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**BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE)
CHENNAI**

O.A.No. 151 OF 2020

Akhila Kerala Dheevera Sabha

.....Applicant

Vs

State of Kerala,
Rep by Chief Secretary,
Thiruvananthapuram and 15 Others

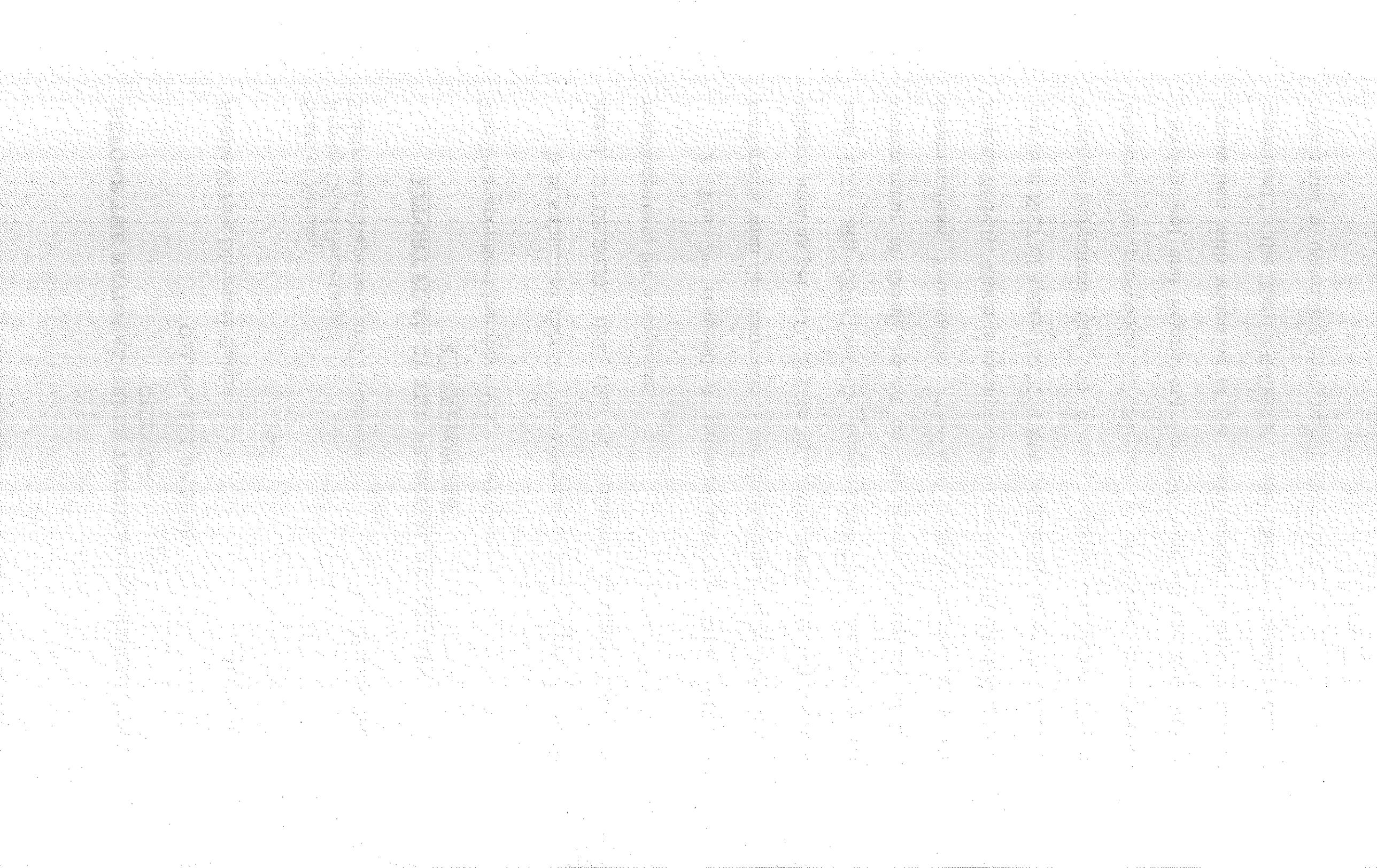
.....Respondents

**REPORT FILED BY THE PRINCIPAL SECRETARY,
2ND RESPONDENT**

The 2nd respondent humbly submits as follows :-

It is submitted that 2nd the respondent that as per the order dated 27.08.2020, this Hon'ble Tribunal directed that the respondents to file a response.

2. The 2nd respondent submits that the M/s. IREL, is conformity with the instructions the desilitation is undertake in the alleged area as per G.O. (Rt) No.385/2019/WRD dated 31.05.2019 and G.O. (Rt) 657/15/FHD dated 10.08.2019 issued by the Government of Kerala based on the recommendations of M.S. Swaminathan, Foundation. The said work is treated as a non mining activity, which is exempted from environmental clearance as per Item No.7 of Appendix IX of EIA notification dated 28.03.2020. Further submitted that no mining activity conducted therein attracts the provisions of Section 4 of Mines & Minerals (Development and Regulation) Act 1957 and all the activities in connection with widening of the Pozhi mouth is undertaken as permitted by the District Collector, under Disaster Management Act which has an overriding effect on all other rules.



3. The respondent herein reserve to file additional report, if necessary.

4. To that effect this report is filed and the same may be recorded.

Dated at Chennai on this the 14th day of June 2021



M/s. P.K. Kumaresan
Standing counsel for Kerala (SZ),
Counsel for 2nd Respondent



0012503



GOVERNMENT OF KERALA

Industries (A) Department
20/03/2021, Thiruvananthapuram

No.A3/341/2020-IND

From
Principal Secretary to Government

To
Advocate General
Kerala, Ernakulam.

Sir,

Sub: Industries Department-OA No. 151/2020 filed by Akhila Kerala Dheevera Sabha before National Green Tribunal, Chennai -remarks furnishing of- Reg.

- Ref: 1. Government letter of even number dated 23.12.2020.
2. Your letter no.W4-OA.151/2020 dated 04.03.2021.

I am to invite your attention to the reference cited and furnish the following remarks.

Reply of M/s IREL is in conformity with the instructions submitted vide ref(1). The desiltation is undertaken in the alleged area as per G.O (Rt) No.385/2019/WRD dated 31.05.2019 and GO(Rt) 657/15/FHD dated 10.08.2019 issued by the Government of Kerala based on the recommendations of M.S Swaminathan Foundation. The said work is treated as a non mining activity, which is exempted from environmental clearance as per item no.7 of Appendix IX of EIA notification dated 28.03.2020(Annexure). It may also be reported that no mining activity conducted therein attracts the provisions of

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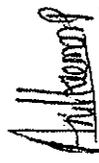
(4)

Section 4 of Mines & Minerals (Development and regulation) Act 1957 and all the activities in connection with widening of the pozhi mouth is undertaken as permitted by the District Collector under Disaster Management Act which has an overriding effect on all other rules.

Yours Faithfully,
SAMEER KUMAR O J
UNDER SECRETARY

For Principal Secretary to Government.

Approved for Issue,


Section Officer.

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PRINCIPAL SECRETARY,
2ND RESPONDENT**

M/s. E.K.Kumaresan
Standing counsel for Kerala (SZ)
Counsel for 2nd Respondent

