

**MINUTES OF THE 39<sup>TH</sup> MEETING OF THE STATE ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 18<sup>TH</sup> JUNE 2015 AT  
THE CHAMBER OF THE PRINCIPAL SECRETARY TO GOVERNMENT  
(ENVIRONMENT & FORESTS) GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM.**

Present:

1. Dr. K.P.Joy, Chairman, SEIAA
2. Dr. J. Subhashini. Member SEIAA
3. Sri. P. Mara Pandiyan. I.A.S, Principal Secretary to Government & Member Secretary SEIAA

The 39<sup>th</sup> meeting of SEIAA and the fifth meeting of the Authority as constituted by Notification No. dated 19-3-2014 was held from 9.15 a.m onwards on 18-6-2015 in the chamber of the Principal Secretary to Government (Member Secretary, SEIAA).

Chairman welcomed the Members. By way of introduction, he referred to the demonstration workshop on online submission of applications for E.C, conducted by MoEF at New Delhi on 10-6-2015 in which he had participated. The online process is scheduled to be implemented from 01-07-2015.

As to E.C. process the Chairman explained the salient features as demonstrated, that;

1. Preliminary examination of the application is to be done by members of SEIAA.
2. Member Secretary to inform about the incompleteness or acceptance within 5 days.
3. Complete and accepted proposal to SEAC as per existing system.
4. Additional information can be gathered by SEAC.
5. Final ToR/EC to be uploaded by SEIAA.
6. All the documents submitted by proponent to be website.
7. Site inspection reports to be uploaded.
8. Proponent should be able to check status, agenda, minutes TOR/EC on the portal.

It is accessible from any PC having Internet facility.

In order to shift to online application a computer proficient environmental scientist as was there earlier for the works of SEIAA, is essential. As to the proposal sent to Government to spare the service of Dr. Ajayakrishnan, Environmental Scientist, DoECC on working arrangement till posts are created for SEIAA, the DoECC wanted alternate arrangement in the Department. Principal Secretary (Envvt) proposed engagement of project personnel for the Department on working arrangement or daily wages. It was decided to await Government decision on the proposals already sent as per the earlier decisions of SEIAA.

The Authority decided to write to the MoEF to depute a competent trainer to demonstrate the online process for onsite training of personnel of SEIAA for online process.

If conditions and provisions on no cluster situation (proviso to para 2I.(ii) of O/M No. J.13012/12/2013 –IA-II (10 dated 24-12-2013 of MoEF) ,and buffer distance (general condition) as applicable are not there in the Mining Plan/ Pre-Feasibility Report, those and details of CSR may be insisted before issue of E.C in the cases recommended by SEAC. These requirements may be ensured at the screening stage itself for new applications and at the appraisal stage for cases pending before SEAC.

In the case of construction projects insistence of approved building plan is not feasible in so far as production of E.C is necessary for approval of building plan as per Rule 23 .4(a) of the Kerala Building Rules introduced by SRO No. 80/2013 dated 5-2-2013 which states that

“In the Buildings and Construction projects having built-up area not less than 20,000 sq. metres and other activities as specified in the schedule to the Notification No. S.O.1533 (E) dated the 14th September, 2006 and amendments thereto, issued by the Ministry of Environment and Forests, Government of India require prior environmental clearance from the State Level Environment Impact Assessment Authority (SEIAA) Kerala/Ministry of Environment and Forests, the Local Self Government Institution shall not issue permit without ensuring a valid prior environmental clearance.”

E.C is independent of other permits and clearances. Also Appendix V, Para3 of the EIA notification 2006, requiring building plan for E.C has been amended vide notification No. S.O 3067E dated 1-12-2009 .

**Item No. 39.01                      Confirmation of minutes of 38<sup>th</sup> SEIAA meeting**

Confirmed

**Item No: 39.02**      **Action taken Report on minutes of 38<sup>th</sup> meeting of SEIAA held on 04<sup>th</sup> June 2015 minutes- Action taken report (File No. 4836/SEIAA/2014)**

Noted. The agenda and E.Cs issued may also be uploaded in SEIAA website.

**Item No. 39.03**      **SEIAA – Petitions on Environmental Clearance and general complaints on illegal quarries and other environmentally degrading activities (individual cases consolidated)**

**Miscellaneous petitions**

<b>Sl. No.</b>	<b>Petitioner and Address</b>	<b>Subject</b>	<b>Decision</b>
1	Vicar, Infant Jesus Church, Mullakkara, Mannuthy P.O, Thrissur-680651	Exemption from the payment of processing fee- File No. 445/SEIAA/3117/2014	Applicant has remitted processing fee and obtained E.C.
2	N. Ramachandran Aryancheri Madam West Kadungallur P.O, 683110	Large scale illegal ordinary sand mining in Parur Taluk, Ernakulam	Matter to be taken up with District Collector, Ernakulam.

**Item No. 39.04**      **Quarry project in Cherupulasserry Village, Ottappalam Taluk-Palakkad-E.C granted to M/S Hywel Granites- Transfer to Ferro Granites and Infra Granites- Application- reg. (File No. 6091/EC1/2014/SEIAA)**

Though it had been categorically intimated to the applicant vide SEIAA Letter No. 6091/EC1/2014/SEIAA dtd. 01.06.2015, that consent of the EC holder (here Sri. Jassin Joseph, Managing Partner, Hywel Granites, Thekkumuri P.O, Cherupulasserry Palakkad) is essential to transfer the E.C. in his name to Sri. M.A. Ashraf- the applicant- it has not been produced, without which the E.C cannot be transferred. Authority decided to ask for fresh application with a 'No objection Certificate' from the transferor.

**Item No. 39.05**      **Environmental clearance for the proposed quarry project in Sy. Nos. 23/2, 23/2-1, 24, 24/1, 24/2 and 24/3 at Moonilavu Village, Moonilavu Panchayath, Meenachil Taluk, Kottayam district, by M/s P.V. Granites. (File No. 73/SEIAA/EC4/168/2013)**

Based on the decision of the 35<sup>th</sup> meeting of SEIAA held on 9-4-2015, the SEAC in its 39<sup>th</sup> meeting held on 15/16-5-2015 apprised the proposal based on the form I application, mining plan, Pre-Feasibility Report and other documents and decided to agree with the decision of the meeting of the 35<sup>th</sup> SEAC held on 17<sup>th</sup> and 18<sup>th</sup> October 2014, and recommend

issuance of environmental clearance with the following specific conditions in addition to the general conditions stipulated for mining projects,

1. Blast timings should be restricted to the times of least traffic as 11 .00to 11.30 a.m and 2.00 to 2.30a.m.
2. Periodic cleaning of RWH tank must be done.
3. Committed Social Responsibilities shall be adhered to without any short fall.
4. Mining should be restricted to area specified in the survey plan of the Village Officer.
5. At the end of mining, the total mined area should not exceed 2.8009 ha.
6. Reclamation and eco- restoration should be done by planting endemic tree species.

The Authority had called Sri. P.V. Kuttichan for hearing twice before. He failed to turn up. He did not report today also. Authority decided to give him a final chance for personal hearing by issuing registered notice before one month of the date of hearing, as per directions of the Hon. High Court. Meanwhile the proponent shall submit no cluster condition certificate from the District Geologist Kottayam, and an affidavit of the proponent that the mining area is having a minimum distance of 200meters from notified P.As W.L.S and ESAs and on CSR.

**Item No. 39.06      Construction Project of Educity in Ward No. IX, R.S. No. 395, 397/2 of Pookkottur Panchayath and in Ward No. III, R.S. No. 137/1, 137/2, 137/3, 138, 139/1A, 139/1B, 139/2, 139/3A, 139/3B, 140/1, 140/2, 141/1A, 141/2A, 141/2B, 141/2C, 142/1, 142/2A, 142/2B, 144/1, 144/2A, 144/2B, 144/3A, 144/3B, 144/4A1, 144/4A2, 144/4B, 145/1A1, 145/1A2, 145/1B1, 145/1B2, 145/2, 145/2B, 145/3, 145/4, 145/5, 145/6A, 145/6B, 146/2A, 146/2B of Malappuram Municipality, at Melmuri Village & Pookkottur Village, Malappuram District, Kerala by M/s Al Abeer Educity (File No. 106/SEIAA/KL/1722/2013)**

39<sup>th</sup> meeting of SEAC held on 14<sup>th</sup> and 15<sup>th</sup> May 2015 examined the case as Agenda Item No. 39.04 and found that the project falls under category 8(a) as per notification dated 22-12-2014. In the said notification schools, colleges, hostels or educational institutions are exempted from prior EC. On the basis of the above OM, the Committee was of the view that the hospital building can be considered the part and parcel of the proposed Medical College. Hence the Committee decided to recommend to close further action on the application and to intimate the proponent accordingly.

If a Health Care Institute, which comes under 'red category' industry is having plinth area of 20,000 m<sup>2</sup> or over, E.C is necessary. This has been clarified by MoEF in O.M No. 19-

2/2013-1A-14 dated 09-06-2015. It is clarified that the Notification No. S.O. 3252 (E) dated 22-02-2014 provides exemption to buildings of educational institutions including Universities from obtaining prior E.C under the provision of EIA Notification 2006 subject to suitable environmental management. In the case of Medical Universities/ Institutions the component of hospitals will continue to require prior E.C.

The decision of SEAC is not in conformity with the order O.M. Also there is no mention in the report regarding Bio-Medical Waste Management, liquid waste generation etc. The hospital component may be separated and appraised for E.C. Decided to refer to SEAC for appraisal as above.

**Item No. 39.07      Application for obtaining environmental clearance for the proposed quarry project in Sy. Nos. 111/3 pt, 110/8, 112/4, 111/4 pt., 111/5 pt., 113/2, 112/5, 112/1-1, 112/1-2, 112/8-1, 112/8-2, 112/8-3, 112/2 and 112/7 at Koodal Village, Kalanjoor Panchayat, Adoor Taluk, Pathanamthitta District, Kerala by M/s Aswathy Granites Pvt. Ltd. (File No. 147/SEIAA/EC4/2748/2013)**

39<sup>th</sup> meeting of SEAC held on 14<sup>th</sup> and 15<sup>th</sup> May 2015 appraised the proposal. The quarry is not functioning since the lease period is already over. The proponent proposes to quarry 3,50000 MTA/annum from 9.3969ha of land for a period of 10 years. The project proponent has informed the change in Taluk from Adoor to Konni Taluk. He has produced certificate issued by Village officer regarding the same.

The Committee appraised the proposal based on the Mining Plan, Prefeasibility Report, and all other documents submitted along with the Form I application and decided to endorse the decision of the 35<sup>th</sup> meeting of SEAC held on 17<sup>th</sup> & 18<sup>th</sup> October, 2014 and recommended the issuance of Environmental Clearance with the following specific conditions, in addition to the general conditions stipulated for mining projects.

- The steep faces presently seen on the working sides must be marked as danger zone.  
Protective fencing with sign boards should be provided to this danger zone.
- Quarrying activities should be relocated by providing haulage lines.
- Reclamation and eco-restoration should be done by planting indigenous tree species

The Authority considered the proposals as appraised and decided to grant E.C subject to the above specific conditions, on production of cluster condition certificate from District

Geologist Pathanamthitta and an affidavit of the proponent that the mining area is having a minimum distance of 200meters from notified P.As W.L.S and ESAs and on CSR.

**Item No. 39.08**      **Environmental clearance for the Building Stone Quarry Project in 3Sy. Nos. 147/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 148 and 149/4 at V-Kottayam Village, Kozhenchery Taluk, Pathanamthitta District, Kerala by M/s J and S Granites Company (File No. 200/SEIAA/KL/86/2014)**

The 39<sup>th</sup> meeting of SEAC held on 14<sup>th</sup> and 15<sup>th</sup> May 2015, appraised the proposal based on the Mining Plan, Prefeasibility Report, Field Inspection Report and all other documents submitted along with the Form I application and recommended the issuance of Environmental Clearance with the following specific conditions in addition to the general conditions stipulated for mining projects.

- Blasting to be limited to predefined times and not more than 2 times a day.
- Ultimate depth of mining to be defined by the stream bed. But it must be reported with reference to MSL.
- Reclamation and eco-restoration should be done by planting indigenous tree species.

Authority decided to grant E.C subject to the recommendations of SEAC, on production of no cluster condition certificate from District Geologist Pathanamthitta , and an affidavit of the proponent that the mining area is having a minimum distance of 200meters from notified P.As W.L.S and ESAs and on CSR.

*As regards conduct of and communications in the litigations impleading SEIAA and SEAC, it was resolved that if SEAC is specifically represented by the DoECC, the Directorate may take steps to defend the case on behalf of SEAC. In all other cases action on the cases including interim communications will be by SEIAA.*

**Item No. 39.09**      **Environmental clearance for the quarry project in Sy. Nos. 131/1, 137/1, 137/4-2, 137/2, 137/3, 137/4-5-2, 137/4-5, 137/4-3, 137/4-4, 137/4-6-3, 137/4-6-1, 137/4-6-4, 137/4-5-1, 136/5, 136/29, 131/2-3, 136/7, 138/1-2, 138/1-6, 132/5-3, 136/3, 132/3, 132/5-1, 132/5, 138/1, 138/1-3, 136/31, 136/30, 137/9, 138/7-1, 132/6, 132/6-1, 132/6-8, 136/20, 136/28, 128/3-2, 137/6, 137/7, 137/10, 138/1-5, 138/1-4, 137/4-6-2, 137/4-1, 136/25, 131/2-2, 131/3, 131/6-2, 136/24, 137/5, 137/8, 136/4, 130/3, 131/7, 131/4, 132/2-1, 132/5-2, 136/32, 135/1, 138/6, 137/4-6 and 128/3-1 at Kottangal Village & Panchayath, Mallappally Taluk, Pathanamthitta District, Kerala by M/s Peege Aggregates Pvt. Ltd. (File No. 244/SEIAA/EC4/974/2014)**

The recommendations of the 39<sup>th</sup> meeting of SEAC held on 14/15-5-2015 on appraisal based on Mining Plan, Pre Feasibility Report, report of field visit conducted on 17-6-2014 and other documents submitted along with the application is for issuance of environmental clearance, subject to the following specific conditions:

1. Reclamation and eco-restoration shall be done by planting indigenous species.
2. Since the site marked for overburden is sloppy, proper protective structure to prevent erosion should be constructed.

Authority examined the case and decided to grant E.C as recommended for by SEAC on production of no cluster condition certificate from District Geologist Pathanamthitta and an affidavit of the proponent that the mining area is having a minimum distance of 200meters from notified P.As W.L.S and ESAs and on CSR.

**Item No. 39.10            Environmental Clearance for the Building Stone quarry project in Sy. Nos. 41/1A(pt), 109(pt), 110/1(pt), 110/2(pt), 111(pt) and 115/1A(pt) at Kakkad Village, Karassery Panchayath, Kozhikode Taluk, Kozhikode District, Kerala by M/s Alpha Bricks and Metals (File No. 338/SEIAA/EC4/2170/2014)**

The proponent has provided the additional clarifications sought and placed in the 35<sup>th</sup> SEAC meeting held on 17<sup>th</sup> & 18<sup>th</sup> October 2014 as agenda item no.35.34. The committee verified the additional documents submitted by the proponent and examined the field visit report. The committee recommended the proposal subject to certain specific conditions in addition to the general conditions stipulated for mining projects.

On constitution of the new SEIAA, the proposal was placed in the 35<sup>th</sup> meeting of held on 9<sup>th</sup> April 2015 as agenda item no. 35.49. The Authority decided to call for approved Mining Plan for appraisal by SEAC as per the Kerala Minor Mineral Concession Rules - 2015.

The proponent submitted approved mining plan. The proposal was placed in 39<sup>th</sup> meeting of SEAC held on 14<sup>th</sup> and 15<sup>th</sup> May 2015 as agenda item no.39.10.

The Committee appraised the proposal based on the Mining Plan, Prefeasibility Report and all other documents submitted along with the Form I application. The Committee decided to endorse the decision of the former SEAC to recommend issuance of

Environmental Clearance with the following specific conditions in addition to the general conditions stipulated for mining projects.

- Steeply cut faces on the lower/bottom region must be fenced and provided with 'Danger' signs.
- Pockets of OB are seen in the elevated crest part. This need to be removed and stored in designated places and working of the quarry must follow a top to bottom approach. Care must be taken when the OB is removed from the steep slopes that pose instability. A lot of red earth is seen taken from the nearby area for formation of road and filling the land to the west.
- Concrete lined channels are to be provided for conducting water outside after clarification.
- The dust suppression system must be in place at the earliest.
- Reclamation and eco-restoration should be done by planting indigenous tree species.

SEIAA considered the recommendations. If conditions and provisions on no cluster situation and buffer distance (General condition) as applicable are not there in the Mining Plan, those and details of CSR may be insisted before issue of E.C. Or else, E.C may be issued with the specific conditions recommended by SEAC.

**Item No. 39.11            Environmental clearance for the building stone quarry project in Survey No. 83 (p) at Kumaranellur Village, Kozhikode Taluk, Kozhikode District, Kerala by M/s Ponoorrpoyil Granites (File No. 442/SEIAA/EC4/3034/2014)**

The proposal was placed in 36<sup>th</sup> SEAC held on 31<sup>st</sup> October 2014 as agenda item no. 36.12. The committee recommended the item to SEIAA subject to receipt of certain documents on ownership of the lands involved.

The proposal was placed in the 36<sup>th</sup> meeting of SEIAA held on 18<sup>th</sup> April 2015 as agenda item no. 36.14. The Authority decided to call for approved Mining Plan for appraisal by SEAC as per the Kerala Minor Mineral Concession Rules -2015.

On submission of the approved mining plan the proposal was placed in the 39<sup>th</sup> meeting of SEAC held on 14<sup>th</sup> and 15<sup>th</sup> May 2015 .

The Committee appraised the proposal based on the Mining Plan, Prefeasibility Report and all other documents submitted along with the Form I application and decided to concur with recommendations of the 36<sup>th</sup> meeting of the SEAC held on 30<sup>th</sup> Oct 2014 and



hence recommended for issuance of EC for the proposal with the following specific conditions over and above the other general conditions for mining projects.

1. At present steep faces are seen in the quarry from which rock is blasted. This steep area being in a precarious condition must be isolated with fencing. Work must be initiated only when it merges with the benches. Main haulage is under construction to the top crest portion to initiate quarrying with benches.
2. The hollow portion from where rainwater is likely to be directed to the working faces of the quarry must be provided with mechanical barriers like check dam and the water may be diverted through pipes/garland drains to the lower parts so that it is disposed safely.
3. Old pits are being used for desiltation and clarification. But it is not done effectively. Hence a check dam may be provided in the northern exit point for enhancing the storage and to clarify the water.
4. Overburden and top soil are heaped in the northern part. It must be provided with retaining walls to arrest erosion and removal during rainy seasons.
5. Reclamation and eco-restoration should be done by planting local tree species.

The meeting evaluated the documents and recommendations of SEAC and resolved to grant E.C subject to the above specific conditions and satisfaction of addressing no cluster situation, buffer zone and CSR.

*It was also decided that the do's and don'ts to be observed by applicants for E.C may be published in the website for general information.*

**Item No. 39.12**      **Environmental clearance for removal of ordinary earth in Re. Sy. Nos. 388/6-1, 13, 5 and 15 at Maadappally Village, Changanassery Taluk, Kottayam District, Kerala by Sri. E.K.K. Mohammed (File No. 505/SEIAA/EC4/3608/2014)**

Approved for issuance of Environmental clearance on usual conditions for mining of brick earth/ ordinary earth stipulated in O.M No. L.11011/47/2011-IA.II(M) dated 24-6-2013 of the Ministry of Environment & Forests, for removal of ordinary earth not exceeding 3500 m<sup>3</sup> as per recommendations of SEAC in the appraisal report.

**Item No. 39.13**      **Environmental clearance for removal of brick earth in Sy. No. 126/5 and 126/6 at Vazhayoor Village, Kondotty, Malappuram, Kerala by Sri. Manoj. P (File No. 584/ SEIAA/KL/4345/2014)**

Approved for issuance of Environmental clearance on usual conditions for mining of brick earth/ ordinary earth stipulated in O.M No. L.11011/47/2011-IA.II(M) dated 24-6-2013

of the Ministry of Environment & Forests , for removal of ordinary earth not exceeding 3000 m<sup>3</sup> as per recommendations of SEAC in the appraisal report.

**Item No. 39.14 Environmental clearance for removal of brick earth in Sy. No. 1265 at Mattathoor Village and Panchayath, Chalakudy Taluk, Thrissur District, Kerala by Sri. Gangadharan (File No. 780 /SEIAA/KL/1031/2015)**

Approved for issuance of Environmental clearance on usual conditions for mining of brick earth/ ordinary earth stipulated in O.M No. L.11011/47/2011-IA.II(M) dated 24-6-2013 of the Ministry of Environment & Forests, for removal of ordinary earth not exceeding 2000 m<sup>3</sup> as per recommendations of SEAC in the appraisal report.

**Item No. 39.15 Environmental clearance for river sand mining in Bharathapuzha, Chalakudipuzha and Karuvannur Puzha of Thrissur District, Kerala by District Collector, Thrissur. (File No.788 /EC1/2015/SEIAA)**

The proposal was considered in the 39<sup>th</sup> meeting of SEAC held on 14<sup>th</sup> to 15<sup>th</sup> May 2015. The Committee appraised the proposal and observed that as per the OM dt 24-12-2013 of MoEF sand mining can be allowed only from a minimum area of 5 ha. The application submitted by District Collector, Thrissur is for removing 3,26,250 Metric Tonnes quantity of sand from 10 locations. As per the above OM, the above application cannot be considered. So the Committee decided to recommend to SEIAA to reject the application with directions to the District Collector, Thrissur to submit separate application for a minimum area of 5 ha stretch of river with supporting sand audit document prepared by an agency authorised by the Government of Kerala or with the authenticated details of sand removed from the above locations during the last 3 years.

In the application extent of land is shown as 'Not applicable'. As per the Kerala River Bank Protection and Regulation of Removal of Sand Act 2001, the Kadavu Committee based on sand audit report decide the quantity of sand that could be removed from a particular Kadavu. Kerala Minor Mineral Concession Rules-2015 do not refer to river sand mining. The said rule fixes the minimum lease area for quarrying (Rule -37) not less than one hectre. For renewal of lease, restrictions in minimum area will not apply.

The applications for river sand mining allowed so far was considered under the state Act and as B2 category, under EIA notification, but without pre feasibility report and mining plan as those are adequately covered in the sand audit report. Though such E.Cs have been

challenged in the NGT, no adverse observations have been made so far. The length and breadth of stretches for river sand mining as proposed by the D.C have been given in the report of CWRDM. Insistence of minimum mining area, other than that specifically identified by CWRDM would not be advisable; in so far as that could enable excavation from stretches where sand deposit is not enough for removal. When statutory provisions ensuring the ecological restoration are there specifically for river sand, that cannot be ignored. SEAC may appraise the application with reference to the current sand audit report as per the law, and other documents as may be required for appraisal. It is seen that the application contains necessary documents connected to sand audit report on kadavu wise details as per the Kerala River Bank Protection and Regulation of Removal of Sand Act 2001 (pages 39 -113 of file) . If it is not the current sand audit report, current sand audit report may be insisted as assured by the applicant. Authority decided to refer the case back to SEAC for reconsideration about the quantity of sand to be removed and not the extent of the stretch, in the light of the above findings.

**Item No. 39.16            Extension of Environmental Clearance for construction of M/s Sobha Developers Ltd, Sobha city in Survey nos. 218,217,534 to 544,546 to 556 at Kolazhy/ Adat Panchayath, Puzhakkal, Guruvayoor road, Thrissur district, Kerala (File No. 245/EC1/2014/SEIAA)**

The applicant has produced the required documents for extension of validity of the E.C already given by MoEF. Authority decided to refer the application to SEAC for recommendation.

It was also decided to get clarification from the MoEF whether the Gazette notification dated 29<sup>th</sup> April 2015 amending para 9 of the EIA notification 2006, extending the validity of E.Cs from five to seven years has retrospective effect.

**Item No. 39.17            Environmental clearance for removal of ordinary earth at Palamel Village, Mavelikkara Taluk, Alappuzha District, Kerala in Sy. No. 590/1-2 by Smt. Sainaba, R. (File No. 189/SEIAA/KL/31/2014)- EC Reconsideration Request-**

Quantity of O.E sanctioned to be mined is based on scientific appraisal and as per guidelines of MoEF. It cannot be enhanced. Application rejected.

**Item No. 39.18            Environmental Clearance for removal of Laterite earth in Sy.no. 351/1 at Edavally Village and Panchayath, Chavakkad Taluk, Thrissur District, Kerala by Smt. Ancy Thomas (File No.775 /SEIAA/KL/721/2015)**

The proposal was considered in the 38<sup>th</sup> meeting of SEAC held on 28<sup>th</sup> to 30<sup>th</sup> May 2015. The Committee deferred the application for the submission of Pre- Feasibility Report and approved Mining Plan as per O. M dated 23-02-2013. Now the applicant has represented that it is not possible to submit Form-1, Pre- Feasibility Report and approved Mining Plan as the accredited consultants do not undertake such small works. Hence it is requested to reimburse the amount of Rs.75, 000/- already remitted towards processing fee.

Mining of laterite earth stone does not require environmental appraisal procedure other than that required for extraction of ordinary earth or brick earth as category B2. No blasting is involved. 38<sup>th</sup> meeting of SEIAA held on 4-6-2015 has decided that guidelines of MoEF may be followed in the matter of consideration of application for removal of ordinary earth, so as to avoid hardship to applicants for E.Cs for minor projects and processes that do not involve serious environmental impacts(o/o 8/15 dated 15-6-2015, items 3&5). If there is no blasting, and mining is not mechanised, and within the stipulations of O.M. No.L.11011/47/2011-IA.II (M) dated 24-06-2013, laterite cutting can be considered as B2 Category as in the case of brick earth. It is noteworthy that accredited consultants are not coming up for preparing of Pre - Feasibility Report and Mining Plan for laterite cutting.

Authority decided to send back the proposal to SEAC for appraisal as in the case of Ordinary Earth.

**Item No. 39.19            Application for obtaining environmental clearance for the proposed Housing Project in Re-Survey No. 359/3 at Village Kakkanad, Municipality Thrikkakkara, Taluk Kanayannur, District Ernakulam, Kerala by M/s Green Vistas Infrastructure Projects (File No. 32/SEIAA/KL/3045/2012)**

Proponent had started the construction without obtaining prior Environmental Clearance and has thus violated the provisions of EIA Notification 2006. The proponent has filed an affidavit to the effect that violation as per EIA Notification has occurred and shall not be repeated. Vide O.M. No. J-11013/41/2006-IA.II(I) dated 19<sup>th</sup> August 2010 of MoEF, it is stated that: ‘No activity relating to any project under this Notification including civil construction, can be undertaken at site without obtaining prior environmental clearance except fencing of the site to protect it from getting encroached and construction of temporary shed(s) for the guard(s)’. Hence the violation has to be processed as per the relevant orders of MoEF. The Committee had recommended for initiating violation proceedings and for reconsideration thereafter.

The case was considered by SEIAA in its 27<sup>th</sup> meeting held on 11<sup>th</sup> March 2014 as item No. 27.14 and the Authority accepted the recommendations for initiating violation proceedings, and to stop further construction. In the absence of monitoring mechanism for watching and ensuring compliance with the decisions of the Authority, the case was again considered by the Authority and decided that such violations must be seriously dealt with and strict action as enjoined by rules taken. Authority reaffirmed its earlier decision to proceed against the proponent for violation of the EIA notification and O.Ms of MoEF and to issue orders . D.C Ernakulam to execute the orders.

**Item 39.20                    Environmental clearance for the Apartment project in Sy. No. 51/1 and 52/1 at Kottuli village, Kozhikode Taluk Kozhikode Municipality by Assan Koya P. S. (File No. 297/SEIAA/KL/1497/2014)**

The 32<sup>nd</sup> meeting of SEIAA held on 31-10-2014 accepted the recommendation OF SEAC to reject the application as its negative impacts are more than the positive aspects. On 7-9-2014 the proponent put in a representation stating that SEAC has violated the O.M dated 14-5-2009 requiring that all queries relating to a particular project during its consideration by the respective SEAC should be raised in one go so as to ensure that the responses/ clarifications, if any, could be obtained comprehensively and any piecemeal seeking of information is not in order.

The meeting examined the case in detail and assessed that even though the reasons for rejection of the application had been stated in the minutes uploaded in the website of SEIAA, no explanations thereon have been adduced for review of the decision taken. Authority therefore decided to stand by the earlier decision and to issue orders accordingly.

**Item No. 39.21                    Environmental clearance for the residential project (“Marine View at Marine Drive”) at Plot No. D4 & D5 in Sy. No. 843 pt. at Ernakulam Village, Kochi Municipal Corporation, Kanayannur Taluk, Ernakulam District, by M/s Puravankara Projects Limited. [As amended vide the decision of the 40<sup>th</sup> meeting of SEIAA on confirmation of the minutes of the 39<sup>th</sup> meeting] (File No. 275/SEIAA/KL/1278/2014)**

The Authority in its 37<sup>th</sup> meeting held on 8-5-2015. The meeting thoroughly examined the clarifications furnished and the documents produced by the proponent as to non application of CRZ provisions in the project site. The project proponent was required to approach the KCZMA directly to seek clearance or clarification. On 11-6-2015 the proponent submitted the Certificate numbered 3207/A2/ 15/KCZMA/S&TD dated 9-6-2015 of the KCZMA certifying that *‘the 25 acres of Land ( Survey No. 843 Part-D3, D4, and*

*D5) acquired by M/s Puravankara Projects Ltd from Goshree Island Development Authority(GIDA) , Kochi will not attract the provisions of CRZ notification 2011 on the basis of the judgment of Hon'ble High Court of Kerala in C. M.P No. 27519/ 98 in O.P No. 10185 of 1996(K)*'. The proponent has informed that they are submitting the CRZ clearance from KCZMA pertaining to the total 25 acres (D3, D4 and D5) land purchased from GIDA, out of which they had applied for E.C for 16.69 acres (D4& D5). The application received on 20-3-2014 is pending only for want of clarification on applicability of CRZ conditions on the project site.

The Authority noted that the application received on 20-3-2014 is pending only for want of clarification on applicability of CRZ provisions on the project site. SEAC in its 35th meeting held on 17/18-9-2014, has recommended for grant of EC to the project subject to three specific conditions, other than CRZ clearance. The Authority had decided that E.C in this case shall be the final step before issue of which all the other statutory permits, consents and clearances shall be obtained. The KCZMA, the competent statutory authority has unequivocally certified on **9-6-2015** on the strength of an order of the Hon: High Court of Kerala and categorically for the purpose of production before SEIAA that CRZ provisions are not attracted in the project. Meanwhile the Authority received the minutes of the 40<sup>th</sup> meeting of SEAC held on 29-5-2015 on 23-6-2015, recommending for clearance of the standing Committee of NBWL also, as the property is situated within 900 meters of the Mangalavanam Bird Sanctuary. There was no comment on the applicability of CRZ, for which the case was referred to SEAC. Considering the minutes, the Authority further resolved to accept the additional of the site based on the 1998 judgment of the High Court, whereas the extant CRZ notification recommendation on clearance of the Standing Committee of NBWL, and subject to receipt of the report of SEAC on the veracity of the statement in item 2 of the Appraisal Report on the non-CRZ status is of 2011.

The meeting concluded at 11.15 a.m.