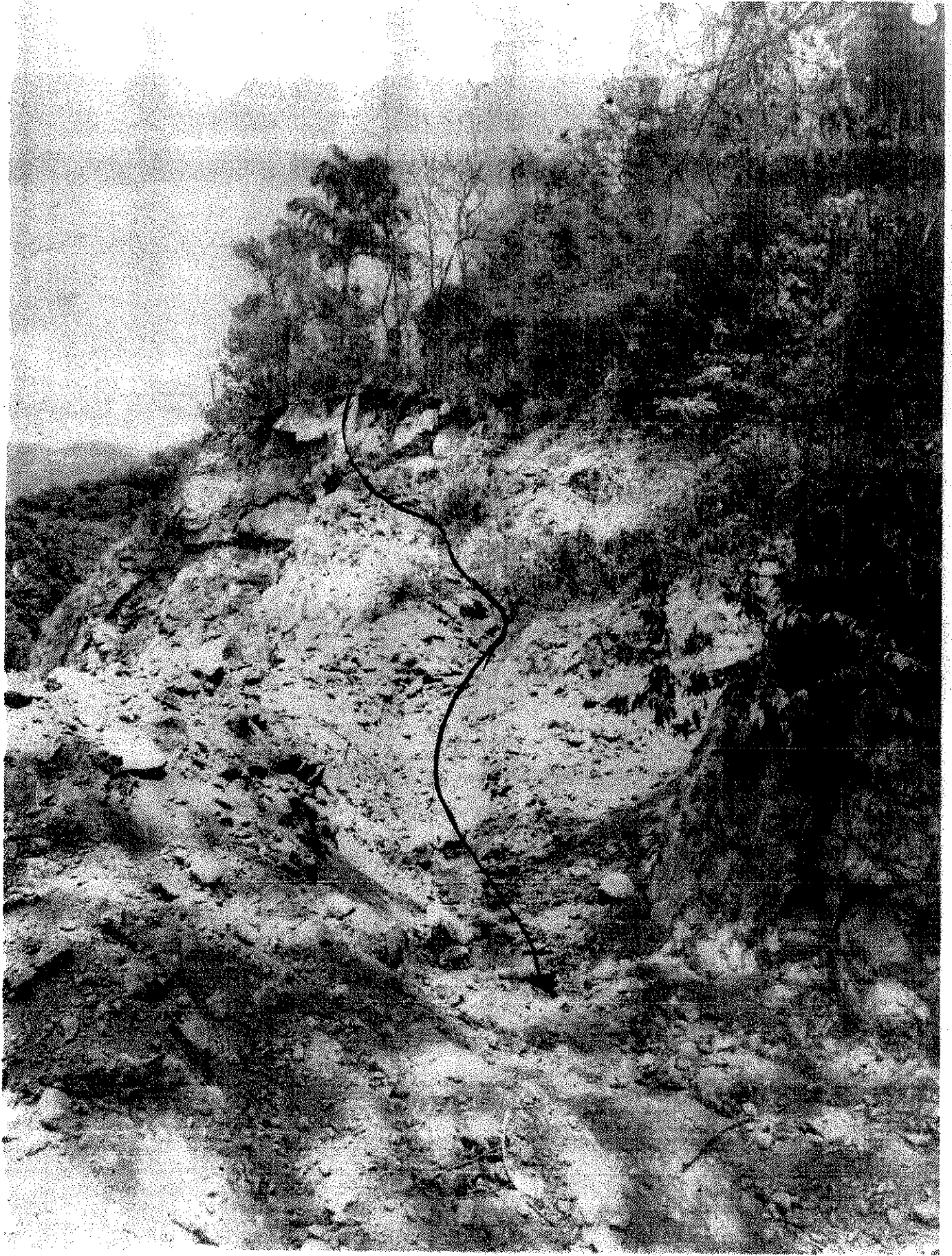
Quarry - view.



Access road - Not tarred or concreted.

30

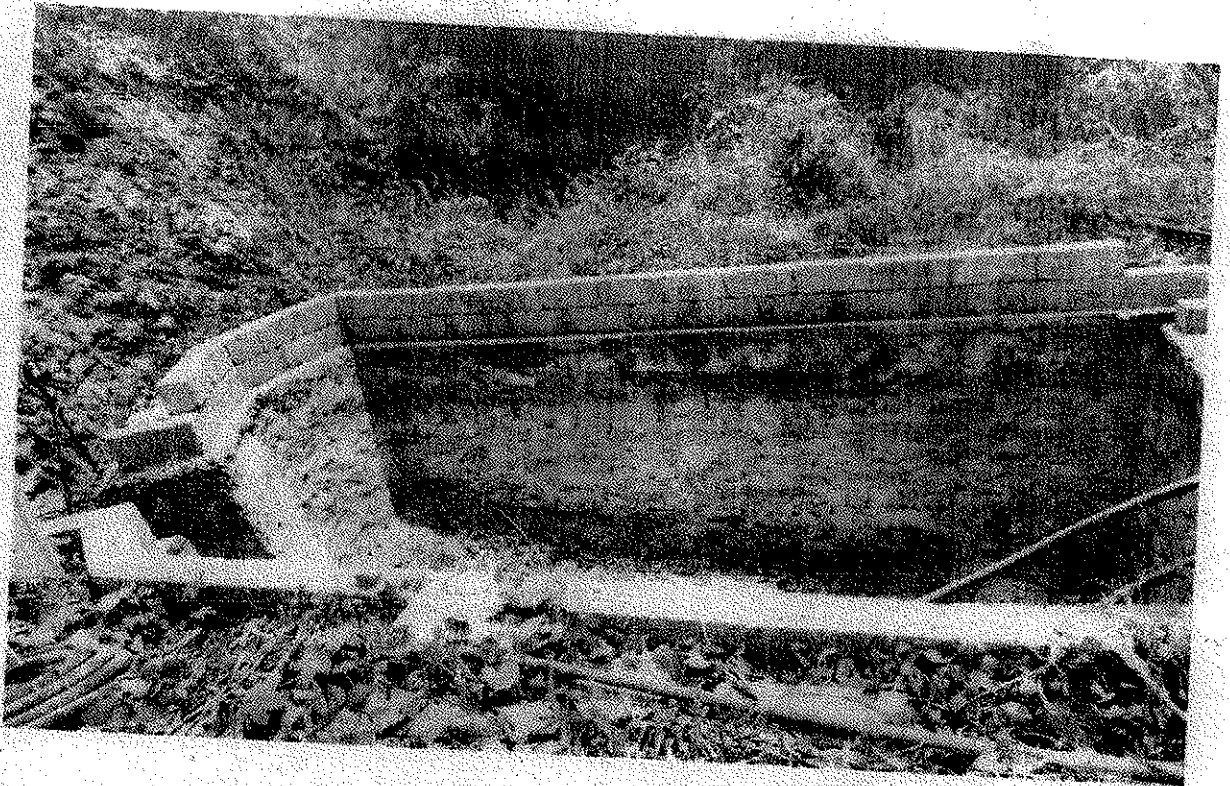
ANALOG VII (b)



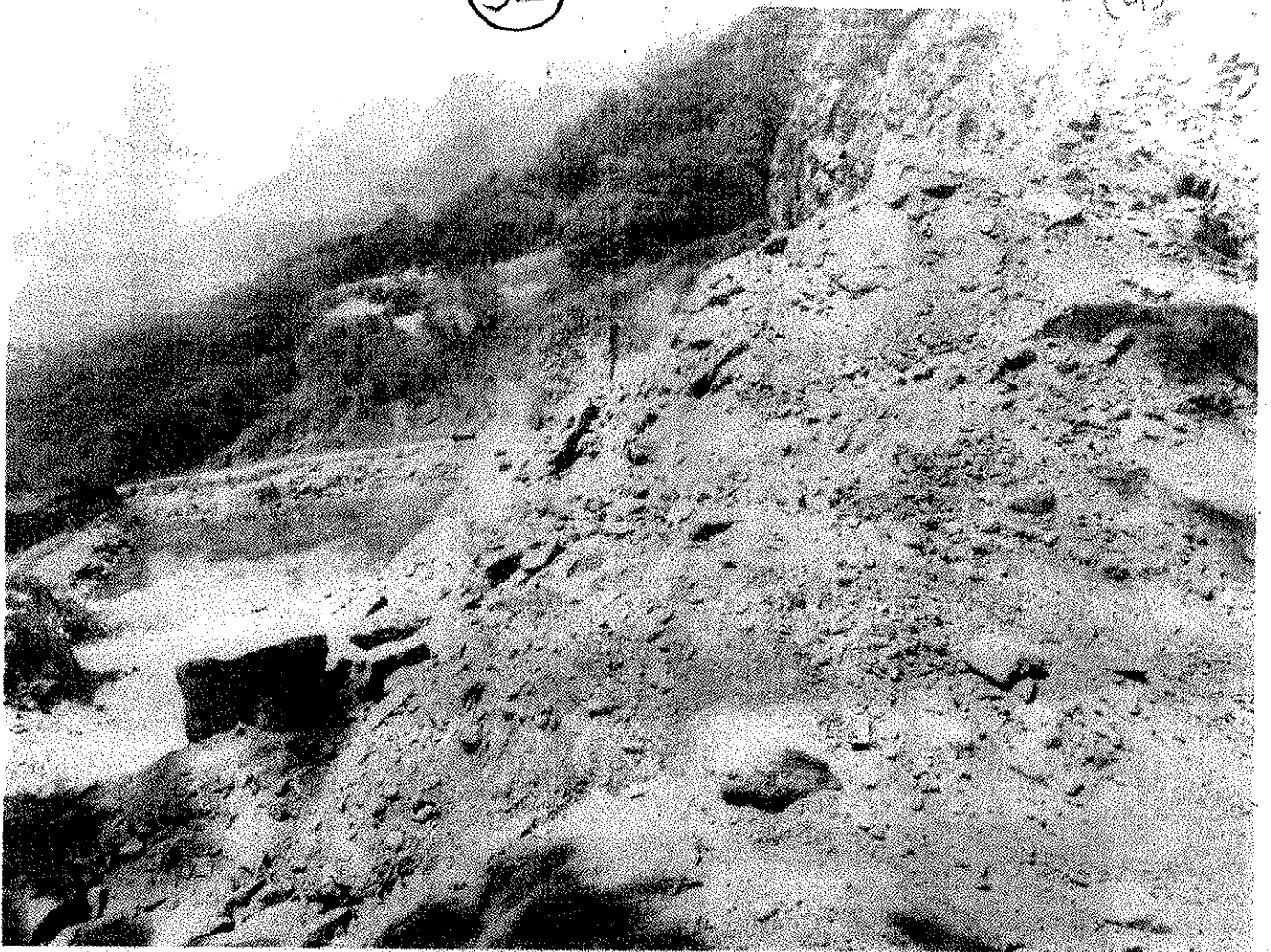
Pathway of natural stream from nearby hill top

(31)

Annexure VII (C)

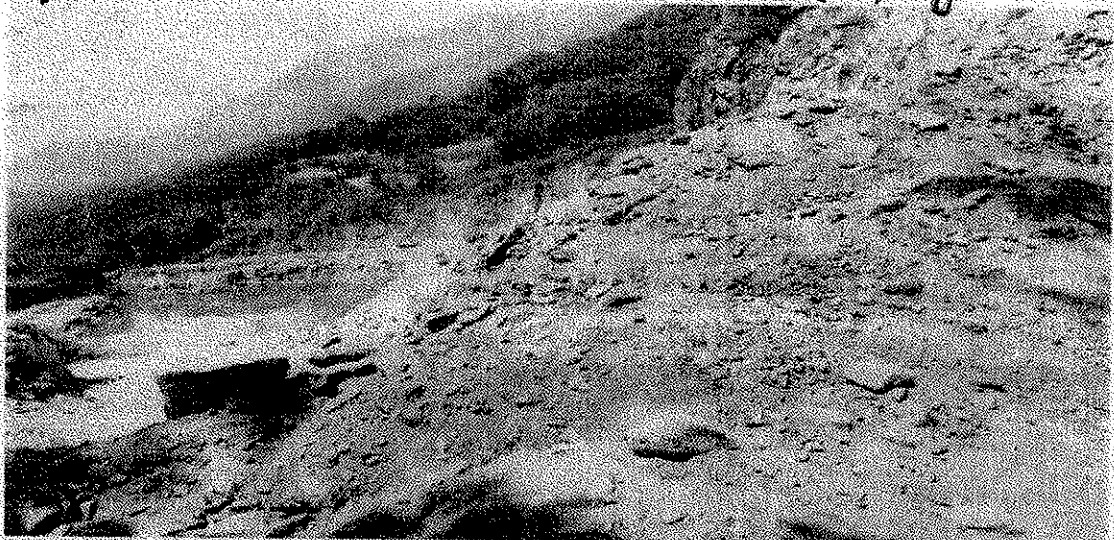


Siltation tanks - Not in use - water from quarry pit
bypassed through pipelines to nearby land.



Natural stream blocked by dumping quarry over burden soil unscientifically.

b) path way blocked in between (a) and (c), by unscientific dumping of over burden soil.



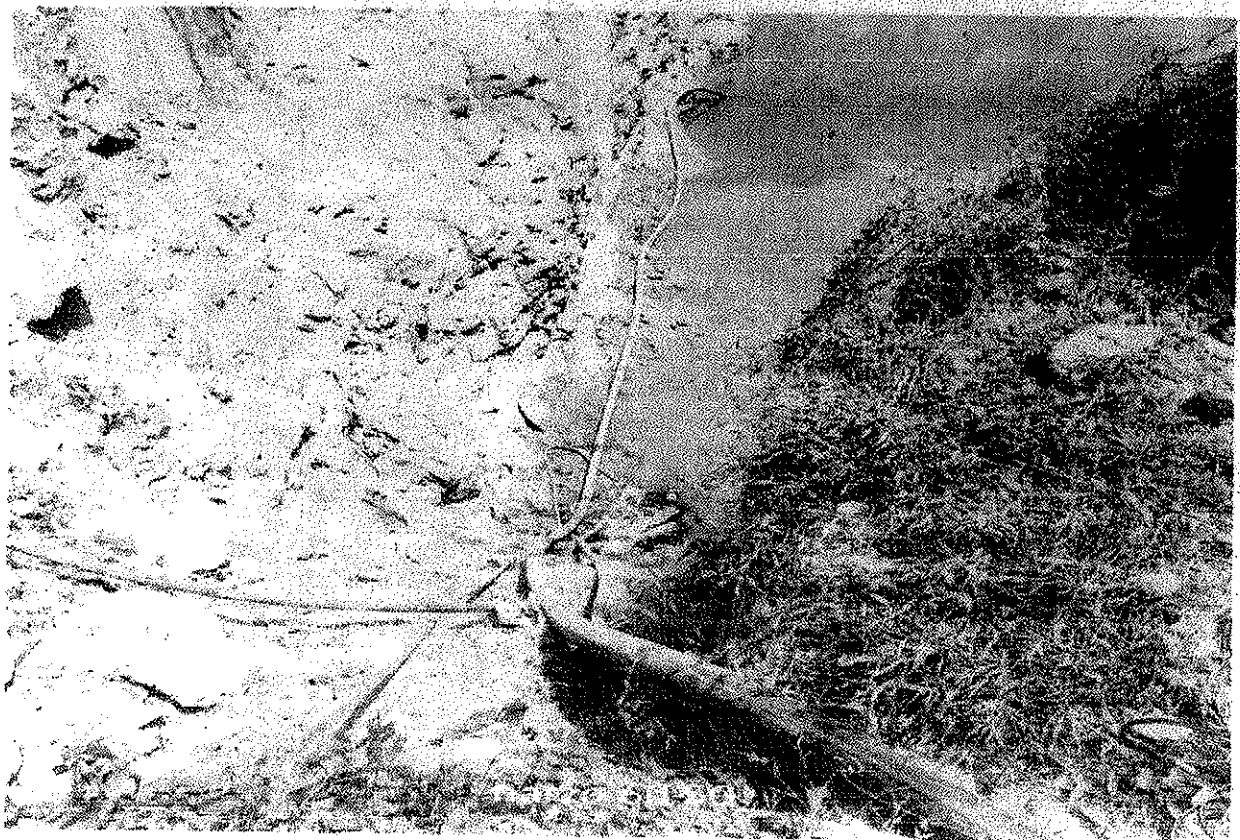
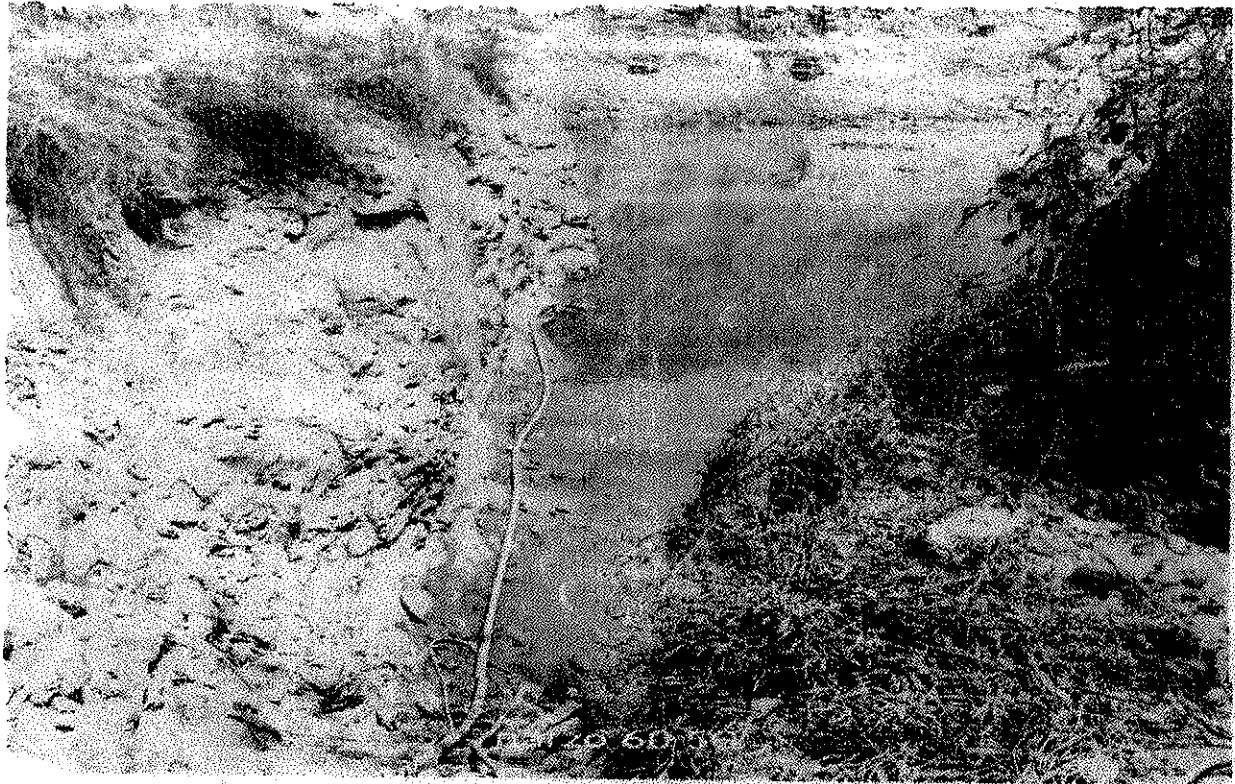
a) direction of natural stream's path way from uphill



c) path way continuing down stream.

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Annexum VII (A)



Drawing pit water - tape lines for pumping.

35

Annexure VII
(8)



OA 93 of 2024 (old OA 770/2023) Inspection Team.
at Complaint site. (25/03/24)

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
IN
ORIGINAL APPLICATION NO. 93 OF
2024 (SZ)**

Sajimon Joseph

...Applicant

Versus

The Chief Secretary,
Government of Kerala and ors.

....Respondents

**REPORT SUBMITTED BY THE
ADDITIONAL SECRETARY TO
GOVERNMENT ENVIRONMENTAL
DEPARTMENT/1ST RESPONDENT**

E.K. KUMARESAN,

**Standing Counsel for Government
of kerala**

No.6, Indian Chambers (SICCI)
Annex Building, Ground Floor,
Esplanade, Chennai - 600 108.

Cell No: 9597435955