

**MINUTES OF THE 139th MEETING OF THE STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA,
HELD ON 20th MARCH 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**

The 139th meeting of the SEIAA, Kerala was held online on 20th March 2024. The meeting started at 05.00 PM. 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 considered the agenda for the 139th meeting and took the following decision:

Item No: 139.01 EC granted to Sri. Vinu Joseph, Managing Director, M/s Granitic Mines India Pvt. Ltd. by DEIAA, Kottayam - Hon'ble High Court Kerala Judgment in WP(C) No. 4798 of 2023 dated 05.07.2023

(File No: 1775/EC3/2023/SEIAA)

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Environmental Clearance for the expansion of Granite Quarry Project of Sri. Vinu Joseph, Managing Director, M/s Granitic Mines India Pvt. Ltd. at Kondoor Village, Meenachil Taluk, Kottayam – EC granted by DEIAA, Kottayam – Judgements in CoC 2091 of 2023 in WP(C) No. 4798 of 2023 & WP(C) No. 416 of 2024 (B) dated 09.01.2024, 22.01.2024 & 12.02.2024

(SIA/KL/MIN/438142/2023; 2432/EC4/2024/SEIAA)

The Authority deliberated the item and noted the judgements dated 05.07.2023 in WP(C) No. 4798 of 2023, the interim orders dated 09.01.2024, 22.01.2024 & 12.02.2024 in CoC No. 2091 of 2024 in WP(C) No. 4798 of 2023, the documents received from RDO dated 25.01.2024 and the observations of 138th SEIAA meeting held on 27th and 28th February 2024. Authority also noted the observations made by the Hon'ble High Court of Kerala on 13.03.2024 as conveyed by Standing Counsel. Accordingly a special meeting of the Authority is held on 20.03.2024.

The Authority noticed that vide Judgement dated 05.07.2023 in WP(C) No. 4798 of 2023 the Hon'ble High Court directed the following:

- i. The 1st Respondent (SEIAA) is directed to call for the records from the Revenue Divisional Officer, Kottayam who is presently representing the DEIAA, Kottayam and consider whether the erstwhile DEIAA has already considered the feasibility of mining in the area coming under Sy. No. 259/8pt.
- ii. If the SEIAA finds that such an analysis had been made and the only reason for restricting the area was the nature of the land, which was then shown as plantation, there will be a direction to the SEIAA to reconsider the issue based on the available materials from the DEIAA's consideration with regard to Sy. No. 259/8 and, if necessary, revise the EC including the said extent also.
- iii. The SEIAA shall also consider whether mining can be permitted for the quantity shown in Ext. P2 mining plan and if so, whether any extension of the period is required. Necessary action shall be completed within a period of two months from today.
- iv. Based on the decision of the 1st Respondent, the petitioners may approach the 2nd Respondent (Director, Mining and Geology Department), the petitioners may approach the 2nd Respondent either for revision of the lease or for issuance of an additional lease and, if such an application is submitted, the same shall be considered on the basis of the recommendation of the SEIAA and necessary orders issued within a period of one month after the receipt of the recommendation from SEIAA. The period specified in Exts. P4 (True copy of the EC) and P6 (True copy of the quarrying lease) will not affect such reconsideration.
- v. As regards the demand raised on the petitioners, the same shall remain stayed for a period of one month by which time the petitioners may initiate appropriate statutory remedies.

The Authority discussed the matter in detail and noticed that the following actions were taken to comply with the directions of the Hon'ble Court, issued at different points of time.

1. Based on the decision of the Authority in its 127th meeting, all the files related to the issuance EC from the DEIAA Kottayam were sought to comply with the directions of Hon'ble Court.
2. As per the Interim Order in the CoC No. 2091 of 2024 in WP(C) No. 4798 of 2023 dated 22.01.2024, the RDO, Kottayam vide letter No. K165/2024 dated 25.01.2024 forwarded the following documents related to the EC issued to the Petitioner.
 - a) Original Mining Plan dated 10.02.2016
 - b) Revised Mining Plan dated 04.07.2018
 - c) Pre-Feasibility Report
 - d) District Survey Report
 - e) Slope Stability Study Report
 - f) Minutes of the 10th meeting of DEIAA
 - g) Affidavit of the petitioner dated 07.02.2018
3. On receipt of the documents from the RDO, Kottayam on 25.01.2024, the Authority in its 137th meeting held on 29th and 30th January 2024 verified the documents and found that the records pertaining to the consideration of the feasibility of mining in the area coming under Sy No. 259/8pt by erstwhile DEIAA are absent in the file. Hence SEIAA was not in a position to make an analysis as directed by the Hon'ble High Court as to whether the only reason for restricting the area was the nature of land which was then shown as plantation. SEIAA, Secretariat vide its letter dated 17.02.2024 forwarded a letter to the RDO Kottayam to provide missing documents to ascertain whether the feasibility of the mining in Sy No. 259/8pt was done by DEIAA/DEAC or not.
4. Thereafter, as per the direction of the Hon'ble High Court on 12.02.2024, the Authority again verified the files received from the DEIAA, Kottayam in its 138th meeting held on 27th and 28th February 2024 and analyzed whether the erstwhile DEIAA, Kottayam had assessed the feasibility of mining in Sy No. 259/8pt apart from the fact that the area was a plantation. On scrutiny of the available documents from DEIAA, the Authority observed that many crucial documents regarding the appraisal process, to confirm whether DEIAA/DEAC has assessed the feasibility of the project including Sy No. 259/8pt, such as field inspection

report, minutes of DEAC / DEIAA meetings, hazard susceptibility of the project area, biodiversity assessment reports, etc were missing. Therefore, it was concluded that the DEIAA had not assessed the feasibility of mining in Sy No. 259/8pt in a holistic manner.

The Authority deliberated the matter in detail and re examined the documents received from the DEIAA, Kottayam and observed the following:

- a) The file received from the RDO, Kottayam comprises original Mining Plan approved on 10.02.2016, the revised mine plan approved on 04.07.2018, the PFR, DSR, the Slope Stability Study Report, minutes of the 10th meeting of DEIAA, the affidavit dated 07.02.2018 of the Sri. Vinu Joseph and the copy of the EC. The documents lack (i) Note files, (ii) Site specific EMP with mitigation measures, (iii) Agenda notes of DEAC / DEIAA, (iv) Minutes of DEAC / DEIAA (except the 10th meeting of DEIAA), the field inspection report, hazard zonation details, biodiversity assessment report, feasibility / evaluation of mining in the area, which are essential to confirm whether Survey No. 259/8pt was assessed for environmental clearance.
- b) The Expert Committee (DEAC) considered the project proposal in two meetings only (2nd and 8th); in the 2nd meeting of DEAC, the Committee raised its apprehension regarding the stability of the site, whereas in its 8th meeting held on 30.06.2017 recommended EC with seven specific conditions without conducting field inspection and hearing the project through presentation by the RQP/ Petitioner. There were no specific conditions what so ever with regard to addressing the apprehension of project instability observed by DEAC.
- c) The DEIAA, the regulatory body in its 5th meeting held on 12.01.2018 noticed that the proposal was recommended without presentation and field inspection report and hence deferred. Even though the 6th meeting of DEIAA held on 31.01.2018, again considered the proposal but deferred for want of additional details from DEAC. In the 8th meeting held on 21.03.2018, the DEIAA considered the field inspection report signed by the Expert Member and the slope stability report and deferred for want of additional details. The DEIAA in its 11th meeting held on 06.07.2018, based on the revised mining plan recommended for issuance of EC subject to the condition that no mining will be done in Survey No. 259/8pt. From the available records it is not clear whether the proposal was appraised by DEAC

after revising the mining plan which is mandatory before issuing EC. From this, it is confirmed that there is no proper evaluation / appraisal was done by DEIAA / DEAC for the issuance of EC which includes Survey No. 259/8pt.

- d) As per the EIA Notification 2006, DEAC/SEAC/EAC is the technical expert committee responsible for the appraisal of the project/activities and DEIAA/SEIAA/MoEF &CC is the regulatory body responsible for the issuance or rejection of the EC based on the appraisal of the technical committee. From the EC, it is confirmed that there was no proper technical appraisal was carried out by DEAC by considering all the environmental aspects of the project area.

In the above circumstances, the Authority decided the following:

1. From the available records it is confirmed that the DEIAA/DEAC had not assessed the feasibility of mining in the project area in Survey No. 259/8pt considering all the environmental, hydrological, geographical, biological aspects, vulnerability of the area based on hazard susceptibility.
2. To assess the quantity to be mined out from the area in an environmentally safe manner, the State Level Expert Appraisal Committee has to appraise the EC application for expansion submitted by the project proponent. Since, the area has already been mined out, the details regarding the quantity mined out and the balance quantity to be extracted should be provided by the Mining and Geology Department.
3. If the project proponent has violated the EC conditions including over extraction, the environmental damage assessment has to be carried out along with the feasibility study.
4. The proposal of the petitioner for expansion project would be considered for issuance of EC by SEIAA after following the procedure laid down in MoEF&CC Office Memorandum dated 28.04.2023.

The Authority decided to bring it to the notice of Hon'ble High Court that it had taken all earnest steps to comply with directions of Hon'ble High Court. Appropriate action as per directions of Hon'ble High Court has been taken. It is further decided to depute an Environmental Scientist, SEIAA to explain the steps taken in furtherance of the directions of the Hon'ble High Court of Kerala.

Sd/-
Dr H Nagesh Prabhu IFS (Retd)
Chairman

Sd/-
Sri K Krishna Panicker
Expert Member

Sd/-
Dr Rathan U. Kelkar IAS
Member Secretary