

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI

Original Application No. 155 of 2020 (SZ)

IN THE MATTER OF

Vijeesh Kumar, ... Applicant

Thiruvananthapuram

Versus

Union of India and others

...Respondents

**OBJECTIONS FILED BY THE 3rd RESPONDENT TO THE
SUPPLEMENTARY REPORT OF THE JOINT COMMITTEE**

1. The 3rd Respondent humbly submits that the findings mentioned in the Supplementary Report of the Joint Committee are based on the findings of the Joint Committee in its initial Report, for which this Respondent has submitted its detailed objections. This Respondent therefore craves the leave of this Hon'ble Tribunal to treat the Respondent's objections to the initial Report be read as a part and parcel of the present objections to the Supplementary Report of the Joint Committee.

2. With regards to the findings on excessive mining mentioned in the Supplementary Report, this Respondent submits that the findings of the Joint Committee are based on the study that was conducted by the Department of Geology and Mining and not from the Joint Committee's own independent study. It is pertinent to note that this Respondent had filed W.P.No.28482 of 2020 before the Hon'ble Kerala High Court challenging a demand notice sent by the Department of Mining and Geology which was issued based on the



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study conducted by the Department. The Hon'ble High Court of Kerala, vide its order dated 07.01.2021, found the order of the Department of Mining and Geology dated 15.09.2020 to be prima facie illegal and directed the same to be treated as a provisional demand notice, pending the Writ Petition proceedings. However, in complete disregard to the same, the Department of Mining and Geology passed an order dated 08.02.2021, without considering any of the objections raised by this Respondent. Aggrieved by the same, this Respondent filed an appeal before the Deputy Secretary to Government, Industries (A) Department under Rule 98(1) of the Kerala Minor Mineral Concession Rules 2015. Since revenue recovery proceedings had been initiated against this Respondent within the statutory period of appeal and pending consideration of the appeal, this Respondent preferred W.P. (C).NO.4138 of 2021 before the Hon'ble Kerala High Court. The Hon'ble High Court vide its order dated 17.02.2021 disposed of the Writ Petition, directing the authorities to dispose of the appeal within a period of 3 weeks from receipt of order copy and not to take any coercive actions against the Petitioner/ the 3rd Respondent herein for recovery of the amounts until orders are passed in the appeal. It is humbly submitted that till date no orders have been passed in the appeal filed by this Respondent and therefore, no coercive action should be taken against this Respondent for recovery of the amounts mentioned in the demand notice. Hence, this Respondent humbly submits that since the challenge to the findings of the Department of Mining and Geology is sub judice and the findings of the Joint Committee in its Reports are based on the subject matter which is being challenged and is currently pending before the Appellate Authority, such findings which are based on the study of the Department of Mining and Geology cannot be held against the 3rd Respondent until the Appellate Authorities adjudicate and dispose of the matter.



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3. For the foregoing reasons, the findings of the Joint Committee in its Supplementary Report are not liable to be considered, until the appeal pending before the Appellate Authority is disposed of. It is further submitted that the 3rd Respondent reserves its right to file a detailed objection to the calculations given in the Report, after disposal of the appeal pending before the statutory Authority, if required.

Dated at on this the 14th day of September, 2021

For Covenant Stones Pvt. Ltd.

Chairman & Managing Director


04/10/2021
Counsel for the 3rd respondent

