

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI

O.A. NO. 304 OF 2019

IN THE MATTER OF:

M. Haridasan and Ors

.....Petitioners

VERSUS

State of Kerala.

...Respondent

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(ABHILASH.M.R AND SAYOOJ MOHANDAS.M)

Advocates for the Respondents

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**REPLY/OBJECTIONS/COUNTER ON BEHALF OF**  
**RESPONDENT MICHAEL GRANITES TO THE REPORT OF**  
**THE JOINT COMMITTEE.**

I, Augustine Michael, Managing Partner of 'Michael Granites', S/o.  
Michael aged about 58 years, R/o. Kanjirathumkunnu House,  
Ramapuram Bazar Post, Kottayam District, Kerala State-686576,  
do hereby solemnly affirm and state on Oath as under:-

That, I am one of the Respondent in the captioned matter and well  
conversant with the facts of the case as such competent to swear  
this affidavit.

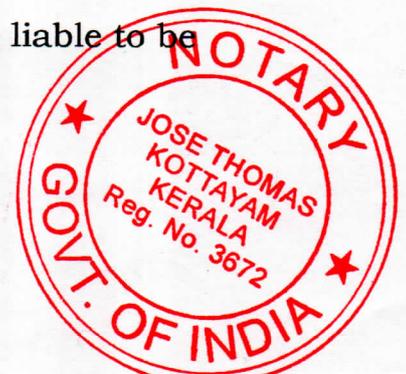
It is most humbly submitted that the Report of the Joint  
Committee is flawed, bereft of merits, not accurate and not in  
consonance with the laid down parameters and hence liable to be

For MICHAEL GRANITES

*Augustine Michael*  
Managing Partner

ATTESTED

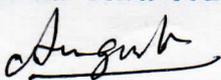
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11/1/2024  
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rejected and the distance criteria fixed by the Kerala Govt. was a minimum of 50 m away from the boundary of quarries to habitation/dwelling houses and buildings is liable to be upheld on the following amongst other general and technical grounds:

1. The report is totally silent about the impact of the quarry operations on human beings or nearby inhabitants which was the very basis of the mandate given by this Hon'ble NGT. The report mechanically proceeds as if the same is only a data analysis to arrive at some conclusions about the impact on noise and air level, buildings, humans and wildlife without a conclusion about the accuracy of the data relied upon. This becomes evident from the factual errors and fabricated readings that has crept in to the report. Hence the only inevitable conclusion could be that of a prejudiced view, which goes against placing any reliance upon the report in question.
2. It is submitted that the NABL accreditation of KSPCB does not include the parameters that KSPCB was asked to monitor and analyze, hence expectations or conclusions of a genuine report on the basis of NABL accreditation is misplaced. The NABL accreditation certificate no. TC8525

For **MICHAEL GRANITES**



**Managing Partner**

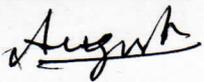
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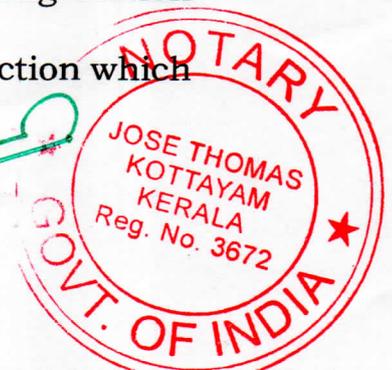
dated 10-02-2023 the Central Laboratory of KSPCB at Gandhinagar, Kochi, makes it evident that it has the facility only to monitor and analyse the parameters PM10, SO2, Oxides of Nitrogen and SPM in the discipline/group Chemical-Atmospheric Pollution and Materials or Products tested in ambient air. The accreditation does not cover PM2.5 and Ambient Noise Level. Despite the aforesaid, the Joint Committee has considered the data of sampling and analysis of the important parameters PM10, PM2.5 and noise level monitored by KSPCB even though the KSPCB's laboratory is not equipped with the facility and expertise to conduct the sampling and analysis of the parameters PM2.5 and ambient noise level. Due compliance with ISO 17025 Standards which specify the general requirements for the competence to carry out tests and/or calibrations including sampling is mandatory.

3. That a careful perusal of the Report would make it evident that there are Fabricated measurement values without actual monitoring. For instance, in page no.989 of the report it is mentioned that for the sampling at the quarry of M/s Aducaudu Granites, Pathanamthitta, no sampling station was installed at 500 meters distance in West direction which

For **MICHAEL GRANITES**

  
**Managing Partner**

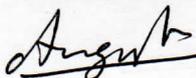
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is in direct contradiction with page no. 994 of the report, wherein monitoring values at 500 meters distance towards West direction are given for PM10 and PM2.5, that too for both quarrying and non quarrying days. There are other several such manipulated observations and conclusions throughout the report.

4. Blasting area is an important criterion and thus the flaws in one day's selection of blasting area as the blasting zone of the quarry is totally misplaced. The blasting area is a frequently changing location, which may not be the same even on the very next day. So the entire area of the quarry as earmarked in the sketch approved by the licensing authorities should have been identified as the blasting zone and for the sake of distance measurement, each point in any of the direction should have been selected outside the boundary of the quarry and the distances should have been measured from the boundary which admittedly has not been done. The ambient air and noise level measurements should have been mandatorily be taken from outside the boundary of the quarry so that such data reflects a true picture of the impact on the flora and fauna, buildings and habitations including human beings.

For MICHAEL GRANITES

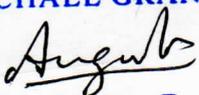
  
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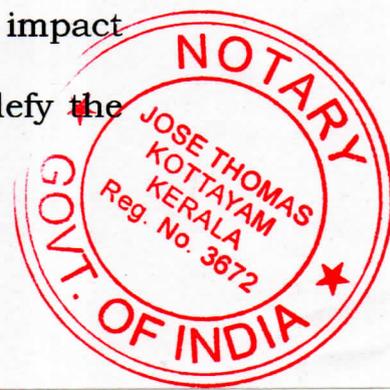


5. Similarly, sampling time is a crucial factor that has not been followed accurately. The monitoring reports of all the quarries makes it evident that the ambient noise level in Leq was monitored only for 7 to 8 hours whereas for day time standards, the duration that starts from 6 am and ends at 10 pm should have been for 16 hours. The monitoring was conducted by the team for 6 am to 6 pm only even for the blasting days. The monitoring was to be mandatorily carried out during the entire time from 6 am to 10 pm as per the Rules as the noise environment should have included all the activities during the quarrying operation and related activities including idling time, for the day starting from 6 am to 10 pm which was not done.
6. The values shown in the tables under 6.2 of the monitoring report of blasting conducted in the quarry of Aducaudu Granites, Pathanamthitta is erratic. The noise level readings at 50 m at three different locations are shown to be 70.0604796, 69.99946052 and 70.74838594 and at 100 m at 3 different locations are shown to be 69.9250334, 70.42709207 and 70.82640779. If the aforesaid data is correct, the same would show that distance has no impact on the noise level from blasting operations which defy the

For MICHAEL GRANITES

  
Managing Partner

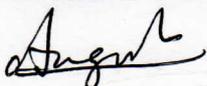
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very foundation of laying down the distance criteria. The noise levels at 200 m at 3 different locations also show disparity.

7. The Peak Value Leq Max is a non-relevant factor as during the entire day, between there can be several peak values. As per the Noise Pollution (Regulation and Control) Rules 2000, dB(A) Leq denotes the frequency weighting in the measurement of noise and corresponds to the frequency response characteristics of the human ear. The day time noise limit for Residential Area is 55 dB(A) Leq. This does not mean that all the time during the day, the value cannot go beyond 55 dB(A) Leq. Hence what merits consideration is the average noise level or equivalent sound level.
8. Admittedly no sampling station was set up at 500 meters distance towards the western direction at Aducaudu Granites, Pathanamthitta, but the report contains PM10 and PM 2.5 values for the quarrying and non quarrying days for the (hypothetical) 500m station towards the west. Hence there is an reasonable apprehension of mechanical or fabricated report.

For MICHAEL GRANITES



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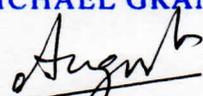
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9. The locations seen with GPS coordinates in the Google Earth Maps of all the quarries monitored disprove the claim of KSPCB that they have selected the sampling stations for ambient air quality monitoring in three directions at an angle of 120 degree apart. Similarly, most of the sampling stations mentioned in the report are wrongly represented in the maps against universal laws and hence defies logic and common sense. For instance, in the case of Pathanamthitta district (page no. 990), North and South are marked in the same direction towards the bottom of the picture and in another figure, locations noted as in the West come in the upward direction from the 'blasting zone' whereas the universally accepted direction in the upward direction is the North.

10. The report totally erred in fixing sampling points from which the noise level were to be taken inside the quarry because the noise levels inside the quarries will not have any impact on the stakeholders and inside the active quarries there will not be any habitation or flora and fauna.

For MICHAEL GRANITES

  
Managing Partner

  
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In the above circumstances it is humbly submitted that this Hon'ble Tribunal may be pleased to reject the report of the Joint Monitoring Committee and not render any findings/ orders/ modifications based on the same and further be pleased to hold that the no restrictions other than the presently prevailing ones are necessitated in the matter.

Dated this at

on the 01<sup>st</sup> day of January 2024

AUGUSTINE MICHAEL

*Augustine*

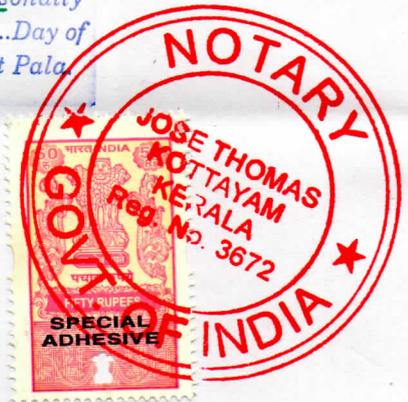
For MICHAEL GRANITES  
Managing Partner  
*Augustine*  
Managing Partner  
For MICHAEL GRANITES

ATTESTED

Solemnly affirmed and signed before me by the deponent who is personally known to me on this the 1<sup>st</sup> Day of January, 2024 in my Office at Pala

*Jose Thomas*  
01/01/2024

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Book No. 14 Page No. 128

Sl No. 13048 Dated 01/01/2024



Sayooj Mohandas <adv.sayoojmohandas@gmail.com>

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**Service of Reply by Michael Granites in O.A. No. 304 of 2019**

1 message

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**Sayooj Mohandas** <adv.sayoojmohandas@gmail.com>

Tue, Jan 2, 2024 at 9:02 AM

To: Nishe Shonker <nrshonker@gmail.com>, nishtha@nklaw.co.in

Respected All,

Please find attached herewith the copy of the reply filed by the Michael Granites (Respondent) in O.A. No. 304 of 2019.

Thanking You

Mr. Abhilash.M.R and Mr. Sayooj Mohandas.M

Advocates for the Respondent



**REPORT OF JOINT COMMITTEE.pdf**

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