



सत्यमेव जयते

## ***Proceedings of the State Environment Impact Assessment Authority Kerala***

*Present: Prof. (Dr.) K.P. Joy, Chairman, Dr. J. Subhashini, Member and Sri.V.S.Senthil,I.A.S  
Member Secretary.*

Sub: Environmental clearance (**provisional**) for the building stone quarry project in Survey Nos. 262/1, 264/1, 2-1, 2-2, 5, 5-2, 6, 7, 265/1, 1-2 and 1-3 at Elamadu Village, Kottarakkara Taluk, Kollam District, Kerala for an area of 4.7997 ha by Sri.Tinson John - E.C (**provisional**) Granted- Orders issued

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### **State Environment Impact Assessment Authority, Kerala**

**No. 127/EC3/2013/SEIAA**

**Dated: 2-12-2016**

Ref :- 1. Application dated.21-08-2013 submitted by Sri.Tinson John, Managing Partner, M/s Aiswarya Granites.

2. Minutes of the 20<sup>th</sup> Meeting of SEAC held on 05.10.2013

3. Petition dated.04.11.2013 submitted by the Cheriya Velinelloor, Arkannoor, Keralikonam Mekhala Poura Samithi, Keralikonam, Arkannoor-691533, Kollam

4. Petition dated.15.11.2013 from Sri.,Muhammad Rashid.I, Member, Ward-12, Keralikonam, Elamad Grama Panchayat.

5. Minutes of the 29<sup>th</sup> Meeting of SEAC held on 2/3-5-2014.

6. Minutes of the 30<sup>th</sup> meeting of SEAC held on 6/7-6-2014.

7. Letter dated.10.06.2014 from Sri.Tinson John, Managing Partner, Aiswarya Granites.

8. Minutes of the 31<sup>st</sup> meeting of SEAC held on 30/31-6-2014.

9. Minutes of the 31<sup>st</sup> meeting of SEIAA held on 26.06.2014.

10. Minutes of the 35<sup>th</sup> meeting of SEAC held on 17/18-10-2014.

11. Minutes of the 36<sup>th</sup> meeting of SEAC held on 31.10.2014.

12. Letter dated.07.11.2014 from Sri.Tinson John, Managing Partner, M/S Aiswarya Granites.
13. Judgment dated.11.12.2014 of the Hon'ble High Court of Kerala in W.P.No.31271/2014 filed by Sri.Tinson John
- 14.Order dt.26.03.2015 in R.D.No.274/2015 filed by State of Kerala in W.P.No.31271/2014.
15. Judgment dt.07.04.2015 in W.P.No.,10177/2014 filed by Sri.Tinson John.
- 16.Representation dt.28.04.2015 from Sri.I.Muhammed Rasheed, member, Keralikonam Ward, Elamad Grama Panchayat.
17. Minutes of the 38<sup>th</sup> meeting of SEAC held on 28/29/30-4-2015.
18. Minutes of the 40<sup>th</sup> meeting of SEIAA held on 3/4-8-2015.
19. Minutes of the 44<sup>th</sup> meeting of SEAC held on 12/13-8-2015.
20. Minutes of the 44<sup>th</sup> meeting of SEIAA held on 13-11-2015.
21. Letter dt.01.08.2015 from Director, Mining & Geology.
22. Representation dt.01.12.2015 from Sri.Tinson John, Managing Partner, Aiswarya Granites.
23. Judgement dt.11.12.2015 in W.P.No.35290/2015 filed by Sri.Tinson John.
24. Petition dt.29.12.2015 from Kollam Jilla Paristhithi Samrakshana Ekopana Samithi
25. Minutes of the 51<sup>st</sup> meeting of SEAC held on 18.01.2016.
26. Order dt.20.01.2016 in contempt case no.8/2016 filed by Sri.Tinson John.
27. Judgement dt.14.06.2016 in W.P.No.15854/2016 filed by Sri.Tinson John
28. Minutes of the 50<sup>th</sup> meeting of SEIAA held on 25.02.2016.
29. Minutes of the 57<sup>th</sup> meeting of SEIAA held on 26.08.2016.
30. Minutes of the 58<sup>th</sup> meeting of SEIAA held on 08.09.2016

#### **E.C.No165/Q/2016**

Sri.Tinson John, Managing Partner, M/s Aiswarya Granites, vide his application received on 21-08-2013, has sought Environmental Clearance under EIA Notification, 2006 for the building stone quarry project in Survey Nos. 262/1, 264/1, 2-1, 2-2, 5, 5-2, 6, 7, 265/1,

1-2 and 1-3 at Elamadu Village, Kottarakkara Taluk, Kollam District, Kerala for an area of 4.7997 hectares. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) and as per O.M. No. L-11011/47/2011-IA.II(M) dated 18<sup>th</sup> May 2012 of Ministry of Environment and Forests. It is further categorized as Category B2 as per the O.M. No. J-13012/12/2013-IA-II (I) dt. 24.12.2013 of Ministry of Environment and Forests, since the area of the project is below 25 hectares.

2. Other details of the quarry are as follows.

### **BASIC INFORMATION OF THE PROJECT**

File No.		127/SEIAA/KL/2368/2013
Name of project		Building Stone Quarry by Mr. Tinson John M/s. Aiswarya Granites
Brief description of the project		Open cast mining
Category/Subcategory & Schedule		1(a)
Location Sy no/ district, Taluk/ village etc.		Survey nos. 262/1, 264/1, 2-1, 2-2, 5, 5-2, 6, 7, 265/1, 1-2 & 1-3 of Elamadu Village, Kottarakkara Taluk, Kollam District, Kerala State.
GPS co-ordinates		Longitude: E 76° 49' 43.23" to E 76° 49' 54.9" Latitude: N 8° 52' 28.6" to N 8° 52' 36.5"
for Mining projects	Extent of area (in hectares)	4.7997 Ha
	Minimum and maximum height of excavation (MSL)	Highest 150 MSL and Lowest 95 MSL
	Life of mine proposed	10 years
	Ultimate depth of mining (in MSL)	55 MSL
	Distance from the adjacent quarry	50 mtr from quarry towards North.
	Capacity of production	4,50,000 tones/annum.
	Details of Project Cost	<b>Total Project: Rs. 5.8 Crores</b> <b>Land Cost: Rs. 2.0 Crores</b> <b>Plant &amp; Machinery: Rs. 3.8 Crores</b>
	CRZ recommendations	NA
	Forest clearances	NA
	Does it attract violation proceedings	No
	Is Env't Mgmt plan/ Eco restoration plan satisfactory	Produced
<b>ABOUT THE PROJECT</b>		
	<b>Environmental parameters considered</b>	<b>Description</b>

<b>WATER</b>		
	Water requirement & sources	Domestic consumption – well water Dust suppression: Rain water harvesting pond
	RWH units proposed	Rain water harvesting ponds are being constructed which will act as both rain water harvesting and water recharging.
	Facilities for liquid waste treatment	Septic Tank & soak pit.
	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?	Nil
	Water quality meeting requirements	Monitoring and analysis carried out and results found within the permissible limits.
	Does it have provisions for use of recycled water	Quarrying activity does not require water hence no recycling.
<b>LAND</b>		
	Proximity to forest lands	Lambabakottum reserved forest is about 4.5 km towards south from the quarry lease boundary site.
	Access road to the site –Width & Condition	5 - 6 m from SW
	Storage of explosives /hazardous substances	Hazardous materials like spent oil being disposed off as per the existing Rules & Guidelines of Hazardous Waste (Management & Handling) Rules, 1989 and 2003 and are being sent to stores for disposal through authorized agents.
	Facility for solid waste mgmt	Solid waste will be utilized for road and construction works.
	Topographic features/ slope	<b>General strike:</b> N - S with local variation of $10^0 - 15^0$ on either side. <b>Dip:</b> $70^0 - 80^0$ dipping Westerly. <b>Length of the ore body</b> : 270mts. <b>Width of the ore body</b> : 140-145 mts. <b>Depth of the ore body</b> : 80.00 mts
	Proneness of the area for landslides	The material exposed in the quarry is Charnockite, which is hard in nature and as per the seismic zone map, Kerala falls under zone III which is moderate.
	Significant land disturbance resulting in erosion, subsidence & instability	No, quarry area is not susceptible to natural hazard as there is no history of such incidents.
	Top soil, overburden etc.	Topsoil – 18,000 tonnes The total amount of topsoil is existing within the leasehold is calculated below: Length: 200.00 mts X Width 120.00 mts X Depth 0.5 mts X Bulk density 1.5 = 18,000 tonnes & overburden is 1,00,000 tones (plan period)
<b>AIR</b>		
	Air quality meeting requirements	Monitoring of air quality monitored and analysed both in core & buffer zone and results found within the limits of NAAQ standards.

Noise level meeting requirements	Noise level survey carried out both during the activity in the quarry area and nearby villages.
Likely emissions affecting environment	Due to quarry activity and operation of heavy earth moving machinery generation of dust, noise is likely. However, mitigative measures are proposed accordingly in the EMP.
<b>ENERGY</b>	
Energy requirement	Lighting 0.5 KVA used from solar energy.
Energy Sources	Solar Energy
Extent of usage of alternative energy resources	Alternative energy resources are 1 Nos. of DG. Sets.
<b>BIODIVERSITY</b>	
Presence of any endangered species or red listed category	Nil
Loss of native species and genetic diversity	There will not be any loss of native species of genetic diversity as the quarry already exists and continuation of the same will not affect or loss of native species in general.
Likely displacement of fauna	Unlikely
Any introduction of alien / invasive species	None
<b>SOCIAL ASPECTS</b>	
Proximity to nearest habitation	Nearest habitation 500 mtrs & Nearest Village Karalikonam Village at a distance of 1.5 kms from quarry towards Northeast.
CSR components suggested	1% of the profit earned by the project proponent will be given to the Local Biodiversity Committee Rs. 5 Lakhs/annum is earmarked as corpus fund for Socio-Economic welfare measures. Rs. 6 Lakhs/annum will be earmarked towards Corporate Environmental Policy & Mitigative Measures.
<b>GENERAL</b>	
Does it propose environment management plan	
Does it have eco restoration programmes	Post mining closure plan is prepared and the same will be implemented.
Litigation/court cases, if any, against the project (provide details)	Nil, as stated by proponent.
<b>SEAC meetings/ ADDITIONAL CLARIFICATIONS</b>	
Details of Authorised Signatory	Mr. Tinson John, Managing Partner M/s. Aiswarya Granites
Details of NABET approved EIA consultant organisation	METAMORPHOSIS, Bangalore QCI/NABET Accreditation serial no. NABET/EIA/1215/141

3. Along with the above proposals Sri.Tinson John had submitted the following proposals for environmental clearance for quarrying in the contiguous areas:

File No.	Survey No.	Extent
128/SEIAA/KL/2369/2013	126/2-1, 2, 3-3, 127/5-2,5,3,8 & 129/4	4.9012 ha (own land)
129/SEIAA/KL/2370/2013	127/6, 127/7 & 119/1	1.6240 ha (Govt. Land)

4. The proposal was considered as agenda item no. 20.04 in the 20<sup>th</sup> SEAC meeting held on 5<sup>th</sup> October 2013 and was deferred for site inspection and seeking certain additional clarifications for further processing of the application.

Subsequently, a subcommittee of SEAC consisting of Dr. N.G.K. Pillai, then Chairman SEAC, Sri.P. Sreekantan Nair, then Secretary SEAC, Sri. John Mathai and Dr. C.N. Mohanan, members of SEAC inspected the site on 15.11.2013, and following the submission of clarifications/ additional documents by the proponent, the matter was placed before SEAC in its 29<sup>th</sup> meeting held on 2<sup>nd</sup> and 3<sup>rd</sup> May 2014 for verification of the documents. The Committee verified the additional clarifications/documents submitted by the proponent. It was found that clarification in writing was sought as to whether Sy. No. 261/1 or 262/1 is part of present proposal. The proponent has clarified that Sy. No. 262/1 only is part of the present proposal. Considering the same, the Committee decided that **Sy. No. 261/1 given in the present application to be replaced as 262/1.**

The item was deferred seeking report from the proponent on the following issues stated in the site inspection report with detailed master plan, maps, etc.

1. There is no clear demarcation in the quarry area between the land in possession of the proponent, land in possession of other quarry owners and government land. It was explained that they are all interspersed. Hence it is difficult to evaluate area in the absence of clear cut revenue records. It is better that the proponent provide the cadastral map of all fields in his possession, the fields for which clearance is asked for now (all three proposals), government land where quarrying is completed/in progress, government land for which lease is sought and the adjacent fields of others where quarrying is completed or in progress.
2. The present method of quarrying is not by benches. Steep cuttings and pits with stagnant water are seen. They are potentially dangerous zones if not properly fenced.
3. Areas with rubber plantations and with deep overburden are included in the proposal.

4. Over burden is not stacked in clear cut places.
5. Cases of fly rock falling on dwelling units with damaged roofs have been reported. One such case is seen by the committee. The presence of relatively dense settlement on the eastern side is to be pointed out and adequate measures be taken to prevent hazards from fly rock.
6. Storm water management has not been thought off in a planned manner.
7. The status of land in the quarry zone may also be ascertained from revenue records.

*It was further decided that the proponent shall also be informed that the three proposals (File Nos. 127, 128 and 129) are considered together by SEAC as a single proposal so as to avoid fragmentation of contiguous area.*

Thereon the proponent has informed that the Sy. Numbers of the project site have been demarcated and has also submitted the map demarcating the land in possession of the proponent, land in possession of other quarry owners and government land in the quarry area.

5. The SEAC considered the explanations in the 30<sup>th</sup> meeting held on 6/7-6-2014 and recommended to consider the proposals as B1 category in view of the concerns of the public as well as the tendency to fragment the area. It was also proposed to hold public hearing. The proponent submitted the representation read as 7<sup>th</sup> paper above, contending that the decision of SEAC to categorise the project as 'B1' in category to the guidelines of the Ministry of Environment & Forest, Government of India as categorisation of projects for environmental clearance. The petition was considered by SEIAA in its 31<sup>st</sup> meeting held on 26.06.2014 and decided to return the cases to SEAC to adhere to the B1-B2 classification as per the O.M.No.J-13012/12/2013-IA-II(I) dt.24.12.2013 of the MoEF since the area of the proponent is below 15 ha. It was also suggested that the SEAC might examine the genuinity of complaints. The matter was placed in the 31<sup>st</sup> meeting of SEAC held on 30/31-7-2014, in which it was decided to defer the matter for field visit to assess the total extent of the quarry, interaction with the petitioners who represented against grant of E.C for the quarry and for verification of revenue records regarding the extent and possession of the land.

6. Meanwhile the proponent filed W.P.No.20321/2014 in the Hon'ble High Court of Kerala, which was disposed of on 29.08.2014 holding as under

The Petitioner has submitted application for environmental clearance. It appears that the petitioner has submitted this application on 23.08.2013. The petitioner points out Ext.P8 an official memorandum issued by the Government of India, Ministry of Environmental and

Forests dated 24.12.2013 and specifically points out to clause 1(ii) wherein it is stated that minor mineral mining projects with mining lease area 25 hectares except for river sand mining projects will be appraised as category B2 projects. The petitioner has pointed out various decisions of the third respondent and submits that they are proceeding with this matter as if has project would come under category B1. Petitioner submits that unless this illegality is corrected, it may have an impact upon a final decision in this matter. I am of the view that the objection of the petitioner has to be considered threshold before proceeding further, otherwise it will result in erroneous conclusion based on an erroneous procedure. The 3<sup>rd</sup> respondent therefore shall advert to the petitioner's objection and shall take a decision whether this project will come under category B1 or category B2. The petitioner has a case that the environmental clearance sought by the petitioner in respect of the three projects and even if it is considered as single unit, it will not come under category B1. A decision shall be taken on the recategorisation of the project of the petitioner within two weeks from the date of receipt of a copy of this judgment. The respondents shall finalise decision on environmental clearance within a further period of four weeks.

7. The 35<sup>th</sup> meeting of SEAC held on 17&18/-10-2014 recommended as follows in pursuance of the above judgement.

The committee directed its secretariat to initiate the following steps;

1. Sent a reminder to the Project Proponent to provide the clarification sought by SEAC
2. Sent reminder to the VO to furnish the required revenue details regarding M/s Aiswarya Graniites at the earliest and also forward copy of the letter to Tahsildar and District Collector, Kollam for information and necessary action.
3. Forward an interim compliance report on the judgement in WP(c) No.20261/2014 dtd 29.08.2014 informing 1<sup>st</sup> and 2<sup>nd</sup> activity mentioned above and also inform Hon'ble High Court that the judgement will be complied with on receipt of clarification sought from the project proponent

8. The proponent filed contempt of court case no.CC 1109/2014. The SEAC in its 36<sup>th</sup> meeting held on 31-10-2014 recommended as follows.

'The committee assessed that the quarry area considered for evaluation that consists of the active quarry land, the land proposed to be used for quarries, the quarries currently not



being exploited, allied activities like storing of ordinary earth, over burden and quarry waste removed from the quarries, crusher units, M-sand units, work shop, vehicle shed, stock yard, water storage, etc. In the light of the report of Village Officer, Elamadu, received on 18.10.2014, the quarry has an extent of 21.03.49 ha. The Stock yard and associated activities has an extent of 2.9153 ha and land in which office building, crusher unit, M-sand unit etc. exists has an extent of 03.47.24 Ha. As per the report the total quarry and quarry associated activity of that area comes to a total of 27.42.26 ha. Hence the project comes under B1 category. Recent satellite images also justifies that the area under quarries and associated activities exceed 25 ha. **Hence the project needs to be assessed under B1 category.'**

9. The proponent again approached the Hon'ble High Court with W.P.No.31271/2014 which was disposed of on 11.12.2014 holding as under:

'The Petitioner approached this Court earlier by filing W.P.(C) No.20321/2015 apprehending that without taking note of the actual extent of land involved in mining, the authorities may categorise the petitioner's project as coming under B1 category. This Court directed the authorities to consider the petitioner's claim. Thereafter, Ext.P18 is passed. In Ext.P18 it is stated that the total area is reckoned about 25 Hectares and hence it would come under category the B1. According to the petitioner, this calculation is erroneous. It is pointed out that it is perhaps taking note of Ext.P16 report of the Village Officer, petitioner's project being identified as coming under B1 category. Ext.P16 report of the Village Officer shows the different extent of land held by M/s.Aiswarya Granites. It is discernible from Ext.P16 itself that the property in serial no.C is having an extent of 11.23.71. This property is having rubber plantation, diary, poultry farm and grass cultivation. If it is excluded, it will be less than 25 hectares. The learned Counsel for the petitioner also pointed out that even if it is taken as cluster by taking into account all the other quarries in the nearby area, the aggregate extent is 21.03.49.

2. In view of the above factual position, I am of the view that categorising the petitioner's project as B1 is unsustainable. As discernible from ExtP16 itself that total extent is less than 25 hectares. Therefore, classifying the petitioner's project as one coming under the B2 category, necessary decision shall be taken on the next meeting itself.'

10. R.P.No.274/2015 was filed on behalf of SEIAA against the above judgment. It was disposed of on 26.03.2015 with the following observation.

'The State filed review 274/2015. The Writ petitioner filed the review 147/2015. Both are being disposed by a common order.

The reason for filing review petition by the State is that this Court committed apparent mistake in reckoning extent of the quarrying area for the purpose of categorisation. The writ petitioner filed the review petition stating that the Government failed to constitute a committee and the petitioner may be permitted to proceed as though environment clearance has been granted.

The total extent of the quarrying area is mentioned in the report of the Village Officer produced as Ext.P16. The attempt of the learned Government Pleader is to bring land being used for storing ordinary earth and quarrying waste also within the area of mining area. Those lands which are not used for actual mining cannot be considered as part of the mining area. In that view of the matter the review petition filed by the Government is dismissed.

In regard to the review petition filed by the Writ Petitioner, this Court need not review the judgment as there is no apparent error or mistake. If the writ petitioner has any remedy on account of non consideration of the application within time, that can be worked out independently. Hence, the review petition filed by the review petitioner is also dismissed.'

11. In pursuance of the recommendations of SEAC in its 31<sup>st</sup> meeting referred to above, the Village Officer, Elamadu, Kottarakkara Taluk submitted a detailed report on the lands under possession of M/s Aiswarya Granites and that of the quarries being operated by the firm in that village. Extent of the land in which quarrying is being undertaken in and around the lands possessed by M/s Aiswarya Granites is as below.

**Total Extent of quarries existing in and around the properties of Aiswarya granites including the extent of land holding for quarrying.**

I	List of properties in which the quarries are exists in the own properties of Aiswarya Granites issued by the CRPS by geologist Kollam	09.50.09
II	List of Government land (Para Tharisu) in which the Aiswarya Granites conducting quarrying under the permit issued by the Tahsildhar Kottarakkara and under their possession	1.62.40
III	Total extend of quarries existing around the quarries and properties of Aiswarya Granites in Government Land (Para Tharisu)	09.51.00

IV	Total extend of private quarry existing and owned by K.R.Sunil around the quarries and properties of the Aiswarya Granites	00.40.00
	Total	21.03.49

**Total Extent of all particles of land under the owned and possessed by M/s Aiswarya Granites**

I	Total extent of quarries exists within the properties of Aiswarya Granites	09.50.09
A.	Total Extent of land in which Office Building, Crusher Unit, M-Sand Unit, Quarters of Employees, Mess Building, Workshop, Vehicles sheds, Roads and Stock Yard of M-Sand Metal and Rocks, Clay Waste, Ponds, Water Storages, Electrical Rooms etc.	03.47.24
B.	Details of land using for storing ordinary earth removed and quarrying waste.	02.91.53
C.	Details of land stands rubber plantation dairy poultry farm and grass cultivation	11.23.71
	Total	27.12.57

12. The complaints referred to above, that the mining undergoing in the location results in environmental degradation, health and security issues have been received. The proponent thereafter filed W.P.No.10177/2015 to declare that the pending application for E.C shall be deemed to have been allowed E.C. It was disposed of on 07.04.2015 directing to finalise the matter with regard to the granting of E.C to the petitioner in the three pending applications and pass appropriate orders in accordance with law in the next meeting itself. The matter was considered in the 38<sup>th</sup> meeting of SEAC held on 28/29/30-4-2015 and recommended as follows.

In order to comply with the orders of the Hon High Court to appraise the application under category B2, it is mandatory that the proponent shall submit a Pre-feasibility report and an approved Mining Plan. This is enunciated in the O.M. of MoEF dtd 24-12-2013, MMDR rules amended in 2015, judgment of Honourable High Court in WP(c) no. 31148/2014 dated 23-03-2015 and decision of the SEIAA taken in its 35<sup>th</sup> meeting held on 09-04-2015. In the instant case, the proponent has not submitted the approved Mining Pan. Hence the committee decided to call for the approved Mining Plan from the proponent.

13. The proponents submitted certain explanations to the petitions against the quarrying. On submission of the mining plan as per decision of SEAC in the 38<sup>th</sup> meeting, the applications were again appraised by SEAC in its 41<sup>st</sup> meeting held on 16/17-6-2015 and the following recommendations were made;

*“In compliance of the judgment of the Hon. High Court of Kerala in the WP(c) No. 10177/2014 dated 07-04-2015, the EC application submitted by the proponent as 127/SEIAA/KL/2368/2013, 128/SEIAA/KL/2369/2013 and 129/ SEIAA/KL/2370/2013 were considered by SEAC in its 38<sup>th</sup> meeting held on 28<sup>th</sup>, 29<sup>th</sup>, and 30<sup>th</sup> April and foth2015. In the said meeting after consideration of the application it was found that the Mining Plans were lacking. The proponent was informed to submit the same. The EC applications were appraised one by one by the committee and found that the proponent has submitted two plans –one in respect of application No. 127/SEIAA/KL/2368/2013 and another one in respect of remaining two applications.*

*On perusal of the Mining Plan submitted in respect of the application 127/SEIAA/KL/2368/2013 it was found that the survey no. 264/4 is seen added in the Mining Plan. This area does not find mention in the corresponding application. Although the committee resolved to appraise the said Mining Plan, neither Sri Chackochen, authorised representative of the proponent nor his accompanying assistant could present the details contained in the Mining Plan and answer queries raised by the committee. On further perusal of another Mining Plan it was found that it was submitted for both the applications 128/SEIAA/KL/2369/2013 and 129/SEIAA/KL/2370/13. Hence the committee informed the authorized representatives to submit separate Mining Plans in respect of applications 128/SEIAA/KL/2369/2013 and 129/SEIAA/KL/2370/13 by revising the common plan submitted by the proponent, so that the presentation of all the three plans can be arranged in compliance to the instructions and appraised together. He was requested to cooperate with SEAC by submitting/presenting the Mining Plans by the competent person (s) so as to enable the SEAC to comply with the directions issued by the Hon. High Court of Kerala in time.”*

Hence the Committee informed the authorized representatives to submit separate Mining Plans in respect of applications 128/SEIAA/KL/2369/2013 and 129/SEIAA/KL/2370/13 by revising in order to comply with the order pronounced by the Hon. High Court of Kerala in time.

14. The Authority in its 40<sup>th</sup> meeting held on 3&4-8-2015 considered the position and decided to inform the recommendation of SEAC to the proponent to comply with the direction of the Hon. HC in W.P.10177/2015. SEAC was also requested to make final recommendations at the earliest.

15. The whole cases were examined by SEAC further in the 44<sup>th</sup> meeting held on 12&13-August 2015 and recommended as follows:

‘Further to the intimation of SEAC, the proponent along with the RQP attended the meeting and the RQP made a brief PowerPoint presentation of the mining plan. On verification of the survey nos. of land included in Form -1 as well as in Mine Plan, it was found that the total land is 4.7997 ha and is under the possession of the proponent. As per the certificate issued by Tahsildar, Kottarakkara dated 16.01.2013, it is seen that the project area is the property of Shri.Tinson John, Shri.Chackochan and Smt.Moly Chakochan. The certificate also reveals that the land is not assigned for any specific purpose and that it is not involved in any attachment procedures.

The maximum production capacity of the project is 4,50000 MTPA. The maximum height of the project site is 150 MSL and the lower depth is 95 MSL. The water requirement will be met from open well & RWH Pond.

The Committee considered the complaints submitted by Shri. Prasad, Charuvila Puthen Veedu, Cheriyaaveliyanoor, Arakkan P.O and others for Sree Aayiravilli Devaswam, Elamaddu PO, Chief Patron and others of Cheriyaavelinalloor-Arkkanoor-Karalikkonam-Mekhala Poursammithi, Muhammad Rasheed I, Member, Karalikkonam, Sri Kabeer A A etc. In the said complaints, allegations have been raised regarding the authenticity of the report of V.O and the certified Mining Plan by Geologist, possession of excess land, vigilance and court cases, land assigned for agricultural purposes, conducting illegal mining, quarrying operations causing threats to human life and properties, the proposed area being close to Sree Aayiravilli Devaswam Temple and threat to biodiversity etc. The complainant has requested for hearing before issuing Environmental Clearance. The Committee examined the complaints in detail and verified document submitted by the proponent, supporting documents with the complaints, mine plan, report of revenue officials and officials of mining and geology department etc. The SEAC resolved to look into the points raised only with regards to environment impact and concluded that there is no conclusive evidence for the complaints in this regard.

The Committee appraised the item on the basis of Form I, pre feasibility report, Mine Plan and other details/documents furnished by the proponent, complaints raised against the project and decided to recommend the item for issuance of EC subject to the following specific conditions in addition to the general conditions for mining projects. Complaints received regarding the proposal are also transferred to SIAA for consideration.

1. Adequate measures should be taken to prevent hazards due to fly rocks.
2. Over burden should be stored in clear-cut places.
3. Steep cutting should be avoided, deep pits with stagnant water should be properly fenced with 'DANGER' sign boards.
4. Reclamation and eco-restoration should be done by planting native species

As petitioner Shri. Kabeer A A has requested for personal hearing, SEIAA may consider his request.

16. The matter was considered in the 44<sup>th</sup> meeting of SEIAA held on 13-11-2015. Authority decided as below.

The SEAC appraised the item in its 44<sup>th</sup> meeting held on 12/13-8-2015, on the basis of Form I, Pre-Feasibility Report, Mine Plan and other details/documents furnished by the proponent; complaints raised against the project and decided to forward the applications to SEIAA, for taking appropriate action after considering the following aspects.

1. *The allegation raised against the proponent mainly, the veracity of the NOC issued by District Collector, Kollam.*
2. *Vigilance cases pending against the proponent.*
3. *Sri. Kabeer, A.A. who has raised allegation against the project may be given a personal hearing.*

*Complaints received regarding the proposal are also transferred to SEIAA for consideration.*

In the light of the above factual and legal situations available in the case as assessed by the Authority, the following points emerged for consideration;

1. The legality and admissibility of possession of land to be used for mining to be confirmed.
2. Whether the land assigned for rubber cultivation could be used for quarrying.
3. N.O.C from revenue authorities for quarrying in Government land involved, to be produced.

4. In the inspection report dated 15-11-2013 it is stated that 'Areas with rubber plantations and with deep overburden are included in the proposal'. Assurance from the proponent to be obtained that only the land comprised in the survey numbers and in the extent as allowed therein will be used for mining or industrial activity and the 11.23.71 ha will be set apart as of now for farming.
5. The categorisation issue has been considered by SEAC (as B1) and the Hon: High Court (as B2) only with reference to the land in possession at site by the proponent. It is admitted that several other quarries - some owned by the same persons- are working in the vicinity. The O.M No.J-13012/12/2013-IA-II(I) dated 24-12-2013 clarifies that: 'Provided in case the mining lease area is likely to result in a cluster situation; i.e. periphery of one lease area is less than 500 m from the periphery of another lease area and the total lease area equals or exceeds 25 ha, the activity shall become category B1 project under the EIA notification 2006. In such a case, mining operations in any of the mining lease areas in the cluster will be allowed only if the environmental clearance has been obtained in respect of the cluster.'

Cluster situation as above has to be ruled out before considering the project as B2 as per orders of the High Court.

The SEAC had proposed site inspection twice. In the 31<sup>st</sup> meeting held on it has been decided as under;

*'Deferred for field visit to assess the total extent of the quarry, interaction with the petitioners and verification of revenue records regarding the extent and possession of land.'*

There is no recommendation on the eligibility for E.C. Recommendations on the basis of the earlier inspection has not been made. However the suggestions of SEAC in para 1 above are accepted and the matter referred to SEAC with the further terms of reference based on the points 1 to 5 in para 2 above, and those in 1,2,3 in para 1. The adverse parties including Sri. A.A. Kabeer may be heard by SEAC as part of the appraisal process as per the above Terms of Reference and report submitted to SEIAA with recommendations thereon.

17. Sri.A.Abdul Kabeer S/o Abdul Hameed Rawther, Hilat Manzil, Karalikonam, Arkannoor (P.O), Ayoor filed W.P.34748/2015 for direction to stop the quarrying works by

M/s Aiswarya Graniutes. On 18.11.2015, the Hon'ble High Court issued interim order not to conduct illegal quarrying activities in the mining areas of the proponent in Block 27 of Elamad Village as quarrying operations are being carried out without E.C. On 11-12-2015 the Hon'ble High Court of Kerala disposed of W.P.No.34748/15 along with W.P.No.35290/15 filed by Sri.Tinson John with the following directions:

- i) 'The SEAC Kerala shall forward the clarifications sought by the SEIAA Kerala within one week.
- ii) The SEIAA Kerala has to find out whether the quarrying operator has fulfilled the conditions stipulated in the recommendations. If the quarrying operator has fulfilled the conditions, after hearing the writ petitioner in W.P.(C) No.34748/2015, the SEIAA Kerala shall pass final orders within a further period of two weeks.
- iii) Till a decision by the SEIAA Kerala as above, quarrying operator shall not undertake quarrying operations as the benefit of Government Order No.144/2015 is not available to him in view of the judgment of the Division Bench.'

18. In the judgement dated.23.12.2015 in W/A No.2688/2015 filed by Sri,Tinson John, the Hon'ble High Court held as follows

'Having regard to the subsequent events and the direction issued by the Supreme Court by Order dated.7.12.2015 in SLP(C) No.30103/2015, direction no.(iii) in the impugned judgment shall stand modified to the extent of the undertaking given by the Government before the Supreme Court and the Orders passed thereof. The authorities may take appropriate action in the matter based on the direction of the Supreme Court.'

On 29.12.2015, the Kollam Jilla Paristhithi Samrakshana Ekopana Samithi petitioned the Authority based on the decisions of SEAC and SEIAA in the minutes of the meetings, pertaining to the applications of M/s Aiswarya Granites. On 12.01.2016, the Hon'ble High Court of Kerala in Contempt of Court case No.8/2016 filed by Sri.Tinson John ordered that the authority should take decision in the next meeting itself. The committee was directed to forward the clarification within two days from the receipt of this order. The issues referred to SEAC in the 44<sup>th</sup> meeting of SEIAA were discussed and resolved by SEAC in its 51<sup>st</sup> meeting held on 18.01.2016. The recommendations were as below.



'The Sub Committee formed by the SEAC inspected the site on 06.01.2016 and submitted a detailed report (copy & enclosures enclosed). The Committee examined all the documents in the light of the facts brought out in the report of the Sub Committee and decided to provide clarifications for all the points raised by SEIAA in its 44<sup>th</sup> meeting as below:

**1) The allegation raised against the proponent mainly the veracity of NOC issued by District Collector, Kollam.**

The District Collector, Kollam issued NOC on 13.07.2015 ie, after the proponent preferred the application and also after approval of Mining Plan by the District Geologist, Kollam on 10.06.2015 for mining in the Government Purampokku Land in Surevey No.119/1, 127/6, & 127/7 of Elamad Village. It is understood that the legality of the NOC issued is being enquired into by the Vigilance & Anti Corruption Bureau

**2) Vigilance cases pending against the proponent.**

A communication vide 2V/2015 dated 19.09.2015 from Dy.S.P V.A.C.B, Kollam addressed to the Director, DoECC is seen in the file No.129/SEIAA/KL/2370/2013 of Directorate. The above communication informed the Director, Directorate of Environment and Climate Change about the ongoing enquiry against the allegations regarding the issuance of NOC by District Collector, Kollam for Aiswarya Granites. The present stage of the case is not available in the Directorate.

**3) Personnel hearing of Sri.Kabeer.A.A**

The Sub Committee interacted with the members of the Powra Samithi including Sri.Kabeer on the day of field inspection on 06.01.2016. The allegations raised by them are detailed under the Sub head in the "Meeting with the Poura Samithi members" of the report of the Sub Committee.

The findings of the Sub Committee on the allegations raised by the Poura Samithi are given under "Finding and Recommendation" of the Sub Committee report. The findings are:-

- i) The land under the possession of the proponent was originally assigned to freedom fighters and ex-servicemen for rubber cultivation and for putting up dwelling units. Therefore the legality of the certificates issued by the Revenue Authority as per Rule 27(2) (f) of KMMC Rule 2015 to the effect the it is not assigned for any specific purpose is questionable.

- ii) As of now mining operation without EC is a violation. The Committee has reported ongoing mining operations in the areas for which the proponent has applied for Environment Clearance as well as in few areas for which no applications are preferred as yet. So there is an ongoing violation of the Environment Protection Act.
  - iii) As could be noted from the paras under "Documents verified" of the report of the Sub Committee, there are a few orders with respect to the declaration to be made by the proponent under the Land Reform Act 1961.
  - iv) The Sub Committee also reported the dust pollution in the locality due to the ongoing mining operations done by both the project proponent and of the owners of the other adjoining crushers. The Sub Committee also reported that the stream water flowing through the property is not protected against the pollution from the quarry waste.
- 4) **The legality and admissibility of the land to be used for mining is to be confirmed.**

As discussed under item (3) the legality of using the land under the possession proponent for mining is doubtful, which requires further clarification from the Revenue authorities.

5) **Whether the land assigned for rubber cultivation could be used for quarrying.**

Since the assignment was for a specific purpose, using the land for mining will be a violation of Kerala Land Assignment Rules 1964. As per KMMC Rule 2015 the proponent is required to submit number of document and certificates as mentioned in Rule 27 to the authorised District Geologist while submitting the application. On verification and satisfying about the authenticity of those documents only the Geologist shall approve the mining Plan and issue LOI. The fact being so, SEAC normally do not engage in verifying the legality of those documents. However during course of the field visit and perusal of documents, the above violation has come to the notice.

6) **NOC from Revenue Authorities for quarrying Government Land**

The NOC for quarrying in the Government Land No.119/1, 127/6, & 127/7 of Elanad Village is seen issued by the District Collector, Kollam only on 13.07.2015, much after the proponent has submitted the application for EC on 21.08.2013 and also after

the approval of Mining Plan by the District Geologist Kollam on 10.06.2015. The above issues are being investigated by Vigilance & anti Corruption Bureau.

**7) Assurance from the proponent to be obtained that only the land comprised in the survey Nos and in the extent as allowed therein will be used for mining**

The above aspect may be decided by SEIAA on taking a final decision on the proposals submitted by the proponent.

**8) Categorisation issue considered by SEAC as B1 and Hon'ble High Court as B2**

On categorization, the Sub Committee brought out the fact that the proposals need be considered only category as B2 as given below.

"As per the Village officers record, the proponent is under the possession of 27.42 ha out of which it is stated that 11.23 ha is part of rubber cultivation and diary/poultry farm. As per the application submitted, EC has been sought for about 11.ha. Within 500m of this quarry lease area another quarry of less than 1 ha by Sri.Sunil Kumar is in operation. In addition, the proponent is seem to be operating in additional area of 6ha, reported to be on short term permits. So the total area under the quarry is about 18 ha, which is well below the limit of 25ha. Therefore, on consideration on the total area put under quarrying within 500m, the quarry cluster belongs to category B2". The Committee decided to concur with the above decision.

**The Committee decided to concur with the recommendation of the Sub Committee regarding the classification of the proposal as B2.**

Since prima facie some infirmities with respect to the processing of application by the District Geologist, Kollam and also with respect to the issuance of Certificates by the revenue authorities have come to the notice of the Committee, the Committee decided to inform SEIAA that its earlier decision to recommend for EC in respect of file no. 127/SEIAA/KL/2367/2013 is valid subject to receipt of proper clarifications from Revenue Authorities. The Committee also recommend to take appropriate action for violation reported by the Sub Committee.

The Committee also observed that the same clarifications are required for taking further action on proposals dealt in file nos.128/SEIAA/KL/2368/2013, 129/SEIAA/KL/2370/2013 and also a revised mine plan form the above 2 proposals in accordance to the KMMC Rule 2015.

19. The Committee also made available a detailed report on the filed visit to Aiswarya Granites quarry on 06.01.2016 by a Sub Committee of SEAC. On receipt of the report and recommendations of SEAC in compliance with the direction in the judgment in W.P.No.34748/2015 filed by Sri.A.Abdul Kabeer the Authority offered personal hearing to him on 23.01.2016. But he was absent at the appointed time. However the Authority extended him a further chance on 05.02.2016. On 04.02.2016 Sri.Tinson John also applied for a personal hearing by the Authority, which was allowed on 25.02.2016. The arguments of Sri.Abdul Kabeer against grant of Environmental Clearance to the quarries of the proponent and the explanations offered by the proponent are as follows:

<u>Arguments of Sri.Abdul Kabeer</u>	<u>Explanations of the Proponent</u>
<p>1. M/s. Aiswarya Granites is illegally mining in about 50ha in Elamedu Village, creating Environmental, social and economic issues to the inhabitant's around.</p>	<p>1. M Sand Factory of the Petitioner was the first one established in Kollam District. The same was commenced at a time when the banks of Kallada river was collapsed and there was absolute scarcity of sand for building purposes. The District Collector, Kollam desired the Petitioner to set up such a venture in public interest in the above circumstances in the year 2010. It is submitted that the above venture has therefore a public interest and it is serving the needs of public in a great way. The river sand excavation in the area was totally halted when the petitioner started the M-sand factory. The further extracting of river sand would have endangered the Ithikkara bridge and other important infrastructures. It was only because of the M-sand venture started by the Petitioner it could be averted. It is therefore necessary in public interest to permit the petitioner to continue to function the venture.</p> <p>The Petitioner Mr. Ahammad Kabeer and his father were the first persons who sold their property to the previous owners of the quarry, viz. M/s Pathi Bel Company comprised in Survey No. 111/1 in Block No. 27 of Elamadu Village. They wanted the Petitioner to purchase their remaining property for huge price. It was when the Petitioner refused to submit to the demands of Mr. Kabeer he started filing false complaints before various authorities with a view to pressurize them to purchase his property. In other words the petition and allegations of Mr. Kabeer are motivated and in malafides.</p> <p>Proponent also produced copy of Govt. Letter No.12513/A1/13/Forest dated 22.7.2015, informing him that his petition against Sri.Anvar Islam ( a co-petitioner against the quarry) , who is an L.D.Clerk in Forest Department has been enquired in to and as being find that he acted contrary to the Govt. Servants' Conduct Rules Action has been taken against him and he has also been transferred. Copies of the FIRs and</p>

	complaints filed by the proponents against such petitions have also been provided.
2. Mining is going on for about 10 years illegally .	<p>(1) Entire transfers of the properties covered by the pattas alleged to be assigned in the year 1970, were effected as per the provisions of Act and Rules then in force in the Departments of Registration and Revenue. On execution of sale deeds, on application, the Revenue department effected mutation in favour of the purchaser without any objection. Several number of transfers were effected by the previous owners, before those properties were purchased by the proponents business concern, 'Aiswarya Granites'.</p> <p>(2) From the records and from the admitted fact, it is quite clear that the entire quarrying were conducted by the predecessors of the proponent viz. The Radiant Mineral Pvt. Ltd and PathiBel from the year 2001 onwards, in the properties covered by the projects were strictly on the basis of lease or permits issued by the department of Mining and Geology and Revenue as prescribed by law and on payment of the prescribed royalty and other payments. There was no illegal quarrying taken place.</p> <p>(3) Entire properties sold by the parents of the complainant Sri.Kabeer to the Radiant Minerals Pvt. Ltd., and to PathiBel and the properties intended to be sold by the parents/the complainant and his brothers to the proponent are the properties assigned as per the same assignment scheme, applicable to the properties of the proponent.</p>
3. It is a single cluster hence to be appraised as B1 category	As per the Office Memorandum No.J-13012/12/2013-1AII(I), dated.24.01.2013, issued by the Ministry of Environment & Forest, Government of India, our projects are come under B2 category and it will not be appraised B1 category projects, though the total extent of the three projects under consideration is only 11.12.49 hectares. There is no question of fragmenting as alleged. The applicant filed separate application as per the expert advice received from the

	<p>Consultant on the bases of the regulation now amended as the above stated OM. Later as directed by the authority the applicant submitted single cadastral plan enabling the authority to consider the total extent of the three proposed projects together. At present there is no question of public hearing since the total extent of the projects area is less than 25 hectares. Also there is Judgments in W.P 31271/15 and R.P 274/15 to treat it as 'B2' category.</p>
<p>4. Patta conditions (agricultural purpose) have been violated. Report of Tahsildar, Kottarakara is false.</p>	<p>They have originally purchased the unit with properties from PATHI BEL a Malaysian Company, who have undertaken the KSTP works, through public auction on completion of the government contract. They have purchased the properties and the quarrying unit from the Radiant Minerals Pvt. Ltd, a Coimbatore based company who originally purchased the properties in the year 2001, from the parents of Sri.Kabeer and some others those who have got title through sale deeds. Either the Radiant Minerals Pvt Limited or the Pathi Bell, or have never purchased land from any of the assignees as alleged by Sri.Kabeer or as stated in the clarifications forwarded by the SEAC. The records produced by them before this Authority disclose the fact.</p> <p>If the objection raised by Sri.Kabeer, that the properties are assigned for special purpose such as Rubber Plantation with specific rule that the assignees have no right to alienate the properties though it is heritable, the purchase of properties by his parents also was illegal and unsustainable and the Government is bound to take back the properties. Admittedly there is no such allegations till such as allegations were recently raised by Sri.Kabeer. There is no such records proving such allegation in the Village Office also.</p> <p>They have purchased a working unit with properties, in good faith. The subsequent purchases were also made in good faith. The documents prove the fact beyond doubt. Hence it is quite clear that they are a bonafide purchaser and they are conducting the quarrying in good faith.</p>
<p>5. Land laws including land ceiling has</p>	<p>The contention of excess land is unsustainable since</p>

been violated. Govt. lands have been encroached upon. Survey markings removed.	each and every business are entitled to get land ceiling exemption under section 81 (3) of the KLR Act. Moreover the proceedings regarding the exemption filed by the proponent's concern is awaiting final approval of the Government, which were cleared by the District authority as well as the Land Revenue Commissioner. None, of the allegations raised by the 'Pourasamithi' deserves consideration.
6. Land Revenue Commissioner has recommended for vigilance enquiry in to the affairs of the firm.	<p>The allegation against the proponent, mainly on the veracity of NOC issued by District Collector, Kollam is unsustainable and is not at all a matter of alleged enquiry of Vigilance and Anti Corruption Bureau. 'The subject under enquiry of Vigilance is regarding the illegal assistance, if any, extended by the alleged illegal quarrying referred in the order No. A-5468/2011 dated 04/07/2011 of the R.D.O Kollam which was set aside by the appellate authority. Hence there is nothing as sustainable since it was initiated at the behest of a fraudulent officer who passed the above mentioned order vindictively'.</p> <p>No Vigilance cases is pending against the proponent as alleged by the SEAC. It is true that as stated above, certain malicious enquiry is initiated and pending. District Collector, Kollam has issued NOC for quarrying in the land, vide order No. L112-27543/15 dated 13/07/2015.</p>
7. The quarry poses threat to the nearby Ayiravilli Temple.	The Cheriyaavelinalloor Temple is about 2 k.m away from the proposed quarry. The allegation that it stands in a distance of 200m is not all correct. Subcommittee of SEAC which visited the site has reported that 'The place of worship in the form of a Temple on top of Ayiravillimala that shares a common boundary with the quarry zone is located about 200 meters from the working face'.
8. SEAC has witnessed the destruction caused to nearby houses due to blasting in the quarry.	<p>The allegation that piece of Granite fell in the nearby Colony is not at all true to facts. The said Colony is more than 500m away from quarry and the Complainant, Smt. Omana, herself admitted before the Hon'ble JFMC, Kadakkal that the stone was earth laden and hence there is no basis for the allegation that stone from quarry fell in the Colony.</p> <p>The allegation regarding polluting of water due to quarry operation is also incorrect. Our own members</p>



	<p>of families are using water for drinking purposes from the well located in the same property which is not at all polluted.</p> <p>Those who reside near the site are our own loading workers who earn their daily bread from such employment whereas the Complainant is residing far away and made the complaints only to harass us and to ruin the business venture. The neighboring persons have no complaints whatsoever against this quarry at all.</p> <p>The further allegation raised by the complainant that we are influencing the neighbours by giving them alcohol and money is also absolutely baseless and highly defamatory and hence stoutly denied. We are persons who abstain from using alcohol and we never promote people to drink the same as falsely alleged. It is an affront to the neighbours who are very honest and good people but happened to be not that rich or affluent.</p> <p>The Village Officer has conducted site inspection and has filed a detailed report before the Tahsildar which shows correctness of the above said facts. The allegation raised against the said report is also made without any basis.</p> <p>We are regularly and sincerely undertaking various public beneficial activities as Corporate Social Responsibilities (CSR) particularly for the benefit of the locals and amount spent for last year was Rs. 41,46,401/-.</p> <p>In the event the Environmental Clearances applied for by us are not granted it will be adversely affect the investments we already made and also the interest of many workers including the locals and neighboring people who depend on their income from their work in the quarry.</p>
9. Criminal cases are pending as threat to residents caused by explosions in the quarry.	<p>The land surrounded by the proposed quarry is owned by us and there is no residential building within a radius of 500 meter from the outer boundary of the quarry. Hence there is no question of any manner of apprehension of causing accidents while conducting quarrying.</p> <p>All the complainants are residing four and more kilometres away from the quarry. The project</p>

	proposed, no way affects the inhabitants of the area and it doesn't cause any environmental implications.
10. Continued quarry operations is violative of orders of the Hon:Supreme Court and High Court.	Proponent has filed W.P 20321/14, C.C No. 1109/14, W.P. 31271/14, W.P 10177/15, W.P. 35290/15, W.A 2088/15, C.C. No. 8/16, W/A 2714/15, W.P 15854/16 and get impleaded in the SLP in the Supreme Court. There are orders enabling continuance of the quarrying subject to the disposal of the SLP.
11. Alleged inconsistencies in the decision of SEAC/SEIAA in the matter of consideration of the applications as inferred by the petitioner, on the basis of the minutes of the meetings.	Facts and grounds which weighed with for the decisions of SEAC/SEIAA on the applications of the proponent have been addressed in the minutes. No fact or evidence to refute or disprove any such finding has been addressed, by the petitioners.
12. Proponents preventing him from using the right of way to his properly, and even attacked him and certain media persons.	The existing and customary rights of Government and the public roads, paths, rivers, streams, channels etc. through or bordering the land, and the right of Government in mines and quarries subjacent to the said land are reserved and are in no way affected by the grant.

The proponent in his hearing note dated 25/02/2016 also submitted as follows as to the individual opposition against the quarries.

'As stated above, in the year 2007, Sri.Abdul Kabeer also was a participant in the public auction conducted by Pathi Bel for selling the units with the properties and he was the highest bidder. But he failed to deposit the amount in time, led to confirm the second bid submitted by the proponent. The said incident provoked Mr.Kabeer. Thereafter, he made several attempt to ensure the stoppage of the unit as such. It is also pertinent to note that his parents are the persons, who originally sold the properties to the Radiant Minerals Pvt. Ltd. for a fancy sum for quarrying and used the said amount for purchasing 7 acres of rubber plantation nearby and also purchased the properties in which they are residing. If the properties are come under the category of land as alleged, it is not alienable though it is heritable. If the claim of Mr.Kabeer is correct the purchase of properties by his parents and subsequent alienation etc. become illegal and void. Later, in the year 2012, the President and Secretary of the Karalikonam Muslim Jama Ath, demanded Rs.16 lakh as donation allegedly for constructing an auditorium there. The father of the proponent declined to pay the said sum without obtaining the permission from the general body of Jama Ath, to collect the donation

from him. It provoked them, who are close relatives of Sri.Kabeer. From that point of time onwards Sri.Kabeer and his close relatives and so called Pourasamithi members continuously filed various false complaints before the various authorities and filed the various cases before the Hon'ble High Court with intention to close down the unit at any rate. The project proponent submits certain documents substantiating the same. The entire acts of Sri.Kabeer and others are sheer blackmailing. Recently, Sri.Kabeer approached the proponent with a request to purchase the above mentioned 7 acres of land purchased by using the sale proceeds received from Radiant Minerals Pvt. Ltd, for an amount of Five crore rupees. He expressed his willingness to purchase the same for two crore. It is the basic reason for his attempt to prevent the issuance of EC at any rate.

Sri.Kabeer and his henchmen continuously trespassed into the unit in various point of time and it led to registration of various crime cases against him and his aids such as Crime Nos. 562/2012, 2284/2013, 1166/2015 and 1168/2015. He and his henchmen wants to get it stop all the legally permitted quarrying and the functioning of the crusher unit and the M-Sand unit. It may be discouraged'.

Based on the decision of SEIAA in the 48<sup>th</sup> meeting held on 23.01.2016, the District Collector, Kollam was addressed to clarify as to whether quarrying was barred in the lands involved in the applications owing to any existing patta conditions.

Meanwhile Sri.Tinson John, the proponent filed W.P.15854/2016, in which the Hon'ble High Court on 14.06.2016 delivered a Judgement as follows.

'The recommendation of the Committee is said to have reached the Authority. The Authority has sought for a clarification as per Ext.P3. The petitioner submits that in the hearing, the same was clarified. However, the learned Counsel would submit that the petitioner would file a written note of clarification before the Authority. In such circumstance, it is directed that the Authority consider the clarification furnished by the petitioner and decide on the issuance of the certificate after hearing the petitioner at least within a period of two months from the date of receipt of a certified of this judgment. It is made clear that this Court has not spoken on the merits of the claim for certificate raised by the petitioner'.

Petitioner submitted a note on 21.06.2016 reiterating the contentions since 2013, conditions of Patta and a copy of Judgment dated.02.11.2015 in W.P.32207/15 filed by M/s K.K.Rocks, Thiruvananthapuram, clarifying that:

‘The Petitioner submits that when quarrying lease is given, there cannot be any restriction for extracting minor minerals on payment of royalty to the Government. The petitioner also refers to the order of this Court as per Ext.P5. In Ext.P5, this Court ordered that the petitioner shall not be obstructed from quarrying operation in the property in Survey Nos.61/4, 49/3 and 54/1 in Block No.4 of Pallichal Village. The petitioner submits that the present application is in respect of adjacent survey number obtained under the same assignment. The petitioner also submits that the third respondent is insisting for production of certificate showing that the land is not assigned for special purposes. Therefore, de hors the fact that the property has been assigned for rubber cultivation, the applications shall be considered.

The learned Government Pleader submits that Exts.P2 series of applications were received only on the day on which the writ petition was moved and there was no such insistence, the applications are under process.

This court is of the view that considering the facts and circumstances, the applications shall be considered if otherwise satisfies the eligibility for quarrying permit, de hors the fact that it has been assigned by the Government for rubber cultivation. The petitioner need not produce any certificate showing that it has been assigned for special purposes in the light of the fact that the quarrying lease was given as per Ext.P1 and by other leases. Needful shall be done within two weeks from the date of receipt of a copy of this judgment’.

On 22.06.2016 the proponent represented to the District Collector, Kollam informing as under:

‘Not only that quarrying is permissible in the patta lands involved among the above parcel of lands but the very patta conditions stipulate that ‘The existing customary rights of Government and public in roads, paths, rivers, stream channel etc. through or bordering the land, and the right of Government in mines and quarries, subjacent to the said land are reserved and are no way affected by the grant. This legal position has been further clarified by the Hon:High Court of Kerala in the judgment dated.02.11.2015 in W.P.No.32207/2015 which has general application being in the same subject matter and cause of action. A copy of

the said Judgment is submitted. We have remitted royalty in respect of all the survey numbers since 2008 and quarrying is going on.'

The District Collector, Kollam furnished an interim report as follows :

'The Tahsildhar, Kottarakkara has reported that the land in the name of M/s Aiswarya Granites forms part of the Therilbhagam Plantations, which was assigned to 105 families at the rate of 3.60 acres years ago and after several hand overs, it has reached the company as per sale deeds, and that there is no bar on the land being used for public purposes and the right for mining of minerals from the land is vested with Government as per conditions.

Tahsildhar Kottarakkara was asked to report whether the Pattadars were entitled to alienate the patta land and if so the right for mining in such lands is vested with Government as per the Assignment by Government land of Rubber plantation Rules 1960. As the report needs detailed examination, detailed report will be submitted on receipt of the report from the Tahsildhar.' (Translated to English).

20. The Authority heard the proponents on 08.09.2016 in compliance with the judgment in W.P.No.15854/2016. They stated that the quarry now being run by them was purchased from M/S PathiBel of Malaysia, the contractors of the Kerala Road Fund Board, which executed the works on M.C road. The quarry was a utility for the above Government work. The purchase was under sale deed and not on patta conditions. They are a limited Company. Quarrying was going on there for more than 20 years. The quarrying was on temporary permits. They have employed about 250 workers. Their application for environmental clearance is pending since 2013 and despite several judgments of the High Court; the Authority is not taking decision thereon. Revised mining plan as per the KMMC Rules 2015 have been submitted. Members of the Committee have visited the quarries. There are no cases against the quarries. No environmental issues have been raised against the quarry. There are no houses within 500 meters of the quarry. The issues, on which the E.C is delayed, are land related only. These issues have been examined by the Tahsildar and District Collector and reports sent to the Authority. The issues referred to the District Collector have been clarified by the Hon.High Court in the Writ petition filed by K.K. Rocks, and they have been given E.C on that basis. By way of royalty they have paid Rs.1.66 crores and as Sales Tax, Rs.1.4 crores, so far. The Committee has recommended for E, C in the Application in file No.127/EC3/2013/SEIAA, but that too was not sanctioned by the SEIAA. At least the case recommended by SEAC may be cleared. They are now working on the basis of the

interim orders of the Supreme Court in the case in which they also have got impleaded. Recently they have got four permits. The land related issues are not relevant in their case and the lands purchased on sale deed have been mutated by the authorities concerned. Land related issues have already been clarified by Tahsildar and N.O.C of the District Collector obtained. They explained the facts related to the opposition to the quarry mainly from the former owners of the very land, who could not buy it in auction from M/s PathiBel. The petitioner also submitted a note containing the facts related to the issues outstanding.

Authority examined the interim report from the District Collector, Kollam furnished based on letter no.129/EC3/2013/SEIAA dated.27.02.2016, seeking clarification on the issue of utilisation of patta land for rubber cultivation, for rock quarrying. It was also noted that the very patta conditions stipulate that, *'The existing customary rights of Government and public in roads, paths, rivers, stream channel etc. through or bordering the land, and the right of Government in mines and quarries, subjacent to the said land are reserved and are no way affected by the grant'*. This legal position has been further clarified by the Hon:High Court of Kerala in the judgment dated.02.11.2015 in W.P.No.32207/2015 filed by M/s K.K. Rocks. Authority wanted to ascertain how far the patta conditions override or bar the mining of minor minerals as per KMMC rules in such lands. It was decided to examine whether E.C could be granted on environmental conditions, subject to settlement by the revenue authorities, of land related issues as to the nature of the land and permissibility of mining in the land; the E.C to be operational only if the decision is in favour of mining as applied for. If not, E.C will stand cancelled. It was decided to grant provisional E.C in the above line in file No. 127/EC3/2013/SEIAA, and to refer the other two proposals to SEAC for recommendations on issues other than land related matters.

21. In this case there is the recommendation of SEAC for grant of Environmental Clearance. The only question outstanding is that related to land. Site inspection has been conducted by SEAC on 06.01.2016. No environmental issues are involved. History of the transaction on the land since 1967 has been set out. They are the last one in the chain of purchases. The purchase was on sale deed. Quarrying commenced in the land in 2001. Permits had been granted for quarrying for a major public work viz KSTP works on M.C.Road. The patta condition is that the right of Government to the mines and quarries subjacent to the land are reserved and in no way affected by the grant. This has been upheld by the High Court in a W.P in respect of such a patta land in Thiruvananthapuram. District Collector, Kollam on the report of Tahsildhar, Kottarakkara has also certified the above fact.

District Collector reports that this requires detailed consideration, for which further report of Tahsildhar is called for.

The question to be looked into is how far the land related matters, impede taking decision on the recommendations of SEAC. There are several directions of High Court to dispose of these cases. The land is under mining since 2001. Also the mining was for Government purpose (PWD). The right of Government to mine the minerals in Patta land having been legally vindicated, and there is no condition barring mining in patta land, Authority decided that the land related issues may be segregated to be decided by Revenue Authorities. The mining so far done was with the concern of Revenue Authorities. Permits have been issued by Mining & Geology Department. Also royalty has been levied by Government all along. Objecting to the project by SEIAA on a non-environmental aspect, that too after 15 years of continued mining might not stand the test of law, especially as it has been enunciated by the Hon'ble High Court based on a condition in the patta itself. The concept of promissory estoppels and reasonable expectation will be attracted here. As has been tentatively decided by SEIAA in the 58<sup>th</sup> meeting the Authority decided to grant provisional Environmental Clearance subject to grant of revised NOC of the District Collector, Kollam for mining in the land involved. Those who object to the mining on land related issues may approach the District Collector, Kollam.

22. The Authority also noted that the recommendation of SEAC in its 51<sup>st</sup> meeting for grant of E.C for quarrying in Survey Nos.264/1, 2-1, 2-2, 5, 5-2, 6-7, 265/1, 1-2 and 1-3 was with a condition for initiating violation proceedings. But quarries on permit had been allowed to operate without E.C till early 2015. This case is covered by the interim orders of the Hon'ble Supreme Court in SLP No.30103/2015 in which the proponent has been got impleaded. The status quo ordered in the said S.L.P on 6.11.2015 has been further enlarged as per order dated 07.12.2015 to the effect that; status quo as existing shall be maintained and that the state of Kerala shall pending further orders from the Hon'ble Supreme Court, renew all existing permits for a further period of one year and the status quo shall not be interpreted to mean that the same is an impediment for such removal. The proponents are eligible for the benefit of these orders read with the order dt.23.12.2015 in W.A No.2688/15 in W.P.352920/15 filed by them. Hence the question of violation proceedings does not arise in this case.

23. Therefore in view of the recommendations of SEAC, the certificate Nos.A4-36715/10/K.Dis dt.09.12.2010, A4-43610/12/KDis dt.16.01.2013 of the Tahsildhar Kottarakkara, NOC No.L-12-27543/15 dt.13.07.2015 issued by the District Collector, Kollam and the report in letter no.L-12-27543/2015 dt.07.09.2016 of the District Collector Kollam, clarifying the status of the land involved, the specific condition (No.13) in the order No.RP 53/7/48, being the assignment of the land for rubber cultivation, that the existing and customary rights of Government and the public in roads, paths, rivers, streams, channels through or bordering the land, and the right of Government in mines and quarries subjacent to the said land are reserved and are in no way affected by the grant, and the judicial interpretation of this condition by the Hon'ble High Court of Kerala vide the judgment dt.02.11.2015 in W.P.No.32207/2015 filed by M/s K.K.Rocks & Granites India (Ltd), Thiruvananthapuram and that no environmental issues have been reported in the site inspections and recommendations of SEAC, the State Environmental Impact Assessment Authority, Kerala hereby grant Environmental Clearance to the quarry of M/s Aiswarya Granites, in Sy.Nos: 262/1, 264/1,2-1,2-2,5,5-2,6,7,265-1,1-2 and 1-3 at Elamadu Village, Kottarakara Taluk, Kollam District, under the following specific conditions and the general conditions on mining projects, appended to this order :

1. The survey boundaries shall be indicated with geo-coordinates in a clearly visible manner on pillar boundary boards.
2. Mining shall be confined to the areas and survey numbers indicated in the approved mining plan only.
3. Overburden shall be utilised for reclamation of the mine pits if any in the mining area involved, to the level approved in the mining plan.
4. Proper garland drains, slit traps, dust suppression measures noise reduction measures etc will be mandatory so that human habitation are least affected.
5. At the end of the life of mine, the excavated pit shall be fully reclaimed and rehabilitated leaving no voids.
6. Mining, blasting, mine drainage, stacking of minerals rejects, disposal of wastes, environmental management and progressive mine closure shall be strictly in accordance with the documents submitted to SEIAA.
7. At the end of mining total mineral areas shall not exceed 4.7997 ha.
8. The seasonal stream on the South West slope of the plot shall be maintained.



9. Check dams shall be provided to trap the silt end to clarify the flowing water before it is let end.

10. Fencing shall be provided all around the lease area.

11. The proponent shall submit notarized affidavit to the effect that the above specific condition, general conditions in the appendix and those in para 24 below will be adhered to.

24. This Environmental Clearance shall be provisional subject to the settlement by the revenue authorities of land related issues as to the nature of the land, and permissibility of mining in the land. The proponent shall obtain NOC from the District Collector, Kollam for mining in the respective survey numbers and the Environmental Clearance will be operational only if such a revised NOC is obtained for mining as applied for and provisionally cleared hereby. If such a revised NOC is not obtained, the Environmental Clearance will stand cancelled. The clearance will also be subject to review on genuine complaints from residents in the security area of the mine, on violation of conditions or non-compliance, on being proved.

25. The clearance shall also be subjected to full and effective implementation of all the undertaking given in the application from, mitigation measures in the Environment Management Plan, in chapter 9 of the Feasibility report, and the mining features including progressive mine closure plan as submitted with the application and relied on for grant of this clearance. The above undertakings and the conditions in chapter 4 (mining) chapter 5 (blasting) chapter 6 (mine drainage) chapter 7 (staking of mineral rejects and disposal of wastes) chapter 11 (EMP) of the mining plan and the entire progressive mine closure plan as submitted will be deemed to be part of this proceedings as conditions as undertaken by the proponent, as if incorporated herein.

26. Validity of the Environmental Clearance shall be five years from the date of the revised NOC vide para 24 above, to be issued by the District Collector, Kollam subject to automatic cancellation in the event of denial of the NOC, and earlier review in the event of the violation or non-compliance of any of the conditions stipulated herein, or on genuine complaints from the residents within the security area of the quarry. The proponent shall submit a copy of the NOC from the District Collector, Kollam to the Authority.

27. Compliance report on the EMP and continuing specific and general conditions shall be submitted to the Authority once in six months and also to the regional office of the Ministry of Environment & Forests. Govt of India, Bangalore.

- (i) Complaints of the conditions herein will be monitored by the Authority as its agencies at occasions as may be decided by the Authority and also by the regional office of the MoEF, Govt of India, Bangalore.
- (ii) As per GO (P) 4/2013/Env dated 13-5-2013 Govt have entrusted the Bio-diversity Management Committee (BMC) of the respective Grama Panchayats to oversee the environmentally deleterious activities including quarrying. Therefore the BMC of Elamadu Grama Panchayat is authorised to monitor adherence of the above conditions by the proponent and to report to the concerned authorities, instances if any of violation or non-compliance.
- (iii) Necessary assistance for entry and inspection should be provided by the proponent, and those who are engaged or entrusted by him to the staff for inspection or monitoring.
- (iv) The given address for correspondence with the authorised signatory of the project is:

**M/s Aiswarya Granites,  
Arkanoor (P.O), Elamadu,  
Kottarakara, Kollam – 691533.**

Accredited Consultant  
Metamorphosis, Bangalore,  
No.NABET/EIA/1215/141

28. This Environmental Clearance will be subject to final orders of the Hon:Supreme Court in SLP No. 30103/2015, and the quarry may operate only if it is functional as on the date of this clearance.

Sd/

**V.S.Senthil,I.A.S**  
**Member Secretary, SEIAA**

To

Sri.Tinson John, Managing Partner,  
Aiswarya Granities,  
Elavinmoodu, Karalikonam,  
Arkannoor (PO),Ayoor, Kollam- 691 533

Copy to

1. MoEF Regional Office.  
Southern Zone, Kendriya Sadan,  
4<sup>th</sup> Floor, Ex.F, Wing II Block,  
Koremangala, Bangalore- 560034.
2. The District Collector, Kollam,
3. Director, Mining & Geology, Pettah (P.O), Thiruvananthapuram-4,
4. Tahsildar, Kottarakara,
5. Secretary, Elamadu Grama Panchayat,  
Elamadu (PO), (Via) Ayoor- 691539.,
6. District Geologist, Kollam,
7. Advocate General, Kerala (with C.L )
8. Secretary, Biodiversity Management Committee,  
Elamadu Grama Panchayat, Elamadu (PO),  
Ayoor (via) – 691539
9. Chairman, SEIAA,
10. O/c
11. S/F
12. Website

Forwarded by

Sd/-

Administrator, SEIAA



# STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY KERALA

## GENERAL CONDITIONS (for mining projects)

1. Rain Water Harvesting facility should be installed as per the prevailing provisions of KMBR / KPBR, unless otherwise specified.
2. Environment Monitoring Cell as agreed under the affidavit filed by the proponent should be formed and made functional.
3. Suitable avenue trees should be planted along either side of the tarred road and open parking areas, if any, including of approach road and internal roads.
4. Maximum possible solar energy generation and utilization shall be ensured as an essential part of the project.
5. Sprinklers shall be installed and used in the project site to contain dust emissions.
6. Eco-restoration including the mine closure plan shall be done at the own cost of the project proponent.
7. At least 10 percent out of the total excavated pit area should be retained as water storage areas and the remaining area should be reclaimed with stacked dumping and overburden and planted with indigenous plant species that are eco-friendly, if no other specific condition on reclamation of pit is stipulated in the E.C.
8. Corporate Social Responsibility (CSR) agreed upon by the proponent should be implemented
9. The lease area shall be fenced off with barbed wires to a minimum height of 4ft around, before starting of mining. All the boundary indicators (boards, stores, markings, etc) shall be protected at all times and shall be conspicuous.
10. Warning alarms indicating the time of blasting (to be done at specific timings) has to be arranged as per stipulations of Explosive Department.
11. Control measures on noise and vibration prescribed by KSPCB should be implemented.
12. Quarrying activities should be limited to day time as per KSPCB guidelines/specific conditions.
13. Blasting should be done in a controlled manner as specified by the regulations of Explosives Department or any other concerned agency.
14. A licensed person should supervise/ control the blasting operations.
15. Access roads to the quarry shall be tarred to contain dust emissions that may arise during transportation of materials.
16. Overburden materials should be managed within the site and used for reclamation of mine pit as per mine closure plan / specific conditions.
17. Height of benches should not exceed 5 m, and width should not be less than 5 m, if there is no mention is the mining plan/specific condition.
18. Mats to reduce fly rock blast to a maximum of 10 PPV should be provided.
19. Maximum depth of mining from general ground level at site shall not exceed 10m
20. No mining operations should be carried out at places having a slope greater than 45°.
21. Acoustic enclosures should have been provided to reduce sound amplifications in addition to the provisions of green belt and hollow brick envelop for crushers so that the noise level is kept within prescribed standards given by CPCB/KSPCB.
22. The workers on the site should be provided with the required protective equipment such as ear muffs, helmet, etc.
23. Garland drains with clarifiers to be provided in the lower slopes around the core area to channelize storm water.
24. The transportation of minerals should be done in covered trucks to contain dust emissions.
25. The proponent should plant trees at least 5 times of the loss that has been occurred while clearing the land for the project.
26. Disposal of spent oil from diesel engines should be as specified under relevant Rules/ Regulations.
27. Explosives should be stored in magazines in isolated place specified and approved by the Explosives Department.
28. A minimum buffer distance of 100m from the boundary of the quarry to the nearest dwelling unit or other structures, not being any facility for mining shall be provided.
29. 100 m buffer distance should be maintained from forest boundaries.

30. Consent from Kerala State Pollution Control Board under Water and Air Act(s) should be obtained before initiating mining activity.
31. All other statutory clearances should be obtained, as applicable, by project proponents from the respective competent authorities including that for blasting and storage of explosives.
32. In the case of any change(s) in the scope of the project, extent quantity, process of mining technology involved or in any way affecting the environmental parameters/impacts as assessed, based on which only the E.C is issued, the project would require a fresh appraisal by this Authority, for which the proponent shall apply and get the approval of this Authority.
33. The Authority reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.
34. The stipulations by Statutory Authorities under different Acts and Notifications should be complied with, including the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.
35. The project proponent should advertise in at least two local newspapers widely circulated in the region, one of which (both the advertisement and the newspaper) shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Environment Impact Assessment Authority (SEIAA) office and may also be seen on the website of the Authority at [www.seiaakerala.org](http://www.seiaakerala.org). The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same signed in all pages should be forwarded to the office of this Authority as confirmation.
36. A copy of the clearance letter shall be sent by the proponent to concerned Grama Panchayat/ District Panchayat/ Municipality/Corporation/Urban Local Body and also to the Local NGO, if any, from whom suggestions / representations, if any, were received while processing the proposal. The Environmental Clearance shall also be put on the website of the company by the proponent.
37. The proponent shall submit half yearly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) and upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the respective Regional Office of MoEF, Govt. of India and also to the State Environment Impact Assessment Authority (SEIAA) office.
38. The details of Environmental Clearance should be prominently displayed in a metallic board of 3 ft x 3 ft with green background and yellow letters of Times New Roman font of size of not less than 40. Sign board with extent of lease area and boundaries shall be depicted at the entrance of the quarry, visible to the public
39. The proponent should provide notarized affidavit (indicating the number and date of Environmental Clearance proceedings) that all the conditions stipulated in the EC shall be scrupulously followed.
40. No change in mining technology and scope of working should be made without prior approval of the SEIAA, No further expansion or modifications in the mine shall be carried out without prior approval of the SEIAA, as applicable.
41. The Project proponent shall ensure that no natural water course and/or water resources shall be obstructed due to any mining operations. Necessary safeguard measures to protect the first order streams, if any, originating from the mine lease shall be taken.
42. Monitoring of Ambient Air Quality to be carried out based on the Notification 2009, as amended from time to time by the Central Pollution Control Board. Water sprinkling should be increased at places loading and unloading points & transfer point to reduce fugitive emissions.
43. The top soil, if any, shall temporarily be stored at earmarked site(s) only for the topsoil shall be used for land reclamation and plantation. The over burden (OB) generated during the mining operations shall be stacked at earmarked dump site(s) only. The maximum height of the dumps shall not exceed 8m and width 20m and overall slope of the dumps shall be maintained to 45°. The OB dumps should be scientifically vegetated with suitable native species to prevent erosion and surface run off. In critical areas, use of geo textiles shall be undertaken for stabilization of the dump. The entire excavated area shall be backfilled. Monitoring and management of rehabilitated areas should continue until the vegetation becomes self-sustaining.

44. Catch drains and siltation ponds of appropriate size shall be constructed around the mine working, mineral and OB dumps to prevent run off of water and flow of sediments directly into the river and other water bodies. The water so collected should be utilized for watering the mine area, roads, green belt development etc. The drains shall be regularly desilted particularly after monsoon and maintained properly.
45. Effective safeguard measures such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of PM<sub>10</sub> and PM<sub>2.5</sub> such as haul Road, loading and unloading points and transfer points – it shall be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
46. Fugitive dust emissions from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
47. Measures should be taken for control of noise levels below 85 dBA in the work environment.
48. A separate environmental management cell with suitable qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
49. The funds earmarked for environmental protection measures and CSR activate should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the State Environment Impact Assessment Authority (SEIAA) office.
50. The Regional Office of MOEF & CC located at Bangalore shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (S) of the Regional Office by furnishing the requisite data/information/monitoring reports.
51. Any appeal against this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
52. Concealing the factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
53. The SEIAA may revoke or suspend the order, for non implementation of any of the specific or thisimplementation of any of the above conditions is not satisfactory. The SEIAA reserves the right to alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
54. The above conditions shall prevail notwithstanding anything to the contrary, in consistent, or simplified, contained in any other permit, license on consent given by any other authority for the same project.
55. This order is valid for a period of 5 years or the expiry date of mine lease period issued by the Government of Kerala, whichever is earlier.
56. The Environmental Clearance will be subject to the final order of the courts in any pending litigation related to the land or project, in any court of law.
57. The mining operation shall be restricted to above ground water table and it should not intersect ground water table.
58. All vehicles used for transportation and within the mines shall have 'PUC' certificate from authorized pollution taking centre. Washing of all vehicles shall be inside the lease area'
59. Project proponent should obtain necessary prior permission of the competent authorities for drawal of requisite quantity of surface water and ground water for the project.
60. Regular monitoring of flow rates and water quality upstream and downstream of the springs and perennial nallahs flowing in and around the mine lease area shall be carried out and reported in the six monthly reports to SEIAA.
61. Occupational health surveillance program of the workers should be under taken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.

Sd/-

For Member Secretary, SEIAA Kerala

