

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

**APPEAL NO.30 OF 2020**

**BETWEEN**

O.Muhammed,  
Malappuram.

...Appellants

**AND**

State Environmental Impact Assessment  
Authority, Kerala, Rep. by its Administrator,  
Thiruvananthapuram and Ors.

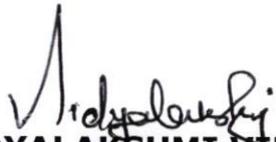
...Respondents

**REPLY STATEMENT FILED BY THE 1<sup>ST</sup> RESPONDENT**

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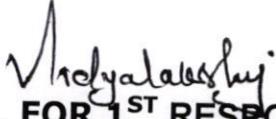
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<b>Sl. No.</b>	<b>Date</b>	<b>Description</b>	<b>Page No</b>
1.	16.07.2021	Reply Statement filed by the 1 <sup>st</sup> Respondent	

Dated at Chennai on this 16<sup>th</sup> day of July, 2021

  
**COUNSEL FOR 1<sup>ST</sup> RESPONDENT**

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**REPLY STATEMENT FILED BY THE 1<sup>ST</sup> RESPONDENT**

I, Anil P Antony, Son of Mr. P.J. Antony, aged 49 years, working as Administrator, SEIAA at Thiruvananthapuram, do hereby solemnly affirm and sincerely state as follows:-

1. I am well acquainted with the facts of the case from the available records and I am authorized to file this Reply Statement on behalf of the 1<sup>st</sup> Respondents. I crave leave of the Hon'ble Tribunal to file additional reply/statement as and when additional facts are available to the Respondent.

2. I humbly submit that the above appeal has been preferred by the Appellants herein for the following relief:-

**Interim Relief**

*"this Honb'le Tribunal may be pleased to stay the Operation of the Impugned Order no.1239/EC2/2019/SEIAA dated 6.08.2020 of the 1<sup>st</sup> Respondent granting Environmental Clearance No.75/2020 to the quarrying operations of the 2nd & 3rd Respondent in Arimbra Hill area in Survey No. 153/2 and 154pt Morayoor Village, Kondoty Mallapuram District pending disposal of the Application."*

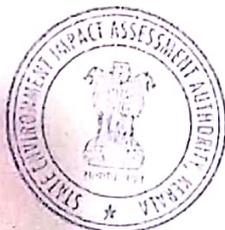


  
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**Prayers**

*To set aside the Order No.1239/EC2/2019/SEIAA dated 6.08.2020 of the 1<sup>st</sup> Respondent granting Environmental Clearance No.75/2020 to the quarrying operations of the 2<sup>nd</sup> & 3<sup>rd</sup> Respondent in Arimbra Hill area in Survey No.153/2 and 154pt Morayoor Village, Kondoty Mallapuram District.*

3. I submitted that the above appeal has been filed by the Appellant before this Hon'ble Tribunal on 03.11.2020 challenging the Environmental Clearance No.1239/EC2/2019/SEIAA dated 6.08.2020 granted by the Administrator, State Environmental Impact Assessment Authority, (SEIAA), the 1<sup>st</sup> Respondent herein.
4. It is submitted that this respondent denies all the allegations and averments raised by the Appellant except that are specifically admitted. It is submitted that the Respondents submit certain facts, which are necessary for the present Appeal, are placed hereunder in seriatim.
5. It is submitted that the EC was uploaded in our website on 08<sup>th</sup> September 2020.
6. It is submitted that the 2<sup>nd</sup> Respondent i.e., Sri.Ummer Kutty.K., Director, Morayoor Granites Pvt. Ltd., Mucheth House, Elambra, Nellikuzhy, Ernakulam - 686691, vide his application dated 13.02.2019, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Survey No. 153/2, 154/Pt in Morayur Village, Kondotty Taluk, Malappuram District, Kerala for an area of 0.9994 Ha. The project comes under Category : B & Schedule : 1 (a) of EIA Notification 2006.
7. It is submitted that the proposed project site falls within Latitude 11°6'36.11" to 11°6'41.65" N to Longitude 76°0'42.99" to 76°0'47.00" E. The lease area consists of 0.9994 hectare. The proposed project is for quarrying of 2,04,891 MT. The life of mine is about 5 years. The total water requirement for the proposed mining activity is 2 KLD. 0.5 KLD of water is



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required for domestic consumption, 1.0 KLD is for dust suppression and 0.5 KLD is for watering the plantation. The total power requirement will be 75 kW, which will be drawn from diesel engine. The estimated project cost is Rs. 60 lakhs.

8. It is submitted that the proposal was placed in the 94th SEAC meeting held on 12<sup>th</sup> & 13<sup>th</sup> March 2019 and the Committee decided to inform the 2nd Respondent for submission of the following documents:

1. *Baseline details*
2. *Monitoring data of sound and air*
3. *Flora and Fauna should be reworked*
4. *CER to be reworked in consultation with the working group of Local Self Government concerned.*

The Committee also entrusted Dr.P.S.Easa & Dr.S.Sreekumar for the site inspection. The Sub Committee inspected the site on April 8, 2019 and submitted the report. The 2nd Respondent also submitted the documents on 22.04.2019 as sought by 94<sup>th</sup> SEAC meeting.

9. It is submitted that the proposal was considered in the 96<sup>th</sup> SEAC meeting held on 26<sup>th</sup> & 27<sup>th</sup> April, 2019. The Committee accepted the recommendation of Sub Committee and decided to keep pending the case until next monsoon to observe whether the observed problems are aggravated or reduced. On 13.11.2019, the 2<sup>nd</sup> Respondent submitted a request to consider their application for further process as the monsoon is over.

10. It is submitted that the proposal was placed in the 106<sup>th</sup> SEAC meeting held on 28<sup>th</sup>, 29<sup>th</sup> & 30<sup>th</sup> November 2019. Committee decided to entrust Dr.P.S.Easa & Dr.S.Sreekumar for field inspection. The Sub-Committee visited the site again on 10<sup>th</sup> January, 2020. The field inspection report received on 24.01.2020.



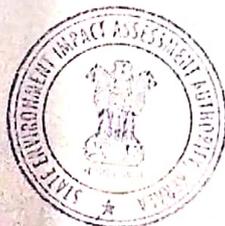
  
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11. It is submitted that proposal was placed in the 109<sup>th</sup> meeting of SEAC held on 11<sup>th</sup> & 12<sup>th</sup> February 2020. The Committee accepted the field inspection report and decided to recommend the issuance of EC subject to the specific condition that the 2nd Respondent shall take adequate measures for slope stabilization and a report for stabilization has to be provided.

The proponent has submitted the slope stability study report on 07.03.2020.

12. It is submitted that the proposal was finally placed in the 104<sup>th</sup> meeting of SEIAA held on 22<sup>nd</sup> to 24<sup>th</sup> June 2020. Authority decided to issue EC for a period of 5 years for the quantity mentioned in the approved Mining Plan subject to the following specific conditions in addition to the general conditions.

1. *The proponent shall carry out quarrying as per the approved Mining Plan and the proponent should strictly follow the Kerala Minor Mineral Concession Rules 2015 and amendments thereby.*
2. *The proponent shall take adequate measures for slope stabilization as pointed out by SEAC and activities taken up for slope stabilization shall be included in the compliance reports.*
3. *Activities relating to Corporate Environmental Responsibility amounting to Rs.1,20,000/- shall be carried out leading to protection and promotion of environment including waste management in the project district as per OM F.No.22-65/2017-IA-III dt.01.05.2018 of MoEF& CC as directed by Director, Directorate of Environment & Climate Change and supervised by District Collector.*
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.*



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

13. It is submitted that the compliance of the conditions by 2nd Respondent will be monitored by this Respondent or its authorised offices and also by the regional office of the Ministry of Environment & Forests, Govt. of India, Bangalore.

14. It is to perform the duty of this Respondent efficiently that it is mandated that necessary assistance for entry and inspection should be provided by the 2nd Respondent and those who are engaged or entrusted by him to the staff for inspection or monitoring.

15. It is also submitted that as condition as per as per EC instances of violation if any shall be reported to the District Collector, Malappuram.

16. It is submitted that the EC has been issued only after conducting site inspection and therefore satisfied itself before the issuance of the EC. It is submitted that the Appellant has made various averment with regard to distance from ESA, slope and other alleged allegation but has failed to produce any such allegation on records so as to satisfy the submissions placed by them. This respondent has issued EC only after due diligence and inspection report.

17. It is submitted that this Respondent has placed true copy of the complete proceedings before the Hon'ble Tribunal as per the Hon'ble



  
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Tribunal directions and this Respondent may be permitted to rely on the same at the time of hearing.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to pass such order or orders as this Hon'ble tribunal may deem fit and proper in circumstances of the case and thus render justice.

Dated at Chennai on this the 16<sup>th</sup> day of July, 2021

  
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**1<sup>st</sup> RESPONDENT**

#### VERIFICATION

I, Anil P Antony, Son of Mr. P.J. Antony, aged 49 years, working as Administrator, SEIAA at Thiruvananthapuram, do hereby verify that the contents of paras 1 to 17 are true to the best of my personal knowledge and paras 1 to 17 believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 16<sup>th</sup> day of July, 2021



  
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