

**MINUTES OF THE 109th MEETING OF THE STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)
KERALA, HELD ON 26th& 27th April 2021 THROUGH VIDEO
CONFERENCING.**

Present:

- 1. Dr.H.NageshPrabhu IFS (Retd), Chairman, SEIAA, Kerala**
- 2. Dr.V.Venu IAS
Member Secretary, SEIAA**
- 3. Dr.Jayachandran.K, Member, SEIAA**

The 109th meeting of the SEIAA was held online on 26th&27thApril 2021 observing all the COVID protocols stipulated by the Government for video conferencing. Chairman participated from his home office at Bangalore, Member Secretary participated from his office in the Government Secretariat, Thiruvananthapuram and the Member from his office at Kottayam. The meeting started at 11.00 AM on 26th and agenda items were taken up for discussion.

Physical Files

<u>Item No.109.01</u>	Minutes of the 108th meeting of SEIAA held on 22nd& 23rd March 2021 for information
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Noted

<u>Item No.109.02</u>	Action Taken Report of 108th meeting of SEIAA
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Authority appreciated the follow up actions taken by SEIAA team under difficult circumstances of COVID Pandemic in the state.

Item No.109.03 **Environmental Clearance to P.K.Das Institute of Medical Sciences, Nehru College of Educational and Charitable Trust Vaniyamkulam, Palakkad (File No. 554/SEIAA/EC1/4089/2014)**

Adv.Dr.P.Krishnadas, Chairman & Managing Trustee, Nehru College of Educational and Charitable Trust Vaniyamkulam on 19.08.2014 had applied for Environmental Clearance.

The proposal was placed in the 89th meeting of SEAC held on 04.12.2018. A field inspection was also carried out by the Sub Committee of SEAC on 17.12.18 and SEAC had made certain observations. The proposal was again placed in the 102nd SEAC meeting held on 26th -27th August 2019 and SEAC decided to recommend for EC as per norms for the violation projects. Authority noted the action taken by SEAC in its 102nd, 104th, 106th, 114th and 116th meetings held on different dates for the appraisal of the project.

The proposal was placed in the 118th SEAC held on 1st, 2nd & 3rd February, 2021. The Committee recommended the issuance of Environmental Clearance to P K Das Institute of Medical Sciences for total built up area of 92,394.53 sq. m as detailed in the application and remediation plan subject to certain specific conditions in addition to general conditions upon furnishing proof of bank guarantee for Rs 3.03 crores before Kerala State Pollution Control Board.

The proposal was placed in the 107th SEIAA meeting held on 18th & 19th February 2021. Authority noticed that this proposal comes under violation category of EIA notification 2006 and as per S.O.1030 (E) dated 8.3.2018 of MoEF & CC which deals with such violation cases, the following steps have to be followed for issue of prior EC.

- i) In case of violation action will be taken against the Project Proponent by the respective State or State Pollution Control Board (SPCB) under the provisions of section 19 of the Environment (Protection) Act, 1986 and further no consent to operate or occupancy certificate will be issued till the project is granted Environmental Clearance. (S.O.804(E) of MoEF&CC dated 14th March 2017)
- ii) State level expert appraisal committee (SEAC) should visit the site and decide whether the project can run sustainably under compliance of environmental norms with adequate safeguards, if so SEAC should prescribe appropriate Terms of Reference for carrying out an Environment Impact Assessment (EIA) Study and

for the preparation of Environment Management Plan (EMP). The SEAC shall stipulate implementation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of Environmental Clearance.(S.O.1030 (E) of MoEF&CC dated 8th March 2018)

- iii) The Project Proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with State Pollution Control Board and the quantification will be recommended by SEAC and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of EC and will be released after successful implementation of the remediation plan and natural and community resource augmentation plan and after the recommendation by the regional office of MoEF&CC, SEAC and Regulatory Authority. (S.O.1030 (E) of MoEF&CC dated 8th March 2018)

The Authority noted that as per the decision taken in 107th SEIAA meeting, a letter dated 04.03.2021 was sent to the Member Secretary, KSPCB for taking necessary action under the provisions of section 19 of the Environment (Protection) Act, 1986 as detailed in S.O.804(E) of MoEF&CC dated 14th March 2017.

The proponent vide letter dated 21.04.2021, informed that they have submitted a Bank Guarantee of Rs 3.03 crores equivalent to the amount of remediation plan and natural and community augmentation to KSPCB, Palakkad and enclosed the acknowledgement receipt received from KSPCB, Palakkad.

Authority noted that SEAC has appraised the proposal based on Form I, Pre-feasibility Report, additional details/documents obtained from the proponent as the part of the appraisal and the filed inspection report and SEAC had recommend to issue EC subject to certain conditions.

Authority accepted the recommendation of SEAC and decided to issue EC for 7 years subject to the following specific conditions in addition to the general conditions.

- 1. The Member Secretary, KSPCB shall take necessary action under the provisions of section 19 of the Environment (Protection) Act, 1986 as detailed in S.O.804(E) of*

MoEF&CC dated 14th March 2017, which was intimated to him as per SEIAA letter dated 04.03.2021

- 2. The Project Proponent shall implement all the activities proposed in Environmental Management Plan (EMP) comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation. The Bank Guarantee furnished by the Project Proponent will be released after successful implementation of the remediation plan and natural and community resource augmentation plan and after the recommendation by the regional office of MoEF&CC, SEAC and Regulatory Authority.*
- 3. Ensure functioning of the Biogas plant properly*
- 4. The Rain Water Harvesting (RWH) pond should be properly fenced.*
- 5. Water quality of the RWH pond must be checked periodically and ensure proper filtrations*
- 6. Ensure collection, storage and disposal of hazardous wastes including bio medical waste as per relevant rules.*
- 7. Considering the seriousness of COVID Pandemic in the state, the project Proponent shall carry out certain activities under Corporate Environmental responsibility (CER) leading to creation of temporary Covid care facilities and other related activities connected with managing the Covid pandemic in the state. This will be done in consultation with local self-governments and as per an action plan approved by District Collector and SEAC. The indicated cost for this purpose will be one percent of the total project cost. The activities so implemented shall be shown in the half yearly completion report.*
- 8. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project (Circular No.J-11013/41/2006-IA.II(I) of GoI, MoEF dt.22.09.2008).*

Item No.109.04

Request from Secretary, Kizhakkencherry GramaPanchayath for re-examining the EC issued to the granite stone quarry project of

Shri.K.N.Nandakumar in Kizhakkanchery II Village, Alathur Taluk, Palakkad (File No. 1134/EC/SEIAA/KL/2017)

Environmental Clearance was issued to the proposed granite stone quarry project of Shri.K.N.Nandakumar in Sy.Nos.272(pt) in Kizhakkanchery II Village, Alathur Taluk, Palakkad vide order No. 1134/EC/SEIAA/KL/2017 (EC No. 45/2018) dated 17.03.2018. The validity expires on 16.3.2023.

The Secretary, Kizhakkencherry GramaPanchayath vide letter dated 26.02.2021 requested to re-examine the EC issued to the granite stone quarry project of Shri.K.N.Nandakumar. He informed that the Kizhakkencherry GramaPanchayath and the nearby localities were affected by landslides during the flood of 2018. It is also stated that most places in the Kizhakkencherry Grama Panchayath are included in the Eco-Sensitive Zone of protected areas as per the draft notification of MoEF& CC. He has requested to re-examine the EC issued to the granite stone quarry project of Shri.K.N.Nandakumar in Kizhakkanchery II Village, Alathur Taluk, Palakkad and that the expenditure in this regard would be met by the Panchayath.

Authority noted that the project is located at a distance of about 4 – 5 km from Chimony Wild Life Sanctuary and as per the existing norms of MoEF&CC, the Project Proponent should obtain a Clearance from Standing Committee of the National Board for Wild Life before he commences the quarry operations..

Authority decided to inform the Secretary, Kizhakkancherry GramaPanchayath that:

- 1) The EC was given subject to a condition that the Proponent should obtain Clearance from Standing Committee of the National Board for Wild Life before he commences the quarry operations.*
- 2) Even if the Project Proponent gets clearance from Standing Committee of the National Board for Wild Life, under the circumstances narrated by Secretary, Kizhakkancherry GramaPanchayath, the Project Proponent should obtain a NOC from the District Disaster Management Authority before he commences the quarry operations.*

Authority also decided to inform the Project Proponent that he should not start the quarry operation unless he gets a clearance from Standing Committee of the National Board for Wild Life and a NOC from District Disaster Management Authority.

Item No.109.05 **Environmental Clearance for the Proposed Augmentation of LPG Storage Facilities (3x500) in Survey No.848/2, 848/3, 848/9, 849/1, 848/2, 849/5, 849/6, 849/7A849/7B, 850/4, Pudukkottai Central Village, Kanjikode Taluk, Palghat District, Kerala by Sri.Sunil Kumar T U, Plant Manager, Hindustan Petroleum Corporation Limited (File No. 1136(A)/EC/ SEIAA/KL/2017)**

Authority decided to inform the District Collector, Palakkad that the Make & Model of the vehicle are approved and he may follow up the matter with the Project Proponent for the procurement of the vehicles at the earliest. Authority also decided to remind the Project Proponent to speed up the process of procurement of vehicles.

Item No.109.06 **Compliance to the conditions in Environmental Clearance issued to the proposed expansion of the Mixed Land Use (Master Plan) project by M/s Dragonstone Realty Pvt. Ltd. at Technopark Phase-3 Campus in Attipra Village , Thiruvananthapuram Taluk, Thiruvananthapuram District, Kerala No.SIA/KL/MIS/52546/ 2018, 1202/EC2/2018/SEIAA**

Noted.

Item No.109.07 **Environmental Clearance for the proposed building stone quarry in Re- Survey No. 498/2, 498/3, 499/3, 499/4 in Chalavara Village, Ottapalam Taluk, Palakkad District, Kerala by Mr. Paul.K.T., Managing Director, M/s K.T.Crusher's & Aggregates Pvt. Ltd. (File No. 1260/EC2/2019/SEIAA)**

The Project Proponent attended the hearing and presented his case. The Project Proponent requested for an opportunity of presenting his case once again before SEAC.

Authority decided to give an opportunity of being heard by the SEAC for the reasons mentioned by the Project Proponent during hearing and inform the same to SEAC and the Project Proponent. If the need be SEAC may conduct one more field inspection and the decision of SEAC shall be final.

Item No.109.08 **Application for Environmental Clearance for the Granite Building Stone Quarry of M/s. K L Granites”, over an extent of 1.2537 Ha. Re-Survey Block. No:35, Re-Survey. Nos. 368/3, 368/4, 374/3 (Patta Land) & 369/1 (Government land), Pulimath Village, Chirayinkeezhu Taluk, Thiruvananthapuram District, Kerala- Review petition for reconsideration (SIA/KL/MIN/43756/2019 , 1454/EC1/2019/SEIAA)**

Authority perused the review petition filed by the Project Proponent to review the decision of SEIAA to reject his proposal for EC, in its meeting held on 9.2.2021.

Authority decided to inform the Project Proponent that the reasons mentioned in his review petition are not sufficient enough to reconsider the decision of SEIAA and the rejection proceedings issued on 9.2.2021 stands.

Authority decided to inform the Project Proponent that the rejection order was issued by SEIAA based on the recommendation of SEAC after following all appraisal procedures by SEAC meticulously.

Authority also decided to inform the Project Proponent that as per 16(i) of National Green Tribunal Act 2010, he may prefer an appeal to National Green tribunal (NGT) against the order SEIAA refusing to grant EC.

Item No. 109.09 **Application for environmental clearance for mining of Ordinary earth- in Sy.No.353/8, 353/9 at Arakkapadi Village, Kunnathunadu Taluk, Ernakulam District, Kerala by Sri.P.A.Sainudeen (File No. 933/A2/2019/SEIAA)**

Sri.P.A.Sainudeen, Pirambillikkudi, Thrikkakara, Kakkanad, and Ernakulam-682021 submitted an application in SEIAA on 22.03.2019 for Environmental Clearance for mining of

ordinary earth from property at Survey No. 353/8 and 353/9 at Arackappadi Village, Kunnathunad Taluk, and Ernakulam district. The proposed quantity of the earth to be removed is 40000 m³ from an area of 73.17 Ares of ordinary earth for commercial purpose.

The proposal was placed in the 96th SEAC meeting held on 26th & 27th April 2019 & 97th SEAC meeting held on 21st & 22nd May 2019 and the Committee decided to direct the proponent to submit certain documents. A field inspection was also carried out on 16.07.2020 by a team of experts of SEAC and certain observations were made by the team.

The proposal was placed in the 113th SEAC meeting held on 15th – 17th September 2020. The Committee directed the proponent to submit certain additional documents/details. The proponent submitted the documents on 08-10-2020.

The proposal was placed in the 115th SEAC meeting held on 3 – 5, November 2020. The Committee scrutinized the additional documents/details submitted by the proponent. SEAC decided that though the processing of application at the level of SEAC has been completed the final decision will be taken by the SEAC after the final disposal of WP (C) No. 16367/2020 by the Hon'ble High Court of Kerala.

P.A. Sainudeen submitted Judgment from Hon'ble High Court Kerala in WP(C) 2433 of 2021(D). In the Judgment Hon'ble High court Kerala has ordered that the pendency of WP(C) 16367/2020 before this court would have been a reason for not granting the Environmental Clearance sought for, evidently the same relates only to stone quarrying and has no connection to the removal of ordinary earth. The learned standing counsel assures that orders will be passed on the petitioner's application without further delay. The Hon'ble High court Kerala, ordered that orders may be passed within a period of two weeks from the date of receipt of a copy of the judgment.

The file was placed before the SEIAA meeting held on 22-03-2021. Since the time limit of the Judgment was expiring, SEIAA directed to place the file in the upcoming SEAC meeting and also to file an extension petition.

The file was placed in the 120th SEAC meeting held on 24-26, March, 2021. The Committee decided to recommend the issuance of EC subject to the general conditions.

Authority decided to issue EC for 12 months from the date of issue of permit from the Department of Mining & Geology for the removal of ordinary earth, for the

quantity mentioned in the approved Mining Plan, subject to the following specific conditions in addition to general conditions.

- 1. The excavated soil shall not be used for filling the paddy fields or wetlands.*
- 2. As per OM no F.No.22-65/2017-IA.III dated 30th September 2020, the project Proponent shall prepare an Environment Management Plan (EMP) as directed by SEAC during appraisal, covering the issues to address the environmental problems in the project region, indicating both physical and financial targets year wise. The EMP shall be implemented in consultation with District Collector. The indicated cost for CER shall be 2% of the project cost depending upon the nature of activities proposed. The follow up action on implementation of CER shall be included in the half yearly report which will be subjected to field inspection at regular intervals.*
- 3. Considering the seriousness of COVID Pandemic in the state, the Project Proponent shall carry out certain activities under Corporate Environmental responsibility (CER) leading to creation of temporary Covid care facilities and other related activities connected with managing the Covid pandemic in the state. This will be done in consultation with local self-government institutions and as per an action plan approved by District Collector and SEAC. The indicated cost for this purpose will be 50 % of the total cost of EMP estimated as above. The EMP may be modified to that extent to accommodate the change proposed under special circumstances Covid pandemics operating in the state. The activities so implemented shall be shown in the half yearly completion report.*
- 4. The proponent shall carry out quarrying as per the approved Mining Plan and the proponent should strictly follow the Kerala Minor Mineral Concession Rules 2015 and amendments thereby.*
- 5. As per the directions contained in the OM F.No.22-34/2018-IA.III dated 16th January 2020 issued by MoEF&CC, in obedience to the directions of the Honourable Supreme Court the Project Proponent shall, undertake re-grassing the mining area and any other area which may have been disturbed due to his mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. The compliance of this direction shall be included in the half yearly compliance report which will be monitored by SEAC at regular intervals.*

Item No.109.10 **Revision of remedial plan- Environmental Clearance proceedings No. 28/2020 dated 27-02-2020 M/s Adlux Medicity& Convention Centre Pvt. Ltd. (File No. 1186/A2/2018/SEIAA)**

Authority decided to communicate the decision of SEAC to the Project Proponent.

Item No.109.11 **Request for Transfer of EC- Construction of retail shopping complex project at Survey Nos.43, 44, 29, 55, 54, 45, 51/1, 14, 13, 47, 47/1, 46, 11, 7, 10, 9/1, 9/2, 3 & 4 Muttambalam village, Kottayam Municipality, Kottayam (Proposal No. SIA/KL/MIS/198814/2021, File No. 1881/EC3/2021/SEIAA)**

Environmental Clearance was issued to Shri. V. Thiruvenkitam for Expansion of existing retail shopping complex project at Survey Nos.43, 44, 29, 55, 54, 45, 51/1, 14, 13, 47, 47/1, 46, 11, 7, 10, 9/1, 9/2, 3 & 4 Muttambalam village, Kottayam Municipality, Kottayam as per order dated 24-05-2014 File No. 296/SEIAA/KL/1495/2014. The proponent Shri.V. Thiruvenkitam expired on 14-04-2020. The validity of the Environmental Clearance has been expired on 23-05-2019.

Daughter of late Shri. V. Thiruvenkitam, Smt. BeenaVeriah Reddy submitted application for Transfer of EC through PARIVESH on 18-02-2021. As per the Heirship certificate Smt. BeenaVeriah Reddy is the legal Heir. Hence she requested to transfer the Environmental Clearance under the provisions of clause 11 of EIA Notification, 2006.

The file was placed in the 108th SEIAA meeting held on 22nd& 23rd March 2021. Authority decided to inform the applicant that there was no provision under EIA Notification 2006 for the transfer of EC, the validity period of which had already expired and hence her application for transfer of EC could not be considered.

Now the proponent has requested to reconsider the application for transfer of EC (15-05-2021) claiming that they have validity period upto 23-05-2022 citing (MoEF& CC Office Memorandum dated 12-04-2021 and S.O. dated 221 (E) dated 18-01-2021

Daughter of late Shri. V. Thiruvenkitam, Smt. BeenaVeriah Reddy submitted application for Transfer of EC through PARIVESH on 18-02-2021. As per the Heirship

certificate Smt. BeenaVeriah Reddy is the legal Heir. Hence she requested to transfer the Environmental Clearance under the provisions of clause 11 of EIA Notification, 2006.

Authority reconsidered its decision taken in 108th SEIAA meeting held on 22nd& 23rd March 2021 and decide to transfer the EC issued for the reasons mentioned in her letter dated 18-02-2021 as per clause 11 of EIA notification 2006 on the same terms and conditions under which the prior EC was initially granted.

Item No. 109.12 Application for Environmental Clearance for the Granite Building Stone Quarry project in Survey No 326/2-9 in Eramalloor Village, Kothamangalam Taluk, Ernakulam District, Kerala for an extent of 0.5522 Ha of land by Sri. P.M. Moitheen– Review petition Proposal No: SIA/KL/MIN/145890/ 2020, File No: 1430/EC3/2019/SEIAA

Sri. P.M. Moitheen has applied for Environmental Clearance on 08 July 2020 for the mining of Granite Building Stone Quarry project in Survey No 326/2-9 in Eramalloor Village, Kothamangalam Taluk, Ernakulam District, Kerala for an extent of 0.5522 Ha of land. The proposal was placed in the 108th, 115th and 117th meetings SEAC and in the 117th SEAC meeting held on 29th and 30th December, 2020 the consultant made a presentation. The Committee decided to reject the proposal since area is part of an almost mined out old quarry and the entire material has been mined out.

The proposal was placed in the 106th SEIAA meeting held on 19th, 20th & 21st January 2021. Authority accepted the recommendation of SEAC to reject the proposal for Environmental Clearance and communicate the same to Project Proponent quoting the reasons for rejection. Rejection order issued dated 19-02-2021. The proponent submitted petition to review the rejection order issued by SEIAA.

The file was placed in the 108th SEIAA meeting held on 22nd & 23rd March 2021. Authority decided to give an opportunity of being heard to the Project Proponent in the next SEIAA meeting through video conferencing. The Proponent attended the hearing on 26th April and made a request for a site inspection at the earliest.

Authority decided allow a field inspection for the reasons mentioned by the Project Proponent during hearing and inform the same to SEAC and project Proponent for necessary follow up action. The decision of SEAC after the field inspection shall be final.

Item No: 109.13 Report of action taken to MoEF&CC- Against the Complaint submitted by Mr. P.L. Jose, Ernakulam to MoEF&CC- (File No. 535/ EC3/2021/SEIAA)

Ministry of Environment Forest & Climate Change, Bangalore has informed through letter dated 02-02-2021 that a complaint was received from Mr. P.L. Jose, Ernakulam against the quarry operations of M/s V.P. George at Sy. Nos. 265/1-2 and 264/3-3 of Thuravoor village, Aluva Taluk, Ernakulam, wherein violation was alleged especially with respect to maintaining bench system, buffer zones etc. and threats being caused to neighbouring people and animals.

In the letter it is mentioned that Mr. P.L. Jose, Ernakulam has also filed WP(C) 19509 of 2020. Based on this they had conducted a field inspection on 19-11-2020 and on the suggestion of the Joint committee, the Taluk Surveyor had submitted a report stating that mining operations had been carried out outside lease area of 0.1317 Ha in Sy. No. 265/6 without permission, without keeping buffer zone and without taking any precautionary measures as per Mining Rules. Accordingly, Department of Mines and Geology has issued notice to Project Proponent on 14-12-2020 to stop quarry activities.

Authority decided to inform the Director mining and Geology to take action against Project Proponent for the violations noticed during the joint inspection under intimation to District Collector and District Geologist Ernakulam.

Authority also noticed that MoEF&CC has issued direction for issuing show cause notice for cancellation of EC as per S.O.637 (E) dated 28.2.2014. Accordingly Authority decided to issue show case notice to Project Proponent for cancellation of EC.

Item No.109.14 **Complaint filed by Sri.Santhu Antony against Environmental clearance for the quarry project in Sy. No. 164/1-1 (1), 164/1-1(2), 164/1-20, 164/1-21, 164/1-22, 164/1-23, 164/1-24, 197/1, 197/2-1, 197/2-2, 197/2-3, 200/1-1, 200/1-2, 200/1-3, 200/3-2, 200/4-2, 200/5 and 200/12 of Block – 19 Ayyampuzha Village, AluvaTaluk, Ernakulam district, Kerala by Sri. Joji P.L., M/s. Star Granites (File No. 759/SEIAA/KL/436/2015)**

EC was issued to Sri.Joji P.L., Partner, M/s. Star Granites, Angamaly, Ernakulam at Sy. No. 164/1-1 (1), 164/1-1(2), 164/1-20, 164/1-21, 164/1-22, 164/1-23, 164/1-24, 197/1, 197/2-1, 197/2-2, 197/2-3, 200/1-1, 200/1-2, 200/1-3, 200/3-2, 200/4-2, 200/5 and 200/12 of Block – 19 Ayyampuzha village, AluvaTaluk, Ernakulam district, Kerala wide proceedings No. 759/SEIAA/KL/436/2015 dated 17.03.2018, for a period of five years. The validity expires on 16.03.2023.

Now a complaint has been received from Shri. Santhu Antony, Lipin Paul, Jinoy P.M against the quarry on 24.10.2019.

The file was placed in the 101st SEIAA meeting held on 17th & 18th January 2020. Authority decided to forward the complaint to the Director, Mining & Geology for taking appropriate action against the violations alleged in the complaint and report compliance.

Report of Director, Mining & Geology Department has been received dated 03-02-2021. In the letter it is reported that as per the Judgment of the Hon'ble High Court in WP(C) 34020/2019 officials from the District Office conducted Field Inspection on 06-10-2020. Director, Mining & Geology Department has reported that the project area is demarked with boundary pillars and they haven't noticed any violation of Rules. The final decision of the Hon'ble High Court in WP(C) 34020/2019 filed by Shri.Santhu Antony regarding the quarrying operations of M/s. Star Granites was still pending.

Authority decided to inform the present status to Sri.Santhu Antony enclosing a copy of the report from Director, Department of Mining & Geology. The position may also be informed to Standing Counsel for information.

Item No.109.15 **Judgement in WP(C) No. 12073/2020 (H) dated 19.06.2020 filed by M. M. Joseph, Menacheril House, Boothathankettu (P.O.),**

Pindimana, Kothamangalam, Ernakulam (File No: 1032/EC3/2020/SEIAA)

Authority noted that the Project Proponent has filed WP (C) 12073/2020 (H) in the Hon'ble High Court of Kerala and the Hon'ble High Court in its Order dated 19.6.2020 has directed State Level Environment Impact Assessment Authority (SEIAA), Kerala to consider the representation dated 5.5.2020 (Exhibit P 12) in accordance with law and then after affording reasonable opportunity of being heard to the petitioner, shall pass orders within a period of 6 weeks. The main prayer in the representation dated 5.5.2020 (Exhibit P 12) was to issue a certificate of deemed EC for the reasons mentioned in his representation.

Accordingly, SEIAA heard the petitioner on 23.10.2020 and SEIAA during the hearing informed the petitioner that as the matter was handled by District Level Environment Impact Assessment (DEIAA), Ernakulam, the connected files had to be obtained from DEIAA, Ernakulam and appraised afresh by SEIAA and State Level Expert Appraisal Committee (SEAC), including a fresh Field Inspection as the proposal was Appraised by DEAC Ernakulam more than two years back. Followed by this, SEIAA requested the District Collector, Ernakulam, the then Chairman of erstwhile DEIAA, Ernakulam to forward the connected files. After concerted efforts the related files were received in the office of SEIAA on 23.04.2021.

In the meanwhile, SEIAA filed I.A. no 2/20 and Project Proponent filed Contempt case No. 1543 / 2020 in WP(C) No. 12073/2020 before the Hon'ble High court. Hon'ble High court in its Judgement in I.A.No 2/20 on 2.12.20, has extended the time period for four months for the compliance of the directions in Judgement dated 19.6.2020 in WP(C) No. 12073/2020. The Standing Counsel informed that the extension of time may be computed from 7-01-2021 accordingly the time limit expires on 7-05-2021.

The matter was placed in the 121st SEAC meeting held on 22-24th April 2021. The Committee studied the Judgments of Hon'ble High court of Kerala cited above and perused the other documents made available in this regard and SEAC has informed SEIAA that there have been a number of similar representations consequent to the interdiction of District level DEIAAs/DEACs as per the order of Hon'ble National Green Tribunal (NGT) dated 13.9.2018. In all such cases, the application of the Project Proponents were appraised afresh by SEIAA/SEAC following the procedure stipulated in EIA Notification, 2006. SEAC

suggested to follow similar procedure in this case also and SEAC will be able to appraise the proposal without much delay if similar procedure is followed.

Under the circumstances narrated above, SEIAA decided to inform the Petitioner that his representation to SEIAA dated 5.5.2020, marked as Exhibit P-12, in WP(C) No. 12073/2020, requesting to issue certificate of Deemed Environmental Clearance (EC) cannot be considered for the following reasons:

- 1. In its order dated 13.9.2018 Hon'ble NGT has observed that the members of District Level Expert Appraisal committee (DEAC) do not have expertise or scientific knowledge to assess the Environmental implications of implementation of Projects and hence NGT ordered for discontinuation of operations of DEIAA/DEAC. This being the observation of NGT, it is not advisable to consider the Environmental Clearance recommended by the then DEAC Ernakulum to DEIAA Ernakulum, based on which the Project Proponent is insisting for issuing certificate of deemed EC .*
- 2. The matter was placed in the 121st SEAC meeting held on 22-24th April 2021 for consideration. The Committee studied the Judgements of Hon'ble High court of Kerala cited above and other the documents made available in this regard and SEAC has informed SEIAA that there have been a number of similar representations consequent to the interdiction of District level DEIAAs/DEIACs as per the order of NGT dated 13.9.2018. In all such cases, the application of the proponents were appraised afresh by SEIAA/SEAC following the procedure stipulated in the EIA Notification, 2006. SEAC suggested to follow similar procedure in this case also and If such procedure is followed in this case also, SEAC will be able to appraise the proposal without much delay. From this it is clear that SEAC is insisting for appraisal of the proposal afresh for issuing EC and SEIAA has to honour the views of SEAC in such matters.*
- 3. The proposal was appraised by DEAC Ernakulum almost three years back, the functioning of which was subsequently discontinued due to an order of NGT for specific reasons. Over a period of almost three years there have been lots of changes in the rules and regulations for operation of quarries in the state and also changes in Environmental factors in the project region. Hence the proposal has to be appraised afresh by SEAC for issuing EC by SEIAA.*

4. *There is no provision in the EIA Notification 2006 enabling SEIAA to issue a Certificate of Deemed Environmental Clearance as requested by the proponent*

Authority decided to inform the Project proponent that the file received from DEIAA on 23-04-2021 containing his application for EC would be forwarded to SEAC for processing his application afresh on priority in accordance with the procedures prescribed in the EIA Notification 2006. The Project proponent shall submit additional documents if any as required by SEAC, in addition to those present in the file forwarded by DEIAA Ernakulam and he shall follow other directions from SEAC for processing his application afresh.

The Authority decided to inform the Hon'ble High Court the above decisions taken by the Authority in compliance to its order dated 19.06.2020 in WP (C) No. 12073 of 2020(H).

Item No.109.16 **Sri. M. Nagaraj, Managing Partner, M/s Mahadev Metals in Balal Village, Vellarikkundu Taluk, Kasaragod District has applied for transfer of Environmental clearance for quarrying lease for operating Granite Building Stone at R.S.No. 1,1,3, 146/4A5 in Balal village of Vellarikkundu Taluk Kasargod District [SIA/KL/MIN/198269/2021, FileNo.1880/EC2/2021/ SEIAA]**

Sri. M. Nagaraj, Managing Partner, M/s Mahadev Metals in Balal Village, Vellarikkundu Taluk, Kasaragod District vide application received on 15.02.2021 has applied for the transfer of Environmental Clearance No. Al669412017 of DEIAA in Sy Nos. 113 & 146/4A5 of Balal village Vellarikundu Taluk, Kasaragod District dated 30.01.2018 to M/s Divon Rock Products Pvt. Ltd. Konnakadu, Balal, Kasargod District 671533.

.Authority noticed the following discrepancies:

- 1) *The names of transferee and transferor are one and the same.*
- 2) *The Project proponent has not mentioned the reasons for transfer.*
- 3) *The Survey No and location details of M/s Divon Rock are not mentioned*
- 4) *In the lease deed transfer order it is mentioned that the Project Proponent cannot carry out quarrying operations without EC at Divon Rock Products Pvt. Ltd. If so*

how the Project Proponent intends to carry out quarrying operations at Divon Rock Products Pvt. Ltd.

Authority decided to seek clarifications /documents on the above points from the Project Proponent.

Item No.109.17 Environmental Clearance for the proposed Building Stone Quarry project in Re-Survey Nos. 127/1 of Pulingome Village, Taliparamba Taluk, Kannur District by Mr.Sri.Jaisal M.P,M/s Rajagiri Granites, Kannur (1038/EC4/2021/SEIAA)

Environmental Clearance was issued by DEIAA, Kannur to Sri.Jaisal M.P, M/s Rajagiri Granites, Kannur as per order No.224/KNR/2017/DEIAADt.23.02.2018 for a period of 5 years from 23.02.2018 for the quarry project in Re.Sy. No.127/1 at Pulingome Village, Thaliparamba Taluk, Kannur District, Kerala. The validity of EC will expire on 22.02.2023.The District Level Single Window Committee, Kannur issued clearance for the project on 2.03.2019.

Now, Sri.AbdulSaleem Managing Partner, Rajagiri Granites, Kannur has submitted a petition dated 17.03.2021 in which the proponent informs that the Panchayath committee has refused to accept the Clearance issued by District Level Single Window Clearance Committee, Kannur and filed a case before the Hon'ble High Court of Kerala. A stop memo was also issued from Panchayat.

Authority decided to inform the concerned Panchayath President that, DEIAA, Kannur has issued EC after considering all relevant issues and it can be reconsidered only with a request from District Collector, the Chairman of District Disaster management Authority with sufficient justification. Authority also decided to intimate the decision of SEIAA to Project Proponent.

Item No.109.18 Request for issuing Environmental Clearance for a validity period of 7 years for the proposed Development of Govt. General Hospital Kozhikode at Kasaba Village, Kozhikode Taluk, Kozhikode District, Kerala (File No.1623/EC4/2019/SEIAA)

Environmental Clearance was issued to Dr.UmmerFarook, Superintendent, Government General Hospital, Kozhikode as per order No. 1623/EC4/2019/SEIAA Dt.06.02.2021 for the period of validity for 5 Years from 06.02.2021 for the expansion of Government General Hospital in Sy.No. TS 4-4127/2,127/3,131,133,137,138,139, 140,141,144,145,146/2,147/1,148,142,Ward-IV,Kasaba Village, Kozhikode Taluk, Kozhikode District, Kerala for a built up area of 26735.13m². The validity of EC will be expire on 05.02.2026.

Now, the proponent has submitted a request dated 27.03.2021.Stating that as per the MoEF& CC Notification S.O.1141(E) dated on 29.04.2015,the validity period of EC has been changed to 7 years So the proponent requested to issue the EC for a validity period of 7 years instead of 5 years.

Authority noted that the existing EC is still having validity till 05-02-2026 ie for five more years and the Project Proponent has not given any specific reasons for extension of EC to 7 years. If the need be, the Project Proponent may apply for extension of EC well in advance before the expiry of present EC.

Item No.109.19

Request for reconsidering the rejection order- M/s Alacode Granites (File No. 1277(A)/EC2/2019/SEIAA)

As per the decision of the 106th meeting of SEIAA the Rejection Order was issued to Sri.Mathew, M/s Alacode Granites, Managing Partner, Kannur as per order No. 1277(A)/EC2/2019/SEIAADt.06.02.2021 for the building stone quarry project in Survey No.292/1A of Vellad Village, Thaliparamba Taluk, Kannur District, Kerala for an area of 1.6923 hectares.

Now, the proponent submitted the documents on 15.02.2021.requesting to reconsider the decision taken in the 106th meeting of SEIAA. Project Proponent has also requested for an opportunity to provide any further documents required or to advise him to carry out procedures if any required to be followed and he has requested for an opportunity of being heard to present their case.

The proposal was placed in the 108th meeting of SEIAA held on 22nd & 23rd March 2021. Authority decided to give an opportunity of being heard to the Proponent through video conferencing in the next SEIAA meeting. The Proponent shall be informed sufficiently in advance. Accordingly an opportunity of being heard was given in the SEIAA meeting held on 26.04.2021. Project Proponent submitted few more documents on 22.04.21 for consideration

The Project Proponent attended the hearing and presented his case with certain documents/reports for reconsideration of rejection order issued by SEIAA. Authority made it clear that the rejection order was issued based on the recommendation of SEAC and SEAC had considered all relevant issues before its recommendation for rejection. Project Proponent requested for an opportunity of being heard by SEAC and also to place certain additional documents before SEAC for reconsideration of its decision.

Authority noted that the additional documents produced by the Project Proponent are technical in nature and the veracity and applicability of the same in project location are to be verified by an expert team of SEAC. Hence Authority decided to forward the additional documents submitted by the Project Proponent to SEAC for verification of their relevance to the issues raised by SEAC. Authority also decided to give an opportunity of being heard by SEAC.

The Project Proponent may produce all additional documents before SEAC during personal hearing and the decision taken by SEAC after the personal hearing shall be final. Authority decided to inform this decision of SEIAA to SEAC and the Project Proponent for necessary further follow up action.

Item No.109.20 Environmental Clearance for the quarry project in Sy. Nos. 2066/1, 2067/2, 2063, 2057, 2056/2, 3 and 2067/1 at Kuttichira Village , Kodassery Panchayath, Chalakkudy Taluk, Thrissur District by Sri. ShibuPynadath John, Managing Director, M/s Pynadath Granite Pvt.Ltd. – Judgment dated 18.11.2020 in WP(C) No.24278 of 2020 - Revalidation of EC- reg :- (File No.606/SEIAA/ EC1/4633/2014)

Environmental Clearance was issued to the quarry project in Sy. Nos. 2066/1, 2067/2, 2063, 2057, 2056/2, 3 and 2067/1 at Kuttichira Village, Kodassery Panchayath, Chalakkudy

Taluk, Thrissur District owned by Sri. Shibu Pynadath John, Managing Director, M/s Pynadath Granite Pvt. Ltd. on 17.02.2016 for a period of five years. Validity of EC expired on 16.02.2021.

WP (C) No.17533/2020 and 23 other WP (C) s were filed before Hon'ble High Court alleging that the EC period shall be the life of mine/ life of project as estimated in the Mining Plan, instead of 5 years norm generally followed by SEIAA for the previous few years. The Hon'ble High Court vide judgement dated 2.11.2020 in WP (C) 17533/2020 and 23 other cases disposed of the WP(C) with certain directions to SEIAA and SEAC

The proposals along with all other connected cases were placed in the 117th SEAC meeting held on 28th to 30th December 2020 and SEAC took certain decisions to comply the directions of Hon'ble High Court and communicated the same to all petitioners which included the Project Proponent in this case

The intimation regarding the presentation had been communicated to the proponent. The Proposal was placed in the 118th meeting of SEAC held on 01st to 03rd February 2021. The proponent and consultant were present. The consultant made the presentation. The Committee decided to direct the proponent to submit certain additional documents vide Letter No.606/SEIAA/EC1/4633/2014 dated.26.02.2021. The Proponent did not submitted the documents.

Sri.P.V.Rappai filed a petition alleging that extension for EC shall not be given until final disposal of his petition as there are clear violation of the terms of Environmental clearance and material suppression. Sri.P.V.Rappai also filed a WP(C) No.5870/2021 in which the Hon'ble High Court in its Judgment dated 10.03.2021 disposed the Writ Petition directing the first respondent (SEIAA) to consider and pass orders on Ext.P27 complaint (Complaint dated.03.02.2021 of Sri.P.V.Rappai) with notice to the petitioner as also the second respondent (M/s.Pynadath Granites). The time allowed was three months. The copy of the Judgment received in SEIAA on 20.03.2021 and the time limit ends on 19.06.2021.

In the meantime a letter No.EP/12.1/2015-16/17/SEIAA/KER/403 dated.18.03.2021 was received from MoEF&CC, Integrated Regional Office, Bangalore on 23.03.2021 informing that the project was monitored on 08th February 2021 and certain non-compliances were observed.

The Proposal was placed in 120th meeting of SEAC held on 24th to 26th March 2021. The Committee discussed the proposal, and the judgment dated 18.01.2020. The ADS sought by SEAC in its 118th meeting are yet to be submitted by the proponent. Meanwhile, the Regional Officer of MoEF& CC, Bangalore dated 18.03.2021 informed about the Non-compliance of nine conditions in the EC granted earlier. The Committee decided to inform the SEIAA of these facts and in the light of the letter from the Regional Officer, MoEF& CC, Bangalore, SEIAA may cancel the EC on account of non-compliance of EC conditions.

Now the Proponent submitted the copy of Compliance Report on 17.04.2021, which was sent to MoEF& CC. The Proponent states that he has attended all the queries raised in the MoEF Letter No.EP/12.1/2015-16/17/SEIAA/KER/403 dated.18.03.2021 and he has also submitted all the documents sought by MoEF&CC

Authority decided to forward the copies of letter from MoEF&CC Regional office, compliance report of Project Proponent, the complaint of Sri.P.V.Rappai and the Judgment in WP(C) No.5870/2021 to SEAC to conduct a site inspection with a notice to Project Proponent and Sri.P.V.Rappai and report whether EC has to be cancelled. The report shall reach SEIAA before next meeting of SEIAA scheduled to be held in the last week of May 2021 to adhere to the time limit fixed by Hon'ble High Court.

Authority decided to give an opportunity of being heard to the Project Proponent and Sri.P.V.Rappai in the next SEIAA meeting.

Authority decided to file an extension petition for 2 months to comply the directions in WP(C) No.5870/2021.

Item No.109.21 Environmental Clearance for the Commercial project “Ozone Mall” in Sy. Nos. 4/2B, 146/1 and 146/7 at Pathaikkara Village, Perinthalmanna Municipality, Perinthalmanna Taluk, Malappuram District, Kerala by Sri. A.K. Abdul Aziz, M/s INOA Properties & Developers L.L.P. – Request to remove the Ordinary earth – reg :- (File No. 864/SEIAA/ EC1/3073/2015)

Environmental Clearance has been issued by SEIAA for the Commercial project “Ozone Mall” owned by Sri.Abdul Aziz, Managing Partner, M/s INOA Properties &

Developers L.L.P., in Sy. Nos. 4/2B, 146/1 and 146/7 at Pathaikkara Village, Perinthalmanna Municipality, Perinthalmanna Taluk, Malappuram District, Kerala .

The Proponent submitted a request in SEIAA which was received on 15.10.2020 stating that the EC had no reference about the removal of earth from the area for starting the work. While applying for quarrying permit, the Department of Mining & Geology, Malappuram raised the query that there was no permission for removing the earth in the Environmental Clearance issued by SEIAA. The proponent informed that the area was sloppy and hence the topsoil had to be removed for levelling the ground. Moreover they had to construct underground parking facility. The proponent has obtained Building Permit (BA/310/13-14 dated.02.09.2019) from the Municipality, Perinthalmanna.

The Environmental Clearance was issued as per the decision of 66th meeting of SEIAA held on 07th April 2017 vide EC No.55/2017 dated.17.08.2017. The validity of EC will expire on 16.08.2024.

On verification it is seen that the Proponent had also applied for EC for removal of 70000 cu.m of Ordinary earth from the same survey no. in 2015 and SEIAA had issued EC vide Order No.778/SEIAA/KL/904/2015 dated 01.06.2016 .In the EC, the purpose of removal is mentioned as for levelling the land for construction purpose. In that proposal SEAC recommended only 20,000 cu.m of ordinary earth and the validity of EC expired on 31.12.2016. The proponent has now requested to include the details of the removal of ordinary earth in the EC for starting the construction.

The Proposal was placed in the 105th meeting of SEIAA held on 22nd & 23rd October 2020. Authority noticed that, in the EC, the purpose of removal was mentioned as for levelling the land for construction purpose. In that proposal SEAC recommended only 20,000 cu.m of ordinary earth and the validity of EC had expired on 31.12.2016. It is not known whether this proposal is related to construction of building under reference, if so whether the proponent has removed the ordinary earth, if not why he has not removed the earth so far. It was decided that SEAC may clarify this position and recommend for exact quantity of earth to be removed for the construction of the building. SEAC may also clarify as to why the construction has not started even after the lapse of more than 3 years from the date of issue of EC.

Now the proponent has submitted a letter dated.19.11.2020 stating that he has received the Development Permit and Building Permit only on November 2019 and the validity of EC for the removal of earth expired on 31.12.2016. The proponent has submitted the Demarcation Plan, the Development Plan with excavation of earth work and also the Certificate from the Village Officer, Pathayikkara stating that, no activities had taken place in the proposed area till date. He has requested to give sanction to remove 69,970 m³ of earth for starting the construction work.

The proposal was placed in the 116th meeting of SEAC held on 02nd, 03rd & 07th December 2020. The Committee decided to invite the proponent to present the clarification as suggested by the SEIAA.

The Proponent was informed to attend the 117th SEAC meeting scheduled to be held on 28th to 30th December 2020 through online to present the clarification. The Proponent attended the meeting. The Committee entrusted Dr.P.S.Easa and Dr.A.V.Raghu for field inspection. The Sub Committee conducted the site visit on February 19th, 2021 and certain observations were made. The Proposal was placed in the 120th meeting of SEAC held on 24th to 26th March 2021. The committee has opined that it is not desirable to revise the EC issued for removal of earth, without revision of the building plan”.

The Proponent has also filed a WP(C) No.27572 of 2020 before the Hon’ble High Court challenging the condition No.12 in the order issued by the Department of Mining & Geology to produce separate Environmental Clearance to extract and transport ordinary earth from the foundation of the building apart from the Environmental clearance issued for the purpose of construction of entire building. SEIAA is 4th respondent in this case. As per the direction from the Standing Counsel, SEIAA, vide email dated.10.04.2021, has submitted instruction for preparing Statement of Facts narrating the facts of the case.

Authority noted the recommendation of SEAC that it is not desirable to revise the EC issued for removal of earth, without revision of the building plan.

Now the Proponent vide Letter dated 21.04.2021 states that the recommendation of SEAC was on wrong understanding of his request and he did not get an opportunity from SEAC for explaining the matter and hence the decision of SEAC was one sided and he is in the process of submitting a detailed representation to SEAC which includes an opportunity for personal hearing to review of the recommendation made by SEAC.

Authority decided to inform SEAC that, the Proponent may be given an opportunity of being heard enclosing a copy of the letter from the Project Proponent addressed to SEIAA. The decision of the SEAC after the personal hearing shall be final.

Item No. 109.22 Application for Environmental Clearance for integrated complex “Sobha City” located in Survey No 217, 218,534 to 544, 546 to 556 in Puzhakkal, Guruvayoor road, Thrissur District, Kerala (File No 1449/EC2 /2019/SEIAA)

Authority decided to give an opportunity of being heard to the Project Proponent through video conferencing in the next SEIAA meeting. The Proponent shall be informed sufficiently in advance.

Item No. 109.23 Action against the project ‘Construction of Group Housing Project at Olavana Village, Kozhikkode by M/s. TC- One properties and projects (India Pvt.Ltd), Parayachery, Mavoor Road, Calicut’ for Violation and non compliances of EC conditions – Reg. (File No. 840/A1/2020/SEIAA)

MoEF informed that the Construction of Group Housing Project at Olavana Village, Kozhikkode by M/s. TC- One properties and projects (India Pvt.Ltd), Parayachery, Mavoor Road, Calicut’ was monitored by Regional Office, MoEF (SZ) along with Assistant Environmental Engineer, KSPCB, Kozhikkode for verification of EC compliances. It was noted that one tower had been completed and occupied and construction of another tower was under construction. As per the notification SO.2944 dated 14th September, 2016, the validity of the EC for the building construction projects is Seven years. It can be extended for another three years provided the PA makes the application within the validity period and it was noted that validity of EC expired in March 2019 and PA had not taken any extension of EC validity. Construction without valid EC is violation of EIA Notification 2006.

Hence it was requested to take necessary action against the project as per SO 637 (E) dated 28.02.2014. As per SO 637 (E) SEIAA is vested with powers to issue showcase notice to project proponents in case of violations of EC conditions. No EC is seen issued to this project from SEIAA, Kerala.

File was placed before 104thSEIAA meeting and as per the directions contained in the Letter of MoEF, Regional Officer Bangalore dated 05.03.2020, Authority decided to issue showcase notice to the Project Proponent as to why the Environmental Clearance issued to him shall not be cancelled, as the construction works were in progress during the field visit of a team from MoEF&CC, Regional Office, Bangalore, even after the expiry of the EC period. A copy of the Letter from MoEF&CC, Regional office was also enclosed.

The showcase notice was issued to Sri.Vinod Kumar M/s, TC-One Properties and projects (India) Pvt.Ltd. through registered post and the same was returned stating addressee left. File was placed before 105thSEIAA meeting and Authority decided to request DC, Kozhikkode to serve the show cause notice quoting the circumstances and in the meantime seek legal opinion from Standing Counsel, for taking violation procedures.

Sri.NoufalAhamed, TC One properties & Projects India Pvt. Ltd in his letter dated, 04.02.2021 requested not to cancel the environmental Clearance. Also informed that there are two towers in Project skywalk, out of which tower-I is already completed in June 2015 and occupancy certificate was issued by Panchayat and applied for occupancy certificate of tower-2.

Authority decided to inform Sri.Noufal Ahamed that only the communications from the person in whose name the EC was issued will be entertained and the details given by him are not sufficient enough to consider his request for non-cancellation of EC. He may arrange to furnish the following documents /details within 15 days by the registered owner of the project to take follow up action on the letter of MoEF&CC.

- 1. Copy of the application for EC and Copy of the EC issued by MoEE&CC**
- 2. Present stage of the work and reasons for continuing the construction work after the expiry of EC period, as noted by MoEF&CC**

After receiving the above details, JS Administration, SEIAA may put up a detailed Agenda note in the next meeting of SEIAA for taking necessary follow up action.

Item No.109.24

**Use of LiDAR image while processing EC applications
(File No.2906/A1/2020/SEIAA)**

Noted

Item No.109.25 **C&AG report regarding licensing and monitoring of Quarries for the period ending 31-03-2016 – reg. (File No.2387/A1/2020/ SEIAA)**

Authority decided to prepare a combined report by including all the relevant points from the note given by Chairman and SEAC, answering the observations relevant to SEIAA/SEAC& submit the same to Commissioner Land Revenue at the earliest.

Item No.109.26 **Proposals for Environmental clearance in which application for withdrawal is received from proponent (File No. 96/A1/2021/SEIAA)**

Authority agreed the withdrawal of proposals from Parivesh.

Item No. 109.27 **Order dated 06-01-2021 in OA No.1/2021 registered SuoMotu by the Hon. NGT (SZ) – Joint Committee Appointed – SEIAA made Nodal Agency – Action taken so far– Reg. (File No. 84/A1/2021/SEIAA)**

Noted.

PARIVESH FILES

CONSIDERATION/RECONSIDERATION OF ENVIRONMENTAL CLEARANCE

Item No.109.01 **Application for Environmental Clearance for Ordinary Earth Quarry of Shri.K. H. ShajahanRawather over an extent of 2.4517 Ha. Block No. 2, Sy. Nos. 394/1, 1-2, 1-3, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15-2, 397/1, 3, 4, 14, , 15, 16, 19, 20, 398/5 & 398/9 in Kidangannur Village, Kozhenchery Taluk, Pathanamthitta District, Kerala (SIA/KL/MIN/125574/2019, 1584/EC4/2019/SEIAA)**

Shri. K. H ShajahanRawather, ValiyaKaringattil Veedu, Erumakkadu Post, Vallana, Pathanamthitta District., Kerala-689532, submitted application for Environmental Clearance via PARIVESH on 16.11.2019, for Ordinary Earth Quarry over an extent of 2.4517 Ha. Block No. 2, Sy. Nos. 394/1, 1-2, 1-3, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15-2, 397/1, 3, 4, 14, 15, 16, 19, 20, 398/5 & 398/9 in Kidangannur Village, Kozhenchery Taluk, Pathanamthitta District, Kerala.

The proposal was placed in the 112th SEAC meeting held on 12th to 14th August 2020. A field inspection was also carried out on 20th September 2020 by a team of experts of SEAC and certain observations were made by the team.

The proposal was placed in the 116th SEAC Meeting held on 3 – 5, November 2020. The Committee decided to direct the proponent to submit certain additional documents/detail.

The proposal was placed in the 116th SEAC meeting held on 2nd, 3rd and 7th December, 2020. The Committee scrutinized the ADS submitted by the proponent and decided to recommend for issuance of EC for one year from the date of issuance of necessary permit from Mining & Geology department with general conditions.

The proposal was placed in the 106th SEIAA meeting held on 19th, 20th&21st January 2021. Authority noticed that Project Proponent had earlier obtained an EC in 2016 for mining 50000 m3 of ordinary earth from the same locality. Authority decided to ascertain from the proponent whether he has carried out mine closure activities as per the approved mining plan

if not the reasons thereby. Authority also directed the proponent to submit certain additional documents/details. The proponent submitted the documents via PARIVESH on 17.04.2021.

Authority decided to issue EC for one year from the date of issue of permit from the Department of Mining & Geology for a quantity mentioned in the approved Mining Plan subject to the following specific conditions in addition to general conditions.

1. *The excavated soil shall not be used for filling the paddy fields or wetlands.*
2. *As per OM no F.No.22-65/2017-IA.III dated 30th September 2020, under Corporate Environmental Responsibility (CER) the project Proponent shall prepare an Environment Management Plan (EMP) as directed by SEAC during appraisal , covering the issues to address the environmental problems in the project region, indicating both physical and financial targets year wise. The EMP shall be implemented in consultation with District Collector. The indicated cost for CER shall be 2% of the project cost depending upon the nature of activities proposed. The follow up action on implementation of CER shall be included in the half yearly compliance report which will be subjected to field inspection at regular intervals.*
3. *Considering the seriousness of COVID Pandemic in the state, the project Proponent shall carry out certain activities under Corporate Environmental responsibility (CER) leading to creation of temporary Covid care facilities and other related activities connected with managing the Covid pandemic in the state. This will be done in consultation with local self-governments and as per an action plan approved by District Collector and SEAC. The indicated cost for this purpose will be 50% of the CER cost estimated as above. The EMP may be modified to accommodate these activities in consultation with SEAC. The activities so implemented shall be shown in the half yearly completion report.*
4. *The proponent shall carry out quarrying as per the approved Mining Plan and the proponent should strictly follow the Kerala Minor Mineral Concession Rules 2015 and amendments thereby.*
5. *As per the directions contained in the OM F.No.22-34/2018-IA.III dated 16th January 2020 issued by MoEF&CC, in obedience to the directions of the Honourable Supreme Court the Project Proponent shall, undertake re-grassing the mining area and any other area which may have been disturbed due to his mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. The compliance*

of this direction shall be included in the half yearly compliance report which will be monitored by SEAC at regular intervals.

Item No. 109.02 **Granite Building Stone Quarry of M/s MSL Granite (P) Limited.(Conversion- ToR to EC) in Re Survey Nos. 83/12,96/1,96/12,96/12- 1,96/13-1 of Nellanad Village, Nedumangad Taluk, Thiruvananthapuram District by Shri. Nizamudeen. (For disposal - Rejected in 106th SEIAA meeting) SIA/KL/MIN/169552/2020 , 1497/EC1/2019/SEIAA**

Application was received on 28.10.2019 through PARIVESH from Mr.Nizamudeen.S NissamManzil, Kottarakari Veiloor, Murukkumpuzha, Thiruvananthapuram-695302, for ToR in Re Survey Nos. 83/12,96/1,96/12,96/12- 1,96/13-1 of Nellanad Village, Nedumangad Taluk, Thiruvananthapuram District for an extent of 0.9275Ha (Proposal No. SIA/KL/MIN/45589/2019, File No.1497/EC1/2019/SEIAA) .In the initial stage of PARIVESH, the proponents applied for EC through ToR window, as there was a technical issue. However the proposal was considered by SEAC as EC proposal itself and further processed. Subsequently, the Committee asked the proponent to submit the application for EC and he submitted the same on 02/10/2020. (Proposal No. SIA/KL/MIN/169552/2020,File No. 1497/EC1/2019/SEIAA).

The 116th meeting of SEAC held on 2nd, 3rd and 7th December discussed the field inspection report and recommended rejection of the proposal as the area was prone to rock falls and the side slopes were very steep in nature. There are big boulders located in different Sy. Nos. owned by different individuals which would be very difficult to manage safely.

In the 106th SEIAA meeting held on 19th, 20th & 21st January 2021, as per the above recommendation of SEAC, SEIAA rejected the former proposal (Proposal No. SIA/KL/MIN/45589/2019, File No.1497/EC1/2019/SEIAA) applied through ToR window and rejection proceedings was issued to the proponent on 19.02.2021.

Now the EC application(SIA/KL/MIN/169552/2020, File 1497/EC1/2019/SEIAA) submitted by the proponent has been considered in the 120th SEAC meeting held on 24th - 26th March, 2021 and the decision is as follows.

“The Committee discussed the Field Inspection Report. The area is prone to rock falls and the side slopes are very steep in nature. There are big boulders located in different Sy. Nos. owned by different individuals. It will be very difficult to safely manage the boulders in this area. Hence, the Committee decided to recommend the rejection of the proposal”.

Authority accepted the recommendation of SEAC to reject the proposal and decided to inform the same to Project Proponent quoting reasons for rejection.

Item No. 109.03 Environmental Clearance for the proposed MLCP building project within the existing Hotel to be developed by M/s Lulu Hospitality Limited in Sy.No.84/5, 84/10 of Thycaud Village, Thiruvananthapuram Taluk, Thiruvananthapuram District by S.R Joy, Director, M/s Lulu Hospitality Limited. SIA/KL/MIS/153098/2020, 1662/EC1/2020/SEIAA

S.R.Joy, Director, M/s Lulu Hospitality Limited. T.C No. 28/2225, C.V. Raman Pillai Road, Thycaud, Thiruvananthapuram, Kerala-695014, submitted application for Environmental Clearance via PARIVESH on 13/05/2020 for the proposed MLCP building project within the existing Hotel to be developed by M/s Lulu Hospitality Limited in Sy.No.84/5, 84/10 of Thycaud Village, Thiruvananthapuram Taluk, Thiruvananthapuram District.

The project comes under the schedule 8(a) of EIA Notification 2006.Total plot area is 0.8925 ha and the total Built-up area is 29,711.63 sqm (existing hotel 19,665.37 sqm + proposed MLCP building 10,046.26 sqm). The Expected project cost is Rs. 300 Crores (Existing + Proposed).The proposal was placed in the 114th SEAC meeting held on 6th – 8th October 2020. The Committee decided to invite the proponent for presentation.

The proposal was placed in the 116th SEAC meeting held on 2nd, 3rd and 7th December, 2020 . The proponent and consultant were present. The consultant made the presentation. The Committee entrusted Shri.M.Dileep Kumar and Shri.K.KrishnaPanicker for the field inspection. The field inspection was conducted on 18th December 2020 and certain field observations were made.

The proposal was placed in the 117th SEAC meeting held on 28th, 29th and 30th December, 2020. The Committee discussed the Field Inspection Report and decided to direct the proponent to submit certain additional documents/details and proponent submitted the same

The proposal was placed in the 118th SEAC meeting held on 1st, 2nd & 3rd February, 2021. The Committee scrutinized the additional details submitted by the proponent. Total Built-up area of the hotel complex is 29,711.63 sq. m. (existing hotel 19,665.37 sqm + proposed MLCP building 10,046.26 sq m.). The Committee decided to recommend the issuance of EC subject to certain specific conditions in addition to general conditions:

The proposal was placed in the 107th SEIAA meeting held on 18th & 19th February 2021. Authority noticed that the existing Hotel built up area is 19,665.37 sqm which is below the prescribed limit of 20000 sqm for EC and hence the building construction might have been carried out without EC. The proposed MLCP building the built up area is 10,046.26 sq m which is also much below the prescribed limit of 20000 sqm and hence for the construction of which no EC is required. Generally all building plans invariably include a provision for parking also in which case the total initial built up area could have been 29,711.63 for the construction of which prior EC was mandatory. Authority decided to post the case back to SEAC to seek clarifications on the above observations and report. .

Then the proposal was placed in the 120th SEAC meeting held on 24-26, MARCH, 2021. The decision of SEAC is as follows:

“ The proposed project is for the construction of MLCP (Multi Level Car Parking) facility, within the existing Hotel Complex. The existing hotel complex has got a built up area of 19665.37 sq.m and obtaining of prior EC was not mandatory for that much built up area (as the built-up area was < 20,000 sq. m), at the time of construction of that Hotel Building. The present owner of the Hotel Unit has a proposal for adding an MLCP system, having a floor area of 10,046.26 sq. m. thereby, the total floor area will exceed 20,000 sq. m. As the present proposal is for adding MLCP unit, having a floor area of 10,046.26 sq. m. finally it will result in exceeding the total built up area limit of 20,000 sq. m. and thus the project now comes under 8(a) Building and Construction projects of EIA notification 2006. The project proponent has, therefore, done EIA study and EMP considering the whole project and considered the cumulative pollution load, cumulative environmental impact assessment and cumulative EMP for the whole project. Therefore, it warrants a prior EC and the present application was considered on these lines, as

it is intended only for adding the MLCP unit in the existing hotel and hence SEAC recommended to SEIAA for issuance of EC”

Authority observed that the Project Proponent has specified the project as expansion project in Form 1 and the built up area of existing Hotel component is 19,665.37 sqm which was built without EC long back as it was less than the prescribed limit of 20000 sq. m and started functioning way back in 2008. Now the proposal is for adding an MLCP system, having a floor area of 10,046.26 sq. m. The Project Proponent could have built this building also without EC as it is below the prescribed limit. Generally at this distant date there is no need to consider the present project as an expansion of the existing project for which EC was not given by SEIAA. The terms and conditions under which the existing building was built is not known to SEIAA.

However an EIA report and EMP were prepared combining both the projects and EC is sought for a total area of 29,711.63 sq. m. as it exceeds prescribed limit of 20000 sq. SEAC has recommended for issue of EC for the total area of 29,711.63 sq. m.

Under the circumstances narrated above SEIAA decided to Issue EC only for MLCP building, having a floor area of 10,046.26 sq. m. for 5 years subject to the following specific conditions and general conditions.

- 1. The activities proposed in the EMP shall be implemented as per the schedule. The follow up action on implementation of EMP activities shall be included in the half yearly compliance report which will be subjected to field inspection at regular intervals.*
- 2. The Killiyar rejuvenation as part of CER submitted should be implemented within 3 years in consultation with Thiruvananthapuram Municipal Corporation.*
- 3. Planting trees in the available land/ boundary/ green belt area, with local species of trees.*
- 4. Ensure preventing idle emissions from the ramp portion of the MLCP, for avoiding air pollution due to upward vehicle driving through the Ramp.*
- 5. Considering the seriousness of COVID Pandemic in the state, the project Proponent shall carry out certain activities under Corporate Environmental responsibility (CER) leading to creation of temporary Covid care facilities and other related activities connected with managing the Covid pandemic in the state. This will be*

done in consultation with local self-governments and as per an action plan approved by District Collector and SEAC. The indicated cost for this component will be one percent of total project cost for which the present EC is given.

6. *Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project (Circular No.J-11013/41/2006-IA.II(I) of GoI, MoEF dt.22.09.2008).*

CONSIDERATION/RECONSIDERATION OF ENVIRONMENTAL CLEARANCE
(Extension/Amendment/Corrigendum)

Item No. 109.01 **Application for Consent Variation Order of Commercial complex by M/s Narmada Builders and Traders Pvt Ltd at Sy. No. 127/5, 128/3-1, Edapally South Village, Kanayannoor, Ernakulam (Proposal No: SIA/KL/MIS/163041/2020 File No: 16/SEIAA/KL/629/2012)**

Environmental Clearance was issued to Shri. K.P. Kunhabdullah, Director, M/s Narmada Builders & Traders Pvt. Ltd for the construction of Commercial complex at Edapally South Village, Corporation of Kochi, Kanayannor Taluk, Ernakulam in Survey Nos. 127/5 & 128/3-1 for a total built area of 23996 Sq.m as per order dated 27-10-2012 File No. 16/SEIAA/KL/629/2012.

The application for the Consent Variation Order of Commercial complex Project of M/s Narmada Builders & Traders Pvt. Ltd was submitted online on 25-08-2020. The project site is located in Ernakulam town. The Built-up area of the project is 24667.10 Sq.m. [0.7119 Ha (71.19 Ares)] and it comes under serial No. 8(a) of Schedule, EIA Notification 2006. Addition of one more floor of area 671.1 sqm to the B+G+4 floor commercial building of area 23996 Sq.m. has been carried out and the total built area becomes

24667.10Sq.m.They have extended one more floor with the approval from the Cochin Corporation. Hence they require consent variation order for the additional area constructed.

The file was placed in the 117th SEAC meeting held on 28th, 29th and 30thDecember, 2020 and 118th SEAC meeting held on 1st, 2nd&3rdFebruary, 2021 for appraisal. The Committee decided to invite the proponent for presentation.

The file was placed in the 120th SEAC meeting held on 24-26, March, 2021. The proponent and consultant were present. The consultant made the presentation. The application was filed after the window period stipulated by the MoEF & CC for consideration of violation cases. Hence, appropriate action may be taken at the end of the project proponent.

Now the proponent submitted a request through email on 20-04-2021 for Re-consideration.

Authority decided inform the Project Proponent that that the Consent variation Order cannot be considered without initiating violation proceedings as per S.O.1030 (E) dated 8.3.2018 of MoEF&CC, as the additional construction done without EC violating EIA Notification 2006.

Item No.109.02 Application for Extension of EC for the Granite Building Stone Quarry project in Sy. Nos. 182/1, 184/1, 185/2 and 186/5 at Nediyrippu Village & Panchayat, Kondotty Taluk, Malappuram District, Kerala by Shri.K.M. Koyamu, Managing Partner, M/s.Chirayil Granite Industries (SIA/KL/MIN/169216/2020, 814/SEIAA/EC1/2485/2015)

Environmental Clearance was issued by SEIAA to the quarry project in Sy. Nos. 182/1, 184/1, 185/2 and 186/5 at Nediyrippu Village & Panchayat, Kondotty Taluk, Malappuram District, Kerala by Shri.K.M. Koyamu, Managing Partner, M/s.Chirayil Granite Industries on 01.06.2016 for a period of five years. The validity of EC will be expiring on 31.05.2021. The Proponent submitted Online application in PARIVESH for extension of EC vide Proposal No.SIA/KL/MIN/169216/2020.

The Proposal was placed in the 118th meeting of SEAC held on 01st to 03rd February 2021. The Committee directed the proponent to submit the following documents

The proposal was again placed in the 120th meeting of SEAC held on 24th to 26th March 2021. The Committee decided that, since the proposal has been taken up as EC revalidation case, the proponent has to be directed to withdraw the file.

The Proponent filed a WP(C) No.2793 of 2021 before the Hon'ble High Court, seeking identical relief issued by the Court in Judgment dated 02.11.2020 in WP(C) No. 17533/2020 and connected cases, where by the Court directed SEIAA to consider the applications for enhancement of validity of the EC certificate, by estimating the project life of the particular project, and complete the exercise within an outer limit of four months from the date of receipt of the application. The physical file for revalidation is being processed by SEAC.

Authority agreed for the withdrawal online application and decided to inform SEAC to expedite the report to adhere to the time limit fixed by Hon'ble High Court. JS Administration to follow up the case.

CONSIDERATION OF TOR PROPOSALS

<u>Item No.109.01</u>	Application for ToR (Terms of References) for the Granite Building Stone Quarry of Shri. N. Ramachandran in Re-Survey No: 269/1-1, 269/1-2, 269/1-3, 269/1-4, 269/8, 269/2-1 of Anavoor Village, Neyyattinkara Taluk, Thiruvananthapuram District, Kerala (SIA/KL/MIN/60123/2021 , 1872/EC1/2021/SEIAA)
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Authority approved the ToR proposal.

General decision

Authority directed JS Administration, SEIAA, to put of a statement of pending court cases every month for review by the Authority. The reporting format may be finalised in consultation with Standing Counsel in the Hon'ble High Court of Kerala.

Sd/-

**Dr.H.NageshPrabhu IFS (Retd)
Chairman, SEIAA**

Sd/-

**Dr.V.Venu IAS
Member Secretary, SEIAA**

Sd/-

**Dr.Jayachandran.K
Member, SEIAA**