

**MINUTES OF THE 143rd SPECIAL MEETING OF THE STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)
KERALA,
HELD THROUGH VIDEO CONFERENCING ON 04th JUNE 2024**

Present:

- 1. Dr H Nagesh Prabhu IFS (Retd), Chairman, SEIAA, Kerala**
- 2. Sri. K Krishna Panicker, Member, SEIAA**
- 3. Dr Rathan U. Kelkar IAS, Member Secretary, SEIAA**

A special 143rd meeting of the SEIAA, Kerala was held on 04th June 2024. The meeting started at 11.00 A.M. Dr. H. Nagesh Prabhu, Chairman, SEIAA Kerala chaired the meeting, Dr. Rathan U. Kelkar IAS, Member Secretary, SEIAA, and Sri. K. Krishna Panicker, Expert Member, SEIAA attended the meeting.

The Authority deliberated on the vide Judgement dated 31.05.2024 in WP(C) No. 35912/2023, in which the Hon'ble High Court directed SEIAA, Kerala to consider and pass orders on Ext. P10, representation of Sri. Shanmugadas specifically adverting to the allegations of suppression of material facts made out in the representation after affording an opportunity of hearing both the petitioner and the 7th respondent (the Project Proponent, Sri. K. J Baiju, M/s B&B Granites). The SEIAA should obtain report from SEAC while taking a final call on the matter. In order to comply with the Court direction, the Authority decided to convene this special meeting to afford an opportunity of hearing to the Petitioner and the 7th Respondent.

The Authority noticed that the Environment Clearance to the 7th Respondent Sri. K.J. Baiju, Managing Partner, M/s. B & B Granites, House No.11/384, Vattai, Kundukadu P.O, Thekkumkara, Thrissur – 680028 was issued on 25.01.2023 as per the recommendation of SEAC for the granite building quarry project for an area of 0.8075 Ha at Survey No. 911 & 912 in Thekkumkara Village, Thalappilly Taluk, Thrissur.

The Authority noticed that Sri. T.A. Shanmughadas filed a complaint on 25.07.2023 via email against the issuance of EC and the quarrying activity. The Authority forwarded the complaint to the District Collector, Thrissur on 06.10.2023 for further necessary action and report. Further, on 16.10.2023, a letter from “Paristhithi Samrakshana Jnakeeya Action Council” against the quarry was received from the Secretary, Thekkumkara Panchayat, but

without enclosing the complaint. The District Collector, Thrissur submitted a report on the complaint of Sri. T.A. Shanmughadas on 05.03.2024, in which it was stated that the 7th Respondent has procured all the statutory clearances from the concerned authorities / departments and there are no houses within 100m radius and hence no need to issue stop memo to the project. It was also stated that 7th Respondent has executed an agreement with the Minor Irrigation Department to quarrying with sufficient safeguards. Besides, the project proponent has conducted vibration monitoring test, as per which there is no threat to life and property in the project region.

As intimated the Petitioner Sri. T.A. Shanmughadas along with his Advocate Hareesh Vasudevan and the 7th Respondent Sri. K. J. Baiju and his authorized RQP Sri. S. Mahesh were attended the hearing. During hearing, the Petitioner informed that the 7th Respondent has not provide all the details viz., environmental sensitivity of the project area in the wake of landslide occurred in 2018 in the adjacent ward, the presence of Poomala Dam and the drinking water tank in and around the project area. Besides, the petitioner claims that he is residing at 70m away from the project area and cracks are observed in the nearby houses. The Advocate of the Petitioner informed that the 7th Respondent has suppressed many of the facts in Form 1 and Form 1M and does not have prior mandatory clearance from the SCNBWL before the commencement of mining. Further, the risk assessment report and other documents which are required for the appraisal of SEAC were lacking with the application.

The 7th Respondent and his RQP informed that the project proponent has submitted all the necessary documents along with the application, published the EC details in leading dailies, followed NONEL technology for blasting, conducted vibration studies, etc and hence the allegations in the petition are baseless.

In the above circumstances, the Authority decided the following:

1. The Petitioner has to submit a detailed hearing note with all supporting documents within 2 days via email in support to his allegations as informed during hearing.
2. The 7th Respondent has to submit a detailed hearing note with all supporting documents including the Counter Affidavit filed by him in WP(C) No. 35912 of 2023 before the Hon'ble High Court, the compliance report of the EC conditions with proof, etc within 2 days via email.
3. The SEAC has to conduct a field visit on priority in the presence of the 7th Respondent and the Petitioner, and provide the report on or before 25th June 2024. The SEAC has to verify the hearing notes prior to the visit in the area and ascertain

the details with respect to the hearing notes and the documents provided with the application. Accordingly SEAC shall make definite recommendations.

4. The SEIAA Secretariat shall provide the copies of the hearing notes to the SEAC as and when it receives.
5. The judgement of Hon'ble High Court with Ext P10 shall be forwarded to District Collector, Thrissur, the District Geologist, Mining and Geology Department, the Environmental Engineer, KSPCB, Thrissur, the Secretary, Thekkumkara Grama Panchayat for report on the Ext P10. They should be requested to offer their comments within 15 days so that the Authority can consider their views before taking a final decision after receiving the recommendations from SEAC. The District Collector who is the Chairman of DDMA shall make definite recommendations if EC has to be cancelled considering the ecological sensitivity of the region.
6. Considering the ecological sensitivity of the region as brought out during hearing taking enough precautions, the Authority decided to suspend EC issued to the project till the Authority take a decision on the matter after considering the details forwarded by the Petitioner, Project Proponent and the recommendations of SEAC.
7. The Authority noted that the Project Proponent has started mining without obtaining clearance from the SCNBWL as mandated in the EC with the direction by Hon'ble High Court. This is likely to cause irreversible damage to the forest and wildlife in the project region as Peechi-Vazhani Wildlife Sanctuary is 7.84 km away from the project area. This is more alarming in the wake of ever increasing man and wildlife conflict in the densely populated state like Kerala. Authority decided to file an appeal against the order of Hon'ble High Court as it is against to the existing directions of Hon'ble Apex Court. Authority decided to depute the Environmental Scientist, SEIAA to consult with Standing Counsel in person to proceed with filing Writ Appeal / Review Petition in all such cases, including this case where the condition of the EC to get Wildlife Clearance was quashed by the Court and court directions on enforcement of OM dated 12.04.2022.

Sd/-

Dr. H Nagesh Prabhu IFS (Retd)
Chairman, SEIAA

Sd/-

Sri K Krishna Panicker
Expert Member, SEIAA

Sd/-

Dr Rathan U. Kelkar IAS
Member Secretary, SEIAA