

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

APPEAL NO.22 OF 2020

BETWEEN

1. Ravi, S/o. Narayanan,
M.K.Vilas (H), Chithara, Ayirakuzhi,
P.O. Mancode Village, Kottarakara Taluk,
Kollam District, Kerala – 691559.
2. Mohandas, S/o. Narayanan,
Flat No.10A Queens Way Point, Kowdiyar P.O.
Trivandrum, Kerala – 695 003.

...Appellants

AND

Union of India represented by the Secretary,
Ministry of Environment, Forests, & Climate Change,
Indira Paryavaran Bhavan, Jor Bagh, New Delhi – 110 003.
& Others.

... Respondents

REPLY STATEMENT FILED BY THE 2ND, 3RD AND 4TH RESPONDENTS

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1.	09.07.2021	Reply Statement filed by the 2 nd , 3 rd and 4 th Respondents along with proof of EC uploaded Application copy.	1-11

Dated at Chennai on this 13th day of July, 2021

COUNSEL FOR 2ND, 3RD AND 4TH RESPONDENTS

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Ministry of Environment, Forests, & Climate Change,
Indira Paryavaran Bhavan, Jor Bagh, New Delhi – 110 003.
& Others.

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REPLY STATEMENT FILED BY THE 2ND, 3RD AND 4TH RESPONDENTS

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- ...Appellants

AND

1. Union of India represented by the Secretary,
Ministry of Environment, Forests, & Climate Change,
Indira Paryavaran Bhavan, Jor Bagh, New Delhi - 110 003.
 2. State Environmental Impact Assessment Authority,
KSRTC Bus Terminal Complex, 4th Floor,
Thampanoor, Thiruvananthapuram, Kerala - 695 001.
Represented by its Chairman
 3. State Expert Appraisal Committee,
KSRTC Bus Terminal Complex, 4th Floor,
Thampanoor, Thiruvananthapuram, Kerala - 695 001
Represented by its Member Secretary.
 4. The Administrator,
State Environmental Impact Assessment Authority,
KSRTC Bus Terminal Complex, 4th Floor, Thampanoor,
Thiruvananthapuram, Kerala - 695 001.
 5. Director of Mining and Geology,
Directorate of Mining and Geology, Kesavadasapuram, Pattom, Palace
P.O.Thiruvananthapuram, Kerala - 695 004.
 6. The Geologist, District Office,
Department of Mining and Geology, Kollam District,
Kerala - 691 002.
 7. Arun Varghese,
Managing Partner, M/s. Tasna Mines, Kottakkal,
Pattom P.O., Thiruvananthapuram, Kerala - 695 004.
- ...Respondents

REPLY STATEMENT FILED BY THE 2ND, 3RD AND 4TH RESPONDENTS

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:-




Anil P Antony
Joint Secretary to Govt &
Administrator
State Environmental Impact Assessment Authority
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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 2 to 4 Respondents. I crave leave of the Hon'ble Tribunal to file additional 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 Hon'ble Tribunal be pleased to stay the operation of Annexure A1 i.e. The impugned Environmental Clearance No.1201/SEIAA/KL/2014 dated 14.10.2019 pertaining to Granite Building Stone Quarry in Re-Survey No.76/8, 77/1, 77/2, 78/6, 97/1, 97/2 in Mancode Village, Kottarakkara Taluk, Kollam District, the Environmental Clearance pending final disposal of the present appeal".

Prayers

ii. *Set aside Annexure A1 i.e. The impugned Environmental Clearance No.1201/SEIAA/KL/2014 dated 14.10.2019 issued by the 4th Respondent to the 7th Respondent.*

ii. *Issue any order or orders, as may be fit proper and necessary in the facts and circumstances of the case.*

3. It is submitted that the above appeal has been filed by the Appellants before this Hon'ble Tribunal on 06.11.2019 challenging the Environmental Clearance No.1201/SEIAA/KL/2014 dated 14.10.2019 granted by the Administrator, State Environmental Impact Assessment Authority, (SEIAA), the 4th Respondent herein.

4. 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 23.10.2019 [Annexure EC uploaded application copy]



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6. It is submitted that the 7th Respondent i.e., Mr. Arun Varghese, Managing Partner, Tasna Mines, Kottakkal, Pattom P.O, Thiruvananthapuram-695004, his application received on 29.12.2018 has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Re-Survey No.76/8, 77/1, 77/2, 78/6, 97/1, 97/2 in Mancode Village, Kottarakkara Taluk, Kollam District, for an extent of 4.5592 Ha. The project comes under Category "B2" Activity 1(a) (i), as per the Schedule of EIA Notification, 2006.

7. It is submitted that the lease area consists of 4.5592 Hectares, which is Non-Forest and Government Land. The proposed project is for quarrying of 3,00,000 MTA for the first 3 years and 1,70,000 MT for the Next 7 years. The nearest town is Mancode about 0.380 km, from the quarry site.

8. It is submitted that the total water requirement for the proposed project has been estimated to be around 10 KLD about 2 KLD is required for domestic consumption, 6 KLD is required for dust suppression and 2 KLD is required for green belt development. The required water will be met from bore well & open well. The Electric Power required for office is about 2Kw/day which is drawn from Kerala State Electricity Board (KSEB) to the total project cost is Rs.90 Lakhs.

9. It is submitted that the proposal was placed in the in the 94th meeting of SEAC of SEIAA, a subcommittee consisting of Shri G.Sankar and Dr. R.Ajaya Kumar Varma Members of the SEAC studied the application or Environmental Clearance and conducted a site visit to the proposed building stone quarry project at Mancode, Kattarakkara Taluk, Kollam District. The inspection was conducted on the 25th March 2019, the proponent and the Recognized Qualified Person (RQP) were present at the time of inspection with relevant documents.

10. It is submitted that the following observations made by the State Expert Appraisal Committee:-

OBSERVATIONS

- i. The co-ordinates of the boundary pillars of the project site were cross checked and found Correct.



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- ii. The area consists of an old quarry with surrounding areas with mixed trees and rubber
- iii. The approach road to the site is narrow
- iv. There is no proposal to have a garland canal and silt traps to reduce the silt out flow.
- v. The area designated for OB storage is close to the outlet drain and there is every chance to contaminate the outflow.
- vi. Proponent claimed that abandoned pits will be used as water storage that could be utilized for dust suppression sprinkling, plantation, groundwater recharge etc. It is also projected that the daily requirement is about 10,000 KLD. But such a storage potential is not found feasible in the abandoned pits.
- vii. It is also proposed that drinking water will be made available from open wells and tube wells. The feasibility report for the same is not found included in the application.
- viii. The hillocks are considered to be rich terrestrial biodiversity reserve next only to forest and sacred groves. Therefore, biodiversity inventory should be made with that seriousness and conservation plan has to be fool proof.
- ix. The mining of the proposed quantity of rock will lead to the loss of the existing hillocks to a large extent. All the hillocks, especially those located in the southern midland region of the state has added significance to micro-climate of the region.
- x. The amount earmarked as CER should be in agreement with the guidelines.
- 11. It is submitted that the proponent was asked to take up the following:-
 - i. A proper garland canal should be included in the mining plan. The proponent should submit a modified drainage plan including garland canal with proper silt trap.




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- ii. A recent cluster certificate from the District Geologist, Kollam.
- iii. Statement indicating the amount of CER proposed to be earmarked annually as per the guidelines.
- iv. Feasibility report as to how water storage will be achieved for meeting the water requirement to the tune of 10,000 KLD.
- v. Hydrogeological report indicating the feasibility for open dug well or tube well, if there is no existing drinking water source
- vi. Detailed biodiversity conservation plan based on the biodiversity assessment report

12. It is submitted that after obtaining the above documents, the EC may be recommended with the following specific conditions:-

- i. The approach road is narrow and needs widening to at least 7 m
- ii. Designate 2 labour for periodic cleaning of silt trap and garland canal
- iii. Construction of protection walls for the OB dumping site to check spill over
- iv. EC may be given initially for 3 years to mine 899740 MT; i.e. about 43% of the proposed mineable reserve.
- v. An automatic rain gauge may be installed in the mine area for recording daily rainfall and the daily rainfall record should be produced while monitoring the mining operation and while considering the extension of EC after 3 years. (?)

13. It is submitted that the proposal was placed in the 97th meeting of SEAC held on 21st & 22nd May 2019. The proponent was asked to submit the following documents/ details

- i. In the modified drainage plan submitted, garland canal is not shown. Only flow lines are indicated. Location of the sediment traps is also not indicated.



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- ii. Feasibility report as to how water storage will be achieved for meeting the water requirement to the tune of 1000 KLD is not satisfactory.
- iii. Hydrological report indicating the feasibility for open dug well or tube well is not given.

14. It is submitted that the proposal placed in 99th meeting of SEAC held on 26th and 27th June 2019. The Committee considered the report of the Sub-Committee and decided to recommend the issuance of EC initially for 3 years to mine 899740 MT of building stone (i.e. about 43% of the proposed mineable reserve) with the following specific conditions:

- i. Widen the approach road to at least 7 m.
- ii. Designate two labourers for periodic cleaning of silt trap and garland canal.
- iii. Construct protection walls for the OB dumping site and check spill over, if any.
- iv. An automatic rain gauge may be installed in the project area for recording daily rainfall and the daily rainfall record should be produced during periodical monitoring and submit the data for extension of EC after 3 years, if proposed.

15. It is submitted that the proposal placed in 95th meeting of SEIAA held on 29th July 2019. The SEIAA noticed that a written complaint has been received in the Office of SEIAA on 25.07.2019 from Sri.Yusuf Kunju, S/o. Mr. Asanaarukunju alleging that the proponent has suppressed certain material facts having bearing on the implementation of the project. Hence Authority decided to forward the complaint to District Collector, Kollam for field verification and report, before issuing EC.

16. It is submitted that the District Collector had filed a report on 06.09.2019 stating that the petitioner had withdrawn the complaint.



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17. It is submitted that the proposal was placed in the 90th meeting of SEAC held on 04.01.2019 and 97th SEAC meeting held on 21st - 22nd May 2019, some additional documents were called for. The proponent submitted the documents on 13.05.2019. A field inspection was also carried out on 25th March 2019.

18. It is submitted that the proposal was placed on 99th meeting of SEAC held on 26th & 27th June 2019. The Committee accepted the report of Sub-Committee and recommended for issue of EC Authority decided to issue EC for a period of 5 years, for the quantity as approved by the Mining Plan subject to the following specific conditions in addition to the general conditions.

- i. The approach road is narrow and needs widening to at least 7 m
- ii. Designate 2 labour for periodic cleaning of silt trap and garland canal
- iii. Construction of protection walls for the OB dumping site to check spill over
- iv. 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.
- v. 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.
- vi. Activities relating progressive and final closure of quarry shall be carried out as per approved Mining Plan which will be reviewed at regular intervals. The non compliance of the same may lead to cancellation of Environmental Clearance.




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vii. 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.

19. It is submitted that the complaints filed by the Mr. Ravi Narayanan and Mr. Mohandas Narayanan were considered in the 97th meeting of SEIAA held on 24th September 2019. The Environmental Clearance as per EIA notification 2006 was accorded on 14.10.2019 for the quarry project of Mr. Arun Varghese, M/S Tasna Mines in Re Survey No.76/8,77/1,77/2, 78/6,97/1,97/2 at Mancode Village, Kottarakkara Taluk, Kollam District, Kerala for an area of 4.5592 Ha., for a period of 5 years and validity of EC expires on 13.10.2024. Copy of EC published in the official website of SEIAA on 23.10.2019.

20. It is submitted that the GO (Rt) No.29/2019/Envt dated 12.04.2019 Govt. ordered that the power to issue proceedings on behalf of Member Secretary, State Environmental Impact Assessment Authority is also delegated to the Administrator, State Environmental Impact Assessment Authority, also even when COVID Pandemic conditions existed, this office was fully functional on 03.07.2020.

21. It is submitted that the allegations raised by the Appellants that the SEAC and SEIAA has not verified the distance criteria before issuance of EC seeks for strict proof by the Appellants.

22. It is submitted that the District Collector had filed a report on 06.09.2019 stating that the Appellants had withdrawn the complaint. The Appellant could have approached the authorities even before the issuance of EC if they found that there is environmental degradation especially when the Appellant is claiming that the 6th Respondent is continuing to exploit environment for decades. The Appellant has not produced any record to satisfy the Tribunal that the nature of Environmental Degradation caused or how the issuance of EC has further lead to the Environmental degradation.



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23. It is submitted that the plain reading of the report of the SEAC clearly satisfies that they have verified all the aspects and also suggested the measures to be taken for curtailing the pollution and other aspects.
24. It is submitted that the Appellant has filed the Appeal without any sufficient proof to satisfy the Tribunal how the issuance of EC is bad.
25. It is submitted that this Respondent would not hesitate to cancel the EC of 7th Respondent if it is found violating the conditions.

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 on this 9th day of July 2021

RESPONDENTS 2 TO 4

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 25 are true to the best of my personal knowledge and paras 1 to 25 believed to be true on legal advice and that I have not suppressed any material fact.

Verified on this 9th day of July 2021.



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RESPONDENTS 2 TO 4

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Search:

Name of Applicant	File No	Project Details	EC Issued Date	Category	Status	Download
Arun Varghese, Managing Partner, M/s Tasna Mines, Kottakkal, Pattom P.O., Thiruvananthapuram - 695004	1201/EC2/2018/SEIAA	Environmental clearance for the proposed building stone quarry project in Re survey Nos. 76/8, 77/1, 77/2, 78/6, 97/1, 97/2 at Mancode Village, Kottarakkara Taluk, Kollam District, Kerala by Arun Varghese, Managing Partner, M/s Tasna Mines	14-10-2019	Quarry	E.C Issued	d5e0b811a80ddb025930903b1c03b5d.pdf

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Contacts	File fol...		6/29/...
Cookies	File fol...		6/29/...
Creativ...	File fol...		10/20/...
Desktop	File fol...		10/17/...
Docum...	File fol...		10/20/...
Downl...	File fol...		10/20/...
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IntelGr...	File fol...		10/19/...
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