

MINUTES OF THE 40TH MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 3RD AND 4TH AUGUST 2015 IN THE CHAMBER OF THE PRINCIPAL SECRETARY TO GOVERNMENT (ENVIRONMENT & FORESTS) GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

Present:

1. Prof. (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 40th meeting of SEIAA and the sixth meeting of the Authority as constituted by Notification No. dated 19-3-2014 was held from 9.30 a.m. onwards on 3/4 -8-2015 in the chamber of the Principal Secretary to Government (Member Secretary, SEIAA).

Chairman welcomed the Members. By way of introduction Chairman raised the issue of the delay in making arrangements for introducing online system for submission of application for environmental clearance. The delay was traced to the non- implementation of G.O (Rt) 92/2015/ Evt. dated placing the services of Dr. Ajaykrishnan with SEIAA on working arrangement and the non-availability of infrastructural facilities. Chairman and Member pointed out that it is for implementation of the most important and urgent scheme of the MoEF, that the special arrangement was ordered by government. Non implementation thereof would defeat the functioning of SEIAA. Earlier the SEIAA had the fulltime service of an officer of the DoECC, which is not available now. It was on consideration of his experience and training he has received in the subject that he was assigned the task in SEIAA. Member Secretary remarked that action may be taken for creation of a post of Environment Scientist for SEIAA for appointment by deputation. Till then either the DoECC may engage a substitute or SEIAA may resort to daily wage or contract appointment. As it would be impossible for SEIAA to make such appointments, and the Government order is clear, it was decided to discuss the matter with the DoECC, who is also Secretary of the SEAC, to place the services of Dr. Ajaykrishnan at the disposal of SEIAA.

Item No. 40.01 Confirmation of minutes of 39th SEIAA meeting

Subsequent to the 39th meeting of SEIAA held on 18-06-2015, on 23-6-2015 Secretary SEAC furnished the minutes of the 40th meeting of SEAC held on 29-5-2015. Item 39.21- Environmental clearance for the residential project (“Marine View at Marine Drive”) at Plot No. D4 & D5 in Sy. No. 843 pt. at Ernakulum Village, Kochi Municipal Corporation, Kanayannur Taluk, Ernakulum District, by M/s Puravankara Projects Limited (File No. 275/SEIAA/KL/1278/2014) which had been referred to SEAC on 9-4-2015 for clarification on applicability of CRZ provisions in the project, on which it was recommended by SEAC adding certain new conditions including clearance of the NWLB 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. The Authority after detailed discussion resolved to amend the minutes of the 39th meeting of SEIAA (item 39.21) to accept the recommendations of the 40th meeting of SEAC, but subject to receipt of the report of SEAC on the veracity of the statement in item No.2 of the Appraisal Report on the non-CRZ status of the site based on the 1998 judgment of the High Court of Kerala, whereas the extant CRZ notification is of 2011.

Item No. 40.02 Action taken Report on minutes of 39th meeting of SEIAA held on 18th June 2015

As the minutes of the 39th meeting was not finalised for further action, pursuant actions could not be taken.

Item No. 40.02.1 Online submission of applications for Environmental clearance –Facilities to be provided to SEIAA (File 1293/EC2/ 2015/ SEIAA)

Government as per G.O (Rt) 92/2015/Env. Dtd. 1-7-2015 issued orders placing the services of Dr. Ajaykrishnan, Environmental Scientist, DoECC, on working arrangement with SEIAA for the works of online submission of applications for E.C. But the G.O remains to be implemented. It was decided to take up the matter with the DoECC.

Item 40.02.02 Online submission of Applications for E.C

The Authority noted the G.O (Ms) 7/ 2015/ Evt. dated 21-5-2015 and G.O (Rt) 92/2015/ Evt. dated 1-7-2015 on facilities for functional freedom and online submission of application for E.C. Proposals for manpower and infrastructure requirements have already been submitted to government. Member Secretary wanted the Administrator to follow-up the matter with the Environment Department for issue of orders, if necessary by placing the case before the Council of Ministers.

Item 40.02.03 SEIAA Conduct of cases in NGT (SZ) Chennai Remuneration to Adv. Vidyalakshmi Vipin, Standing Counsel.

As per the G.O. (Rt) 176/2014/Evt. Dtd. 25.05.2014 Govt. has accorded sanction for engaging Adv. Vidyalakshmi Vipin as the Standing Counsel of SEIAA in the NGT (SZ), Chennai. The matter of payment of remuneration to her had been placed in the 35th meeting of SEIAA, on the basis of the advice of the Govt that the Authority itself may decide the remuneration based on G.O (Ms) 170/13/Law dated 13-9-2013. The Authority deliberated on the issue. As per G.O (Rt) 88/2015/Evt dated 25-6-2015, Adv, A.S. Suvitha, Special Government Pleader NGT, Chennai has been allowed remuneration of Rs. 75,000/-. If the Authority's Standing Counsel is also of the same seniority, it would not be justifiable to fix a lesser remuneration. The Authority decided to fix the remuneration of Adv. Vidyalakshmi Vipin @ Rs. 75,000/- per month, subject to the condition that she may not draw any other remuneration from any other state government departments or state government organisations.

Item 40.02.04 SEIAA- Functional freedom- Govt. orders issued- Implementation of- reg

1. As per Govt. letter no. 1470/A1/2015/Evt. dtd. 31.07.2015, Government has made available a copy of the letter No. 2358/EC1/2015/SEIAA dtd. 17.07.2015 sent by Chairman and Member, SEIAA to the Principal Secretary, Evt. Dept. (M.S.,SEIAA). Government have already issued orders for the functional freedom of SEIAA. Pursuant orders on man power requirement, accounting, and other facilities have to be issued for which necessary proposals have already been submitted to Government. The proposals do not involve additional expenditure to Government. SEIAA has already collected Rs. 133 lakhs by the way of processing fee. Authority decided that the proposals with Government may be got approved for orders to be issued for the effective functioning of SEIAA/

SEAC. Website of SEIAA and the computer systems in office may be upgraded, for which DoECC may take action. Authority wanted the online system for submission of application to be operational and to switch over by 20-8-2015.

2. It was decided to request to SEAC to make available the minutes of its meetings at least within five days, with Appraisal Reports. Delay at all levels is owing to insufficient dealing hands, despite processing fee being collected. It is inevitable that the full manpower for the time bound statutory works is provided. Now that the project personnel (3) have to handle the entire works of SEAC and SEIAA, separate manpower is essential for SEAC and SEIAA.

3. Projects may be referred to SEAC on seniority only. Complete and screened applications may be referred to SEAC from SEIAA. Category wise appraisal and out of turn consideration have to be avoided. A system as envisaged for online submission of applications may be adopted so that the shifting to online would be trouble free.

Item 40.03 W.P. (c) No. 12356/ 2015 filed by Sri. C.R. Neelakantan (File No: 1647/ EC1/ 2015/ SEIAA)

Noted

Item 40.04 General Decisions of SEAC (File 2358/ EC1/ 2015/ SEIAA)

Noted

Item 40.05 Application No. 96/2014 Of NGT (SZ) filed by Sri. K. S. Sivakumar and others (Quarry Case)- Award of Cost and personal appearance of Secretary SEIAA in the NGT (File 109/ EC1/ 2013/ SEIAA)

Noted. The case was dealt with by DoECC. Authority resolved that the files related to SEIAA may be dealt with by SEIAA. As per item no 39.08 of the 39th meeting of SEIAA it has been decided that conduct of and communications in the litigations impleading SEIAA and SEAC, 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. 40.06 SEIAA – Petitions on Environmental Clearance and general complaints on illegal quarries and other environmentally degrading activities (individual cases consolidated)

Sl. No	Petitioner and Address	Subject of Petition	Decision of SEIAA
1	Paristhithi Samrakshna Janakeeya Samithi, Mambra, Karukutty, Ernakulam	Illegal quarries at Mambra, Karukutty	WP(c) No. 10694/15. No EC application was received. To convey decision based on Office Order No/1/205 dated 18-4-2015.
2	Sri. Manjesh Neelakantan, Valliyath, Thengode P.O, Kakkanadu, Ernakulam 682030.	Extension of EC validity	As per judgment in W/P No. 9575/2015 petitioner has been directed to submit application for extension of validity of E.C. No application received
3	Moly Mathew M/D Kumarakom Nest Pvt. Ltd.	Whether EC is necessary for resort project at Kumarakom (Total area= 2012 m ²)	No EC application has been received. to reply based on general condition of EC for buildings.
4	The Director Mining and Geology	Clarification regarding the period of validity of E.C for mining.	As decided by SEIAA for grant of E.C.
5	Sindhu, N.T., Project Coordinator, KITCO Ltd.	Whether EC is necessary for Nehru College of Engineering and Research Centre Campus at Thalappilly, Thrissur	To reply based on O.M No. 19-2/2013-1A-14 dated 09-06-2015
6	Kabeer, A.A	General complaint against illegal quarrying- Aiswarya Granites, Kollam.	Applications received. File No. 127/SEIAA/2368/2013 128/SEIAA/2369/2013 129/SEIAA/2370/2013 Pending with SEAC.
7	Swajaladhara Shudhajala Upabhokthru Samithi, Sankarankuzhy, Thabore PO, Ernakulam-683577	Illegal mining operations without prior EC	No EC application has been received. WP(c) no. 8531/2015

8	Executive Engineer PWD, Thrissur.	Construction of Azhikode- Munambam Bridge.- Whether EC is needed.	No EC application has been received Wetland/ CRZ clearance would be needed.
9	Tony Thomas, Kizhakkekara house, Irumbakachola. P.O, Mannarkad(via) Palakkad.	. Complaint that EIA notification is not followed and environmental sustainability is not ensured by SEAC in appraisal	. Referred to SEAC for comments.
10	Adv. Harish- Vasudevan, Amicus Associates, APM Building, North Railway Station Road, Ernakulam-18 (File 1294/ EC1 / 2015/ SEIAA0	Project proponents not complying with the directions on O.M. No. J. 11o013/41/2006- IA-II(I) dated 24-3- 2009 of MoEF on post E.C monitoring of compliance of conditions. SEIAA, Kerala has miserably failed to monitor the post E.C monitoring. This has created an unfair favour for the project proponents to violate EOIA notification	SEIAA has now no machinery for the post E.C monitoring. No scientific staff for field inspection is attached. SEAC has remarked that it is not supposed to do such works (vide item 40.07). Government as per G.O (P) 4/2013/Envtd dated 13-5-2013, Government have entrusted the Grama Panchayat level Biodiversity Management Committees (BMC) as environmental monitors to report all environmentally disagreeable activities including non- compliance of E.C conditions of quarries to the authorities concerned for action. There is a proposal to impart training to the Panchayat Members in EIA process. KILA has agreed to the proposal. Along with these arrangements there is a felt need for the SEIAA to have experienced scientific support to assist in such matters. As per S.O No 637(E) Dated 28-2-2014, SEIAA has been empowered to exercise the powers under Section 19 of the Environment (Protection) Act. Site inspections other than forming part of the appraisal procedure of SEAC, and monitoring of post-EC compliance may be got done through such empanelled scientific personnel in association with the non official members of the respective BMCs. Authority authorised the Chairman to prepare a panel of experts comprising of Geologists, Architects, Environmental Scientists and Sectoral Experts .Also the compliance reports as required to be filed may be insisted for the inspection.

11	K.P Kharim, Parambil - Kizhakkethil, Thazhava. P.O, Karunagappally.	. Insufficiency in the services being rendered to applicants and visitors to the office of SEIAA	All facilities are now being arranged for by the DoECC. Government have issued orders to give functional freedom to SEIAA. Pursuant proposals for staff and other facilities have been made to Government. Orders awaited.
12	Investing tracking mechanism for. Kerala- Web portal- Information on projects of Rs. 100-10000 crores. D.O. Lr. No. KSIDC/ IP/ TVM/ 2015 dtd 8-7-2015 of Sri. P.H. Kurien Principal Secretary, industries Department	GoI will rank states based on the ease of doing business and getting timely clearances	. The questionnaire on environmental matters pertains to SPCB. E.C not included. Chairman sent a reply to Principal Secretary, Industries Department.

Item No. 40.07 Delta M-Sand Pvt. Ltd- E.C for quarry at Perumkadavila Village, Neyyattinkara Taluk- Granted - Complaint of Smt. Biji, S. and others (File No. 4114/EC1/2014/SEIAA)

The Authority received a complaint from Smt. Biji, S., Mulavancodumele Puthanveedu, Vitiyara, Aanavoor (P.O.), Neyyattinkara, that the obnoxious smell of blasting the rock in the said quarry using chemicals, the high decibel sound and the dust due to manufacturing of M-Sand make life miserable and cause suffocation. The complaint was placed in 35th meeting of SEIAA held on 9th April 2015. In agenda item No.35.54 it was decided that an enquiry in to the petition may be conducted by SEAC whether any of the E.C conditions have been violated. The matter was considered in the 40th meeting of SEAC held on 29th May 2015 as agenda item no. 40.23.A and the decision is as follows:

“SEAC examined the records in accordance with the MoEF notifications and OM and found that the above task do not come under the mandate of SEAC prescribed by MoEF. Therefore the Committee decided to request the Secretary to take further necessary action in the matter”.

At present, other than SEAC the Authority has no means to enquire in to such complaints. SEAC is supposed to ‘assist’ SEIAA as per its constituent notification. In view of the stand of SEAC, the Authority thought of alternatives. It was decided to pursue

the decision in 40.06:10 above, to have a panel of experts in the relevant fields to assist the Authority in such situations. Chairman was authorized to submit a panel of experts for the purpose.

Item No. 40.08 Application for extension of period of validity of Environmental Clearance for removal of ordinary earth in Sy. No. 144/6, Block 71 at Edavanna Village and Panchayath, Eranad Taluk, Malappuram District, Kerala by Mr. P. M. Salim (File No. 325/SEIAA/KL/1985/2014)

The 35th meeting of SEIAA held on 9th April 2015 approved for removal of brick earth not exceeding 1000 m³ from an area of 0.6840 of land in Sy. No. 144/6 of Edavanna Village and Panchayath, Eranad Taluk, Malappuram District, Kerala. and the validity of E.C is up to 17th October 2015.

The applicant represented that due to unfavourable climatic conditions (rain) it is not possible to remove the ordinary earth/Brick earth within the validity period of the Environmental Clearance. He has also produced a letter from the Geologist, Malappuram to prove the same. As requested the Authority decided to extend the validity of the environmental clearance to January 2016, so that the work can be undertaken.

Item No. 40.09 EC application for removal of ordinary earth from Sy. No. 12/1 at Velookkara Village & Panchayath, Mukundapuram Taluk, Thrissur District, Kerala by Mr. Pradeep T.V. (File No. 433/SEIAA/KL/2993/2014)

Approved for issuance of Environmental clearance on usual conditions for mining of ordinary earth as 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 3500m³ as per recommendations of SEAC.

Item No. 40.10 Environmental clearance for removal of ordinary earth in Sy. No. 186/1-2 at Ikkaranadu South Village, Kunnathunadu Taluk, Ernakulam District, Kerala by Sri. M.A. Saju and Babu.M. Abraham (File No. 616/SEIAA/KL/4770/2014)

Approved for issuance of Environmental clearance on usual conditions for mining of ordinary earth as 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 5000 m³ as per recommendations of SEAC.

Authority also decided that an effective system for monitoring compliance with the condition on the quantity of material permitted to be removed shall be put in place.

Item No. 40.11 Environmental clearance for removal of ordinary earth in Sy.nos. 126/p, 127/2,127/1,127/3, 127/4, 128/p, 170/p at Ayyanthole Village, Thrissur Corporation, Thrissur Taluk, Thrissur District, Kerala by Sri. P.A. Abubakker (File No. 632/SEIAA/KL/4858/2014)

Sri. A. M. Kunjumhammad applied for Environmental Clearance for removal of 75,000 m³ of ordinary earth from 2.323 ha of land comprised in Sy. nos. 126/p, 127/2, 127/1,127/3, 127/4, 128/p, 170/p (as mentioned in affidavit) at Ayyanthole Village, Thrissur Corporation, Thrissur Taluk, Thrissur District, Kerala for construction of cellar floors; the extracted brick earth for supply to the Floor King Tile factory, Varakkara. The 37th meeting of SEAC *rejected* the application since the proponent has obtained Environmental Clearance for the main construction project. The decision was placed in the 37th meeting of SEIAA held on 8th May 2015 and the Committee observed that the case essentially has to be appraised for mining of minor mineral (Ordinary Earth) and specific condition on removal of this much bulk quantity of material for commercial purpose is to be made to SEIAA. The Authority resolved that the application as submitted has to be appraised by SEAC for mining of 75,000 m³ of Ordinary Earth for commercial purpose and hence the proposal was considered in the 40th meeting of SEAC held on 29th May 2015 and the committee informed the SEIAA that

“as per the OM dated 24-06-2014 of MoEF, mining activity for ordinary earth shall be restricted to a maximum depth of 2m below ground level only. In the instant case, the application was originally appraised and cleared for construction of a building with 2 basement floors by excavating earth from more than 6m below ground level. So the necessity of excavation has already been looked into and it was recommended by SEAC to SEIAA for issue of EC after appraising the proposal. In none of the guidelines/communications of MoEF, it is stated that there should be a separate EC for excavation/digging of earth to be carried out in connection with the construction projects”.

Therefore the Committee found that there is no reason to change its recommendation and decision taken in its 37th SEAC meeting on 9th and 10th April, 2015.

The Authority deliberated on the recommendations of SEAC. There is an application before the Authority submitted by the E.C holder himself, for extraction of huge quantity of minor mineral for commercial purpose. A site inspection is necessary for which the case was deferred for the proposed empanelled experts to be engaged vide item No. 40.06.10 above. .

Item No. 40.12 Environmental clearance for removal of ordinary earth in Sy. No. 219/2 at Kappoor Village, Pattambi, Palakkad, Kerala by Sri. Sulaiman (File No. 640/SEIAA/EC1/4936/2014)

Approved for issuance of Environmental clearance on usual conditions for mining of ordinary earth as 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 5000 m³ as per recommendations of SEAC.

Item No. 40.13 Environmental clearance for removal of Ordinary Sand in Sy.no. 76/3E at Chithary Village and Ajanoor Panchayath, Hosdurg Taluk, Kasargod District, Kerala by Sri. Hasan Kunhi, T. (File No. 726/SEIAA/EC4/6105/2014)

Authority has taken a general decision that for extraction of ordinary sand (കരമണ്ണ്) an impact study is necessary. It was decided to call for report of impact study for consideration of the proposal. Impact study report to be furnished by the District Collector.

Item No. 40.14 Environmental clearance for removal of ordinary earth in Sy.no. 98/1, 76/2B, 84/1 and 98/2 at Kuruvattoor Village and Panchayath, Kozhikode Taluk, Kozhikode District, Kerala by Sri Ramesan, P. (File No. 800/SEIAA/EC4/2098/2015)

Approved for issuance of Environmental clearance on usual conditions for mining of ordinary earth as 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 45000 m³ for construction of bypass for National Highway at Calicut and as per recommendations of SEAC.

Item No. 40.15 Environmental clearance for removal of ordinary earth in Sy.no. 109/1A1 at Nellikode Village, Kozhikode Corporation, Kozhikode Taluk, Kozhikode District, Kerala by Sri Ramesan, P. (File No. 801/SEIAA/EC4/2099/2015)

Approved for issuance of Environmental clearance on usual conditions for mining of ordinary earth as 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 1500 m³ for construction of bypass for National Highway at Calicut and as per recommendations of SEAC.

Item no. 40.16 Request from Sri. P.J. Benny, M/s Peejay Sand washing Unit, seeking permission for sand washing (File No. SEIAA/EC3/4798/2014)

To initiate violation proceedings. Stop Memo to be issued- EC may be considered later, after EIA study.

Item No. 40.17 Environmental clearance for sand mining from the rivers of Malappuram District viz. Bharathapuzha, Chaliyar and Kadalundi, Kerala submitted by District Collector, Malappuram (File No. 238/SEIAA/KL/940/2014)

The proposal was considered in the 40th meeting of SEAC held on 29th May 2015 as Agenda Item No. 40.23. B. The Committee observed that as per the OM dtd. 24-12-2013 of MoEF sand mining can be allowed only from a minimum area of 5 ha. As per the above OM, the above application cannot be considered. So the Committee recommended to SEIAA to *reject* the application with directions to the District Collector, Malappuram 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.

The issue had been examined by the Authority as Item No. 39.15 in the 39th meeting held on 18-6-2015, in the matter of grant of Environmental clearance for river sand mining in Bharathapuzha, Chalakudipuzha and Karuvannur Puzha in Thrissur District., (File No.788 /EC1/2015/SEIAA). Decision of the Authority was as under:

'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.'

The Authority decided to adhere to the above decision in this case as well, and to refer the case back to SEAC for reconsideration on the above lines.

Item No. 40.18 Application for obtaining environmental clearance for the residential project “Kent Mahal” in Sy. Nos. 141/3, 141/4, 141/5 and 141/8 at Puthencruz Village, Vadavucode Puthencruz Grama Panchayat, Kunnathunadu Taluk Ernakulam District, by M/s Kent Constructions (P) Ltd. (File No. 99/SEIAA/KL/1481/2013)

Sri. K.C. Raju, Managing Director, Kent Construction in his representation to SEIAA dtd. 11.06.2015, informed that along with direction for suspension of works, SEIAA should have ‘initiated credible’ action against the violation, and the order dtd. 05.05.2015 of SEIAA is only in partial compliance with the O.M. dtd. 12.12.2012 of MoEF based on which SEIAA ordered suspension of activities. He has requested to direct the District Collector, Ernakulam to impose fine of Rs. 1.00 Lakh under section 15 of the EP Act. This credible action will enable the proponent to obtain E.C for the project.

‘Credible action’ as referred to in O.M. J. 11013/41/2006/IA.II(1) dtd. 27.06.2013 is action under section 19 of EP Act, 1986 to take cognizance of an offence under the Act by a Govt. of law on a complaint by

(a) the Central Govt. or any Authority or officer authorised on this behalf by that Govt.

or

(b) any person who has given notice of not less than 60 days in the matter prescribed, of the alleged offence and of his intention to make a complaint to the Central Govt. or the Authority or Officer as authenticated above said.

Imposition of fine by any authority other than a court of law on a duly filed complaint does not appear legal. In such cases credible action is filing of the complaint in the Court. It is for this purpose that the District Collector, Ernakulam was authorised. Authority decided that the representationist may be informed that SEIAA has already ordered for credible action under Section 19 for which the D.C. Ernakulam has been authorised D.C to be directed to file complaint under Section 19 of E.P. Act and to report to SEIAA for further action on the application for E.C.

Item No. 40.19 Application for environmental clearance for the Proposed Group 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)

The item was considered in the 39th meeting of SEIAA held on 18th June 2015 as agenda Item No. 39.06. SEIAA held that the decision of SEAC was not in conformity with the O.M. OM F No. 19-2/2013-IA III dated 9-06-2015 of MoEF. Also there was no mention in the report regarding Bio-Medical Waste Management, liquid waste generation etc. The decision of the SEAC needs reconsideration in the light of the OM F No. 19-2/2013-IA III dated 9-06-2015. The proposal was again considered in the 42nd meeting of SEAC held on 2nd July 2015 as Agenda item no. 42.01. In view of the OM dated 9-06-2015, the Committee reviewed the decision taken in its 39th meeting. The hospital building included in the proposal is having a total built up area of 45,715.18m² (hospital) + 13092.31m² (super speciality hospital). The proposal in totality was already recommended for issuance of EC by the Committee in its 25th meeting. The Committee decided to endorse the decision taken in its 25th meeting for issuance of EC under usual general conditions for non-mining projects and the following specific condition.

- Two seats to be reserved for eligible students of BPL family for free education for MBBS as agreed in the CSR component.
- There shall be RWH facility with adequate capacity.
- Technology and capacity of the STP to be indicated with discharge point (if any) of the treated effluent.
- Effluent water not conforming to specifications shall not be let out to water bodies
- Maximum reuse of grey water for toilet flushing and gardening and construction work shall be ensured.
- Dual plumbing for flushing shall be done
- Provisions for disposal of e-wastes, solid wastes, non-biodegradables, hazardous materials and separate parking facility for the buildings shall be provided.

- Generation of solar energy to be mandatory for own use and/or to be provided to the grid.

There shall not be any compromise on the safety conditions and facilities to be provided by the project proponent, which shall be ensured for occupation, regularisation or consent to operate.

The authority considered the proposals in the light of the documents submitted by the proponent and recommendations of SEAC. The CSR undertaking of the proponent on reservation of seats in the medical college need not be an environmental condition as admissions have to be in accordance with the approved prospectus and Government policy. Such issues are not to be looked in to by SEAC/SEIAA. CSR conditions are to be complied by the proponent. Conditions on management of bio medical wastes to be clear. The facilities therefor and functioning will be open to inspection by the concerned authorities.

Authority also resolved that the conditions suggested in the Inspection Reports shall be made specific conditions for grant of E.C. If any condition proposed in the inspection report is excluded, reason therefore shall be recorded by SEAC.

Item No. 40.20 Environmental clearance for the proposed Medical Trust Institute of Medical Sciences project in Sy. Nos. 188/2, 3, 5, 189/1, 2,3,4,5,6,190/1,2,3,198/4, 199/2, 3,4,5,7, 200/5, 7, 12, 201/1, 2, 12, 202/24 at Thiruvankulam Village, Kanayannur Taluk, Ernakulam District, Kerala by M/s Pulikkal Medical Foundation (File No. 143/SEIAA/KL/2744/2013)

The 31st SEIAA held on 26th June 2014 recommended the proposal with the same conditions as recommended by SEAC. As there arose -doubt on the nature of the land for the project, SEIAA in its 33rd meeting held on 24th September 2014 deferred the case to check how they got permission to reclaim such a huge area of wetland. However SEAC in its 35th meeting held on 17/18-10-2014, recommended as follows on the legal status of the project site

“The committee verified the documents submitted by the proponent and found that the report submitted by Village Officer, Thiruvankulam, the land comprised is ‘Nilam Nikathu Purayidam’. The same was also seen in the report of Addl. Tahsildar, Kanayannur. Since the land comprised is ‘Nilam Nikathu Purayidam’ the committee recommended the item to SEIAA for issuing EC.”

The statement, that 'part is reclaimed land' necessitated further clarification that the provisions of the Kerala Conservation of Paddy Land and Wetland Act, 2008 are not violated. 40th SEAC held on 27-28th May 2015 considered the case as item no 40.03 and *the Committee examined the records based on the minutes of the Sub-committee, Form I, Form IA, Conceptual plan and details submitted and decided to recommend to SEIAA to close further action in this matter as the proposal falls under category 8(a) as per OM of MoEF dated 22-12-2014 and to inform the proponent accordingly. However as a response to the queries raised by SEIAA, it was also decided to inform that as per the letter No. H3-13188/2013 dated 19.9.2013 of the Additional Tahasildar, Kanayannur, furnished along with the original application, the land in question is already a filled up land on the date of commencement of Kerala Conservation of Paddy Land and Wetland Act, 2008. Hence it does not come under the purview of the above said act.*

42nd SEAC held on 2nd July 2015 reappraised the case as item no. 42.02 on the basis of the notification No. S.O.3252 (E) dated 22.12.2014 and decided to recommend to close further action since EC is not required for educational institution as per above said OM.

The 39th meeting of SEIAA examined such recommendations of SEAC in its 39th meeting held on 14-15/05/2015, and held as under:

“If a Health Care Institute, which comes under ‘red category’ industry is having plinth area of 20,000 m² 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.”

In view of the OM F No. 19-2/2013-IA III dated 9-06-2015 the Committee reviewed the decision taken, in its 40th meeting. The total built up area of the hospital building is 8621.32m² (MC block 1) + 18860.08 m² (MC block 2). Therefore the Committee decided to endorse the decision taken in its 30th meeting for issuance of EC stipulating the following specific conditions in addition to the general conditions for non-mining projects.

1. A buffer distance of at least 10 m to be kept as No Development Zone on the side of the thodu.
2. No part of the streams in the site should be reclaimed.
3. The hierarchy of width of internal roads must be maintained.

The Committee also intimated SEIAA that as per the letter No. H3-13188/2013 dated 19.9.2013 of the Additional Tahasildar, Kanayannur, furnished along with the original application, the land in question is already a filled up land as on the date of commencement of *Kerala Conservation of Paddy Land and Wetland Act, 2008*. Hence it does not come under the purview of the above said Act. Moreover, if necessary, it is the responsibility of the Local Body to obtain the prior clearance under the above Act before according the building permit.

The Authority had already decided to grant E.C to the project. Now that the status of the land is also got clarified by revenue authorities and SEAC, the Authority decided to accept the recommendations of SEAC in the 30th and 39th meetings and to issue the E.C, also subject to strict adherence to the rules on disposal of Bio Medical Wastes and fulfillment of all other statutory obligations for construction at the site and implementing the conditions in the inspection report.

Item No. 40.21 Environmental Clearance for Commercial Complex project in Sy. Nos. 4/18-3, 6/19-2, 6/9-3, 5/3 pt., 6/1-2, 4/14, 6/6-2, 6/1-2-3, 6/7-2-2, 6/5-2, 6/5, 6/12-2, 4/18-2, 6/19-2, 6/9-2, 4/17, 4/20, 7/1-3, 6/10, 6/11, 6/8, 7/1-4, 4/16, 4/19-2 and 4/15 at Aluva West Village, Choornikkara Panchayath, Aluva Taluk, Ernakulam District Kerala by P.C. Thahir (File No. 270/SEIAA/KL/1223/2014)

The 42nd SEAC held on 2nd July 2015 considered the case in the light of the amendment to EIA notification 2006 with regard to production of approved building plan and the Committee reviewed its decision taken in its 40th meeting in the light of the amendments to Para (3) of appendix V of 2006 notification issued vide MoEF notification S.O. 3067 dated 01.12.2009 which reads *'Where a public consultation is not mandatory, the appraisal shall be made on the basis of the prescribed application Form and EIA report, in case of all projects and activities other than item 8 of the schedule. In the case of Item 8 of the Schedule, considering its unique project cycle, the*

EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and make recommendations on the project regarding grant of EC or otherwise and also stipulate the conditions for E.C’.

In the light of the above the Committee decided to recommend for issuance of EC stipulating the following specific conditions in addition to the general conditions for non-mining projects.

1. The storm water drain in the plot and its connection to the drain outside is not clear. Being a waterlogged site, a clear storm water management plan shall be provided.
2. Separate entry and exit should be provided such that the traffic in NH is unhindered.
3. Adequate precautions for disaster management should be inbuilt in the plan.
4. Carbon foot print of the project should be reduced to the maximum extent possible.
5. Other statutory clearances should be obtained.

The Authority examined the application in the light of the minutes of SEAC. It is seen that a subcommittee of SEAC conducted site visit but decisions thereon are not there in the minutes recommending the project. Authority decided to incorporate the conditions in the Inspection Report in the Environmental Clearance to be issued. Green building norms usually being incorporated may also be incorporated in the E.C. The Authority decided to grant environmental clearance to the project subject to the conditions in the Appraisal Report and the above specific conditions.

Item No. 40.22 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 (File No. 275/SEIAA/KL/1278/2014)

The proposal as referred by SEIAA was again placed in the 42nd meeting of SEAC held on 2nd July 2015 for further decision with regard to production of building plan and the condition regarding NBWL. The recommendation of the Committee was as follows:

“In view of the amendment to para (3) of the appendix V of the 2006 notification issued vide S.O- 3007 dtd. 01.12.2009 the Committee reviewed its decision taken in its 40th meeting. During the course, the committee noted the observation of SEIAA in its 35th meeting which reads:

SEAC in its 35th meeting held on 17/18-9-2014, recommended for grant of EC subject to three specific conditions, which do not include CRZ clearance though the site is in Marine Drive, Kochi. The meeting decided that the E.C shall be the final step before issue of which all the other statutory permits, consents and clearances shall be obtained. Proponents should obtain all other clearances required before applying for E.C. Site verification is mandatory for all high-rise building projects. The Authority wanted to have the veracity of the statements in item 2 of the Appraisal report on non- CRZ status of the site based on a 1998 judgment of the High Court where as the extant CRZ notification is of 2011.

Also the Government order from The Local Self government Department stating that the land assigned to GCDA will not fall within CRZ needs to be verified. The case is referred back to SEAC for further verification of the above aspects and to confirm the non-CRZ status of the land”

The Committee is of the view that the above observation of SEIAA is not in consonance with the provisions contained in para 8(V) of 2006 notification of MoEF which states that; *“Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons’.*

With regards to the site inspection it is left to SEAC to decide whether a site inspection is essential for proper appraisal of a proposal as is detailed in 7 stage (2) scoping of 2006 EIA notification 14.09.2006 which further states that

‘..... a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned

In the case of CRZ area, as per the Para 4(d) of the CRZ notification on 6.01.11 prior recommendations of the CZMA is required for according EC.

With respect to the veracity of the exemption of the land of the applicant from CRZ notification 2011, it is observed from the file that Member Secretary (i/c) KCZMA has already clarified the issue to the Member Secretary, SEIAA vide Letter No. 3207/A2/15/ KCZMA/S&TD dated 9/06/2015 and in such cases KCZMA is the final authority to advise regarding the applicability of CRZ notification to a particular area.

Further the Committee observed that the proponent has stated in Form I that the project site is located within 1 KM radius from Mangalavanam Bird Sanctuary which is a notified Protected Area under Wildlife Protection Act, 1972. In such cases the procedure to be adopted are detailed in OM dt 02.12.2009 amended on 03.03.2015. As per the amended OM, the procedure to be adopted is that the project proponent should submit a copy of the application submitted for wildlife clearance with all its enclosure, along with the environment clearance application. The proponent has not done so.

Considering all the aspects, the Committee decided to recommend to issue EC as decided in its 35th meeting of SEAC subject to following special conditions on production of the copy of application preferred for seeking Wildlife Clearance from the Standing Committee of NBWL.

1. The access, parking facility, and setbacks shall be in accordance with the National Building Code.
2. The concentrated rejects of R.O. Plant must be sufficiently diluted with treated effluent water meant for recycling before it is let out.

3. Adequate precautions for disaster management should be inbuilt in the plan.
4. Carbon foot print of the project should be reduced to the maximum extent possible.'

The matter was discussed in detail by the Authority. The proponent has submitted copy of the application dtd. 22.07.2015 for clearance from NBWL on 23.07.2015, whereby the recommendation of SEAC can be considered by SEIAA for decision.

As for the findings of the SEAC on non-requirement of CRZ recommendation of the KCZMA for issue of integrated clearance, the CRZ notification S.O 19 (E) dated 6-1-2011 in Rule 4.2 (ii) stipulates that for projects attracting EIA notification 2006, the concerned CZMA shall examine the documents in accordance with the approved CZMP and in compliance with the CRZ notification and make recommendations within a period of 60 days from the date of receipt of completed application to the State Environment Impact Assessment Authority. As per Rule 4.2 (iii) SEIAA shall consider such projects for clearance based on the recommendation of the concerned CZMA within a period of 60 days. This position has been further clarified in O.M. No. 11-83/2005 –IA-III dated 8-2-2011 of the MoEF. However the Committee itself has in the same minutes stated that '*In the case of CRZ area, as per the Para4 (d) of the CRZ notification on 6.01.11 prior recommendations of the CZMA is required for according EC*'. KCZMA has since recommended the case for grant of E.C stating that CRZ provisions are inapplicable as per judgments of the High Court of Kerala.

The opinion on the CRZ status as called for by SEIAA is seen formed based on the letter of the Member Secretary KCZMA, which was available in the file.

As regards site inspection SEIAA has already decided that site inspection is mandatory in all cases of rock quarries and high rise buildings. In the above circumstances the application was considered in the backdrop of the recommendations of KCZMA and SEAC.

SEAC in its 42nd meeting held on 2-7-2015 examined the reference from SEIAA on matters related to recommendation on CRZ etc. It is reported as under, regarding the applicability of CRZ notification 2011:

“ It is observed from the file that Member Secretary (i/c) KCZMA has already clarified the issue with the Member Secretary SEIAA, vide letter number 3207/A2/KCZMA/S&TD dated 9-6-2015 and in such cases KCZMA is the final authority to advice regarding the applicability of CRZ notification to a particular area”.

What the Authority has resolved in the 35th meeting held on 9/4/2015 was to have the veracity of the statement in Item No.2 of the appraisal report on non-CRZ status of the site based on a 1998 judgment of the High Court, whereas the extant CRZ notification is of 2011. Both the certificate issued by the Member Secretary (i/c) and the above views of SEAC fail to provide a convincing explanation to the point raised by SEIAA . The Authority therefore decided to refer the matter to KCZMA for confirmation whether the site is outside the CRZ in the CZ map of the area as per CRZ notification 2011, as early as possible. If the map is not available, KCZMA may confirm that the site is still outside CRZ as per the existing rules as applicable. It was also decided to get it clarified by the Corporation of Cochin that the Government Order from the Local Self Government Department that the land assigned to GIDA will not fall within CRZ, still holds good.

Item No. 40.23 Environmental clearance for the Residential Apartment project in Sy. Nos. 193/24A and 24B at Edappally South Village, Kochi Corporation, Kanayannur Taluk, Ernakulam District, Kerala by Elko Properties & Developers Pvt. Ltd. & ABZ Skyline Properties Pvt. Ltd. (File No. 299/SEIAA/KL/1499/2014)

The 35th SEIAA considered the matter on 9th April 2015 and referred the case back to SEAC for further verification on the CRZ status of the project.

The 40th SEAC held on 27-28 May 2015 and 42nd meeting held on 2nd July 2015, examined the reference from the 35th meeting of SEIAA. In view of the amendment to Para (3) of appendix V of 2006 notification issued vide S.O. 3067 dtd 1.12.2009; the Committee reviewed its decision taken in its 40th meeting and observed that the CRZ status will not have any bearing on the appraisal and to endorse the decision taken in its 35th meeting of SEAC for issuance of EC subject to general conditions for non-mining projects in addition to following specific conditions.

1. In the exterior part of the building the glass used must be of non-reflective type.

2. RWH facility must have a storage capacity of at least 15 days fresh water demand and must be used to ease out the stress on common water supply.
3. Adequate precautions for disaster management should be inbuilt in the plan.
4. Carbon foot print of the project should be reduced to the maximum extent possible.

The Authority had referred the case to SEAC for site inspection in the 33rd meeting held on 24-9-2014. If site inspection is excluded altogether or any of the conditions in the inspection report omitted to be recommended to SEIAA reasons therefore shall be recorded in the minutes of SEAC. Authority also resolved to refer the case to KCZMA on applicability of CRZ conditions with reference to the CRZ notification 2011, to be obtained within a month.

Item No. 40.24 Environmental clearance for IT Building Cum Campus (Technocity Project) in Sy. Nos. 8 (part), 9(part), 10 (part) at Andoorkonam Village and Panchayath, Thiruvananthapuram Taluk Thiruvananthapuram District, Kerala by Sri. Vijayaraghavan Gopala Pillai for Suntec Infrastructure Pvt. Ltd. (File No. 372/SEIAA/KL/2612/2014).

The application was approved for the issuance of E.C as per the recommendations of SEAC with incorporating the Environment Management Plan, mitigation measures and the green building conditions as under:

- There shall be RWH facility with adequate capacity.
- Technology and capacity of the STP to be indicated with discharge point (if any) of the treated effluent.
- Effluent water not conforming to specifications shall not be let out to water bodies
- Maximum reuse of grey water for toilet flushing and gardening and construction work shall be ensured.
- Dual plumbing for flushing shall be done
- Provisions for disposal of e-wastes, solid wastes, non-biodegradables, hazardous materials and separate parking facility for the buildings shall be provided.
- Generation of solar energy to be mandatory for own use and/or to be provided to the grid.

- There shall not be any compromise on the safety conditions and facilities to be provided by the project proponent, which shall be ensured for occupation, regularisation or consent to operate.

Item No. 40.25 Environmental clearance for Housing Project titled ‘Sobha Silver Sand’ at in Sy. Nos. 492, 493, 495/1, 495/2, 495/3, 495/4, 496, 497, 498, 499, 500, 501/1, 501/2, 502, 503/1, 504/1, 504/2 at Nadama Village, Kanayannur Taluk, Ernakulam District, Kerala by M/s Sobha Developers Ltd. (File No. 412/SEIAA/KL/2912/2014)

It is proposed to construct 500 apartments with swimming pool, club house and first aid facility within the site. The total plot area of the proposed project is 2.3274 hectare (23,273.85 m²) and the total built-up area is 1,20,479.36 m². The maximum height of building is 92.8 m. Field inspection had been conducted on 23.09.2014 by a subcommittee of SEAC. The project is proposed on the southern side of an island called Silver Island in Nadama Village, Kanayannur Taluk. The area is a level land with very gentle slope to the south. The soil is mostly sandy clay. The land is partly filled with dredged sandy material from the adjacent tidal channel. Water is seen at the surface in the depressions. The water level is nominally influenced by the tidal waters of adjacent water body. The ground water inside the island is saline with a TDS of 2550 mg/l. One of the important observations is the presence of mangroves and shrubs along the southern boundary. Avicinea and Rhizophora varieties are seen indicating high salinity in the tidal channel and the need to regulate the area under CRZ.

Hence before considering any other aspect, clearance from KCZMA was mandatory. Necessary setbacks may have to be provided and activities may have to be regulated too. The project can be considered after the receipt of the recommendations of KCZMA. The 39th SEAC appraised the proposal and *interalia* observed that presence of typical mangrove species indicates that the area falls under CRZ. Based on the above, the 39th meeting of the Committee recommended to direct the proponent to produce CRZ clearance from KCZMA. The Committee reviewed its decision taken in its 39th meeting, in its 42nd meeting. The Committee observed that even though the applicant in the application indicated that the area is outside CRZ area, the area support mangroves and the salinity is also on the higher side indicating tidal activity and hence SEIAA may obtain recommendations from the KCZMA before issuance of EC. After detailed discussions the

Committee decided to recommend for issuance of EC along with other specific conditions over and above the recommendations, if any, by the KCZMA.

In the minutes of the 42nd meeting of SEAC (item 42.07) it is seen that Sri John Mathai, Member, SEAC suggested a reappraisal based on the revised conceptual plan incorporating the recommendation of KCZMA. Committee considered the suggestion but it was observed that even if the recommendation of the KCZMA is to downsize the project there will not be any reason to dilute the specific conditions prescribed by the committee. Hence the above suggestion was overruled by a majority and SEAC recommended for issuance of E.C subject to specific conditions.

The Authority examined the case with reference to rules. The CRZ notification S.O 19 (E) dated 6-1-2011 in Rule 4.2 (ii) stipulates that for projects attracting EIA notification 2006, the concerned CZMA shall examine the documents in accordance with the approved CZMP and in compliance with the CRZ notification and make recommendations within a period of 60 days from the date of receipt of completed application to the State Environment Impact Assessment Authority. As per Rule 4.2 (iii) SEIAA shall consider such projects for clearance based on the recommendation of the concerned CZMA within a period of 60 days. This position has been further clarified in O.M. No. 11-83/2005 –IA-III dated 8-2- 2011 of the MoEF. In cases where CRZ is applicable, the KCZMA has to furnish recommendations on CRZ, based on which an integrated EC is to be issued, if fit for clearance. Proponent has to obtain CRZ clearance of KCZMA and submit to SEIAA.

Item No. 40.26 Environmental clearance for the development of campus of Indian Institute of Information Technology and Management project in Survey Nos. 293 (293/1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21), 308 (p) (308/13, 14, 15), 309 (p) (5, 6, 7, 8, 10, 12, 13, 14, 15, 17, 18, 20, 21, 22, 23, 24, 25, 26, 31, 35, 36, 41), 210 (p) and 311(p) (311/1, 2,3,4,5,6,7,8,9, 9-1, 9-2, 10, 12, 13, 14, 15, 16) at Veiloor Village, Thiruvananthapuram Taluk, Thiruvananthapuram District, Kerala by M/s Indian Institute of Information Technology and Management-Kerala (File No. 459/SEIAA/KL/3181/2014)

42nd meeting of SEAC held on 2-7-2015 recommended for issuance of E.C to the project subject to general conditions in addition to following specific conditions.

1. The level of approach road and other internal roads with reference to the level of

National Highway must be provided. The hierarchy of roads must be maintained.

2. The access, parking facility, and setbacks shall be in accordance with the National Building Code.
3. The status of existing stream must be maintained with the natural vegetation on either bank. A buffer distance equivalent to the width of stream must be left as it is.
4. Land filling must be minimised.
5. In order to ensure the sustained yield of existing KWA well, a safe distance must be left as a no development zone. In addition a sub-surface dyke with an over flow into the stream can be provided on the downstream side of the KWA intake well to arrest the seepage into the project land and to maintain yield of the well.
6. Adequate precautions for disaster management should be inbuilt in the plan.
7. Carbon foot print of the project should be reduced to the maximum extent possible.

The Authority resolved to approve the application for the issuance of E.C as per the recommendations of SEAC incorporating the Environment Management Plan, and mitigation measures as undertaken in the EMP and pre- feasibility report and the green building conditions as under:

- There shall be RWH facility with adequate capacity.
- Technology and capacity of the STP to be indicated with discharge point (if any) of the treated effluent.
- Effluent water not conforming to specifications shall not be let out to water bodies
- Maximum reuse of grey water for toilet flushing and gardening and construction work shall be ensured.
- Dual plumbing for flushing shall be done
- Provisions for disposal of e-wastes, solid wastes, non-biodegradables and separate parking facility for the buildings shall be provided.
- Generation of solar energy to be mandatory for own use and/or to be provided to the grid.
- There shall not be any compromise on the safety conditions and facilities to be provided by the project proponent, which shall be ensured for occupation, regularisation or consent to operate.

Item No. 40.27 Environmental clearance for proposed housing project “Nautica” at Ernakulam in Sy. Nos. 1/7, 1/11, 39/6, 39/1, 2, 39/3, 39/5, 39/11, 39/12, 39/13, 39/7, 51/1, 51/14, 51/15 at Kumbalam Village and Kanayannur Taluk, Ernakulam District, Kerala by Sri. Siraj Mather for M/s Asten Realtors Pvt. Ltd. (File No. 545/SEIAA/KL/3958/2014)

Sri. Siraj Mather, 33/29 A, The Promenade, Mather projects, Pavor road, Padivattom, Edappally P.O. Kochi- 682024, vide his application received on 17.08.2014 has sought environmental clearance under the EIA Notification, 2006 for the Residential cum Commercial project in Sy. Nos. 1/7, 1/11, 39/6, 39/1, 39/ 2, 39/3, 39/5, 39/11, 39/12, 39/13, 39/7, 51/1, 51/14, 51/15 at Kumbalam Village and Kanayannur Taluk, Ernakulam District, Kerala.

40th SEAC held on 27-28th May 2015 considered the case as item no 40.01 and noted that although the proponent was intimated about the meeting, he failed to make a presentation before the Committee. The committee noticed that the proponent has submitted the application after the commencement of the construction and hence it is a violation of the guidelines contained in OM No. J-11013/41/2006-IA.II (I) dated 19-08-2010. The Committee reported the violation and recommended to SEIAA for appropriate decision.

The Authority considered the recommendation and decided to initiate violation proceedings. Also decided to issue stop memo. Also details of accreditation of the consultant should be verified.

Item No. 40.28 Environmental clearance for proposed Cancer Hospital Project in Sy. Nos. 272/2, 3, 4A1, 4A, 4A2, 4B, 297/1B, 265/1B2, 266/2,4 268/2, 267/1B, 279/3, 273/4 in Chloor Desam of Poolokode Village, Chathamangalam Panchayath, Kozhikode Taluk, Kozhikode District, Kerala of M/s Cancer and allied Ailment Research (CARE) Foundation (File No. 547/SEIAA/EC4/3960/2014)

The proposal was considered in the 42nd meeting of SEAC held on 2nd July 2015. The Committee recommended for issuance of EC stipulating the following specific conditions in addition to the general conditions for non-mining projects

1. The entry available in the southern side should be developed so as to minimise the traffic congestion in future

2. The proponent should ensure that, effluent is not discharged without proper treatment and adequate care is taken to reuse the treated effluent in the proposed project site itself.
3. The proponent should give proper provision for harvesting of storm water and reuse of wastewater.
4. As far as possible, constructions have to be carried out without disturbing much of the biodiversity. While developing the site, the proponent should be careful to minimise the impact on floral and faunal ecology. The green belt available on the boundary of the project site shall be retained.
5. Adequate precautions for disaster management should be inbuilt in the plan.
6. Carbon foot print of the project should be reduced to the maximum extent possible. The Authority noted that it is a rich biodiversity area. E.C to be granted subject to all the conditions recommended by SEAC and also on provisions for disposal of e-wastes and radioactive wastes as per rules.

Item No. 40.29 Environmental clearance for Proposed building for Infrastructure Kerala Limited (INKEL) at Angamaly in Sy. Nos. 266/5 at Vadakkumbhagom Village and Angamali Panchayath, Aluva Taluk, Ernakulam District, Kerala by Sri. Premkumar Sankara Panicker for M/s INKEL Ltd. (File No. 555/SEIAA/KL/4090/2014)

The proposal was reconsidered in 42nd meeting of SEAC held on 2nd July. Committee has reported that the project proponents have commenced construction works after the submission of the application and to that extent there is violation of the EIA notification and guidelines. The Committee decided to recommend for issue of EC after finalisation of violation procedure subject to the general conditions and the following specific conditions.

The Project Proponent shall ensure that the space is leased out only to those industries which are capable of disposing the waste generated by them without polluting the land, water and air in the vicinity.

1. The capacity of RWH facility should be not less than the provisions in the KPBR/KMBR.
2. Storm water discharge should be properly planned.
3. Adequate precautions for disaster management should be inbuilt in the plan.

4. Carbon foot print of the project should be reduced to the maximum extent possible.

Authority observed that no site inspection had been conducted. It was decided to conduct site inspection by SEIAA itself and to make a report in the next meeting. Decision on issuance of EC after the inspection report.

Item No. 40.30 Environmental clearance for Proposed “Sutherland ITES Campus” at KINFRA Hi – Tech Park by Sutherland Global Services in Sy. Nos. 321/1 at Thrikkakara North Village, Kanayannur Taluk, Ernakulam District, Kerala by Sri. VBNNV Prasad for M/s Sutherland Global Services (File No. 734/SEIAA/KL/ 07 /2015)

SEAC recommended for issuance of EC subject to general conditions in addition to following specific conditions the first three, recommended in the 40th meeting of SEAC and the rest in the 42nd in its 40th meeting.

1. A provision for independent water source from the project area itself should be provided.
2. Standard operating procedure for disaster risk reduction should be followed right from the designing stage itself.
3. Parking space shall not be less than what is prescribed in the KPBR/KMBR.
4. Adequate precautions for disaster management should be inbuilt in the plan.
5. Carbon foot print of the project should be reduced to the maximum extent possible.
6. Green building norms to be adhered to.
7. CSR to be implemented.

Authority accepted the recommendations and decided to grant E.C also subject to the general conditions.

Item No. 40.31 Environmental clearance for Proposed expansion of hospital buildings for Lakeshore Hospital & Research Centre at Ernakulam in Sy. Nos. 325/1,2,3,4, 327/3,4,5,6,7at Maradu Village and, Kanayannur Taluk, Ernakulam District, Kerala by Sri. Dr. Philip Augustine for Lakeshore Hospital & Research Centre at Maradu village, Ernakulam. (File No. 740/SEIAA/KL/62/2015)

SEAC reported that the present proposal is a revision of the plan already approved by Maradu Municipality. The approval was for construction of a building of 4515.04 m² built-up area. At the time of approval there was already a built-up area of 20520.68 m².

Therefore, when the addition was sanctioned, the proponent should have obtained an EC and the authority which accorded sanction should have insisted for the same. To that extent, this is a case of violation for which SEIAA may take appropriate action. Meanwhile, since the proposed area falls under CRZ, the recommendation of KCZMA may be obtained.

Authority decided as follows:

- i. To take violation proceedings vide O.M. No. J. 11013/41/2006/IA.II (1) dtd. 12.12.2012 of MoEF.
- ii. To issue stop memo may against any further activity at the site except those allowed in O.M. No. J. 11013/41/2006/IA.II (1) dtd. 19.08.2010 of MoEF.
- iii. Proponent to be directed to get CRZ recommendation from KCZMA and to submit to SEIAA to consider for integrated clearance.
- iv. Matter of grant of permit by Maradu Municipality to be reported to Govt. (LSGD) for action against those responsible.

Item No. 40.32 Environmental clearance for the ongoing Attappady Valley Irrigation Project (AVIP) in Sy. Nos. 1352 of Agali Village and 1677 of Sholayar Village at Chittur, Agali & Sholayur Village, Mannarkkad Taluk, Palakkad District, Kerala by Sri. A.P. Balan, Chief Engineer, Projects-1, Cauvery House, West Hill, Kozhikode (File No. 764/EC1/SEIAA//457/2015).

The 41st meeting of SEAC found that as per the notification of MoEF 1-4/2012-RE (Pt), dated 19.11.2013, Sholayur and Agali villages come under notified ESA. The proposal also involves diversion of forest land. As per the general conditions of EIA notification, 2006 and its amendment No. 1599(E) dtd. 25.06.2014, the project becomes category A and it is to be considered by MoEF & CC, GoI. Hence the Committee decided to recommend to delist the proposal. Authority accepted the recommendation. Project is to be considered by MoEF.

Item No. 40.33 Application for Environmental clearance for the proposed fishing harbour at Varkala- Chilakkoor in Sy. Nos. 6, 10, 12, 13, 14, 15 and 16(BI No. 161) at Chilakkoor Village, Varkala, Thiruvananthapuram (D), by Sri. M. Rajeev for Harbor and Engineering Department (File No. SEIAA/EC1/3482/2014).

SEAC considered the proposal in the 41st meeting held on 16th and 17th, June 2015 as Agenda Item no. 41.17. The Committee examined the ToR and found that the project is for a proposed fishing harbour with a capacity below 10,000 TPA. As per the EIA notification 2006 such projects do not require EC. Hence the Committee decided to recommend delisting the proposal.

Authority accepted the recommendation. E. C is not necessary for the project.

Item No. 40.34 Environmental Clearance for the proposed building stone quarry project in Sy Nos. 143/2,4, 144/1,2,3, 146/1,2,3, 152/4,5,6, 7,8,9,10, 11,12,13,14&15 at V-Kottayam Village, Kozhenchery Taluk, Pathanamthitta district (File No. 140/SEIAA/EC4/2570/2013)

As per the decision taken by 32nd meeting of SEAC held on 12-13th August 2014, the proponent has submitted combined application for both the quarries i.e., J & S Granite Company and Ambadiyil Granites, covering Sy. Nos.143/2,143/4, 144/1, 144/2, 144/3, 146/1, 146/2, 146/3, 147/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 148, 149/4, 152/4, 152/5, 152/6, 152/7, 152/8,152/9, 152/10, 152/11, 152/12, 152/13, 152/14 and 152/15 for a total area 15.3829 ha. The new proposal is under consideration in File No. 200/SEIAA/EC4/86/2014.

Considering the above, Authority approved the proposal to delist the case and to close the file.

Item No. 40.35 Environmental clearance for the proposed quarry project in Survey Nos. 15/7, 15/15, 16/5, 16/2, 20/1, 19/1, 15/9 part, 21/5, 21/6 part, 16/4-1 and 16/4, at Thottapuzhassery Village, Thiruvalla Taluk, Pathanamthitta District, Kerala by M/s Panachayil Industries (File No. 145/SEIAA/EC4/2746/2013)

The proponent submitted the approved mining plan as per the decision in the 35th meeting of SEIAA. The proposal was placed in the 41st SEAC held on 16th and 17th June 2015 as agenda item no. 41.01. 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 the decision of the 35th meeting of SEAC and recommended the issuance of Environmental Clearance with the following specific conditions, in addition to the general conditions stipulated for mining projects.

1. On the closure of mine at least 10% of the mined area should be formed into a water body by harvesting rain water.

2. To the extent possible local biodiversity management Committee should be involved in the environmental management/restoration activities.

Authority found that the mining area is 4.0429ha in Thottappuzhassery village, Pathanamthitta district, which is a riparian midland. As already decided by the Authority site inspection is necessary in such cases. It was decided to refer the case to SEAC for site inspection and recommendations thereon.

Item No. 40.36 **Application for obtaining environmental clearance for the proposed quarry project in Sy. No. 51/1, 3,4,5,6,11, 53/3,4,5,6,7, 60/4p, 5p, 7 & 66/4 at Kizhakkambalam Village, Kunnathunadu Taluk, Ernakulam District, Kerala by George Antony for M/s G. K. Granites (File No. 174/SEIAA/KL/3650/2013)**

A fresh application from the applicant for E.C in the same site except Sy. No. 51/11 (for an extent of 7.08 ha.) has been submitted which is under examination in File no. 522/EC3/2014/SEIAA. Hence Authority approved closure of the file.

Item No.40. 37 **Environmental clearance for the proposed building stone quarry project in Sy. Nos.143/2,143/4, 144/1, 144/2, 144/3, 146/1, 146/2, 146/3, 147/1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 148, 149/4, 152/4, 152/5, 152/6, 152/7, 152/8,152/9, 152/10, 152/11, 152/12, 152/13, 152/14 and 152/15 at V-Kottayam Village, Kozhenchery Taluk, Pathanamthitta district by Sri. Sadanandan (File No. 200/SEIAA/EC4/86/2014)**

39th meeting of SEIAA held on 18-6-2015 has recommended for E.C to this project. The proponent Sri. K. Sadanandan has submitted a representation dated 26-6-2015 for changing the name of his quarry project as ‘K. Sadanandan, Ambadiyil New Bunglow, Pannivizha, M.G. Road, Adoor, Pathanamthitta’ instead of M/s J & S Granites Company as in the records of SEIAA. Authority approved the request of the proponent subject to satisfaction of a condition on production of a notarised affidavit to the effect that the change in name of the firm is bonafide and there is no change in the other details as furnished in the form 1 application regarding ownership and other legal details furnished.

Item No. 40.38 **Environmental clearance for the quarry project in Sy. Nos. 178/6, 178/7A, 178/7B3, 178/7B2, 178/7B1, 179/1-1, 179/8A1, 179/8A2, 179/8B1, 179/8B2, 179/8B3, 179/8A3/180/1-1, 180/1-2, 183/2-1 and 180/2-5 at Maneed Village & Panchayath, Muvattupuzha Taluk, Ernakulam District, Kerala by M/s R.M. Rocks & Sand (P) Ltd. (File No. 420/SEIAA/KL/2969/2014)**

Recommendation of SEAC for environmental clearance is without site inspection. Authority decided to return the case to SEAC for site inspection and recommendations on that basis.

Item No. 40.39 Quarry project in at Kadangode Village and Panchayath, Thalappilly Taluk, Thrissur-E.C granted to M/s Verginland Plantations & Farms Pvt. Ltd. - Transfer to M/s Best Granites - Application- reg. (File No. 2181/EC1/2015/SEIAA)

On 11-06-2015, Authority received a request from Sri P.K. Jaleel, Managing Director, Best Granites, Kadangode, Thippillissery, P.O., Thrissur- 680519 for the transfer of the E.C No. 162/SEIAA/3492/2013 dated 1-10-2014 now in favour of Sri. P.K. Jaleel, Managing Partner, M/s Verginland Plantations & Farms Pvt. Ltd., to the said Best Granites, in the wake of transfer of the lands where the quarry operation is done, to Best granites. The entire land for which E.C had been issued has been transferred to Best Granites, Kadangode, Thippillissery, P.O., Thrissur- 680519 in the name of Sri. P.K. Jaleel, Managing Partner. It is stated that the purchaser is the Managing Partner of the firm. Applicant has submitted all the documents required as per guidelines. Authority decided to permit transfer of the E.C granted to M/s Virginland Plantations & Farms Pvt. Ltd. to M/S Best Granites Kadangode, Thippillissery, P.O., Thrissur- 680519. The transferee shall be responsible for compliance with the conditions in the E.C and liable for non-compliance.

Item No. 40.40 Quo Warranto Writ Petition No; 12356/2015 filed by Sri. C.R. Neelakantan challenging nominations to the SEIAA/SEAC- Defending of – (File no. 1647/EC2/2015/ Eenvt.)

Chairman explained the action taken by SEIAA and the party respondents to defend the case. Private advocates Adv. Alex George, and Adv. Jaju Babu have been engaged to defend them. Member Secretary wanted a letter to be sent to Sri. Viswanath Sinha, Joint Secretary MoEF, to engage a Special Pleader in the High Court to defend the case for the Ministry.

It was also resolved that the fees of the above Advocates may be met by the Authority as sanctioned by Government in G.O (Rt) 97/2015/Envvt dated 10-7-2015.

Item No: 40.41 SEIAA- resolution on manpower and delegated powers- Online submission of application- Facilities -reg. (File No: 1293/EC2/2015/SEIAA)

Decision in item 40.01.02 and 04. Action as per G.O (Ms) 12/15/Envvt dated 31-7-2015 may be taken to get the proposals for office facilities (for which proposals as per resolutions of SEIAA have been submitted), approved by Government. Action for taking a building on rent for SEIAA/ SEAC to be expedited.

Item No. 40.42 Environmental Clearance for proposed apartments (Silver Linden) Project (Sobha Rio Vista) in Sy. Nos. 208/1A at Panniyankara Village, Kozhikode Taluk, Kozhikode District, Kerala by M/s Malabar Highview Builders Pvt. Ltd (File No. 436/SEIAA/EC4/2996/2014)

The Authority has decided to initiate violation proceedings and also to reject the application. Sri. T.P. Nazeer Hussain, M/s Malabar High view Builders Pvt Ltd, submitted a representation on 15-06-2015, requesting for imposing penalty as per EP Act and O.M dated 12-12-2012 on the subject. The specific contention against the order dated 5-5-2015 of SEIAA is that, it is silent on the 'credible action' to be initiated as per the O.Ms of MoEF dated 12-12-2012. They want to regularise the violation by imposition of penalty as was done in the two precedents quoted. In this case action under Sections 15 and 19 of the Environment (Protection) Act, 2006 is what is warranted. It is for the District Collector, Kozhikode to enforce the orders of SEIAA on violation proceedings, for which there is specific direction in the order dated 5-5-2015. Authority decided that the D.C be directed to file complaint in the appropriate Court and to report to SEIAA to pursue the application for E.C.

Item No. 40.43 E.C for quarry of M/S Amity Rock Products (P) Ltd at Kottangal Village, Mallappally Taluk, Pathanamthitta-Distance condition- Review of Petition- reg (File No. 2305/EC4/2015/SEIAA)

As per the E.C. No. 98/SEIAA/KL/1387/2013 dated 22-11-2013, clearance had been granted to the building stone quarry of M/s Amity Rock Products (P). Ltd. in Sy. Nos. 436/1,443/1,443/1-3,446/3,446/3-1,446/4,447/1, 447/1-2, 447/1-3 and 448/2 at Kottangal Village, Mallappally Taluk, Pathanamthitta. One of the specific condition was that 100 m setback should be made from the forest boundary. The proponent of the project has represented that 6/2014 the condition may be reviewed on the following grounds;

1. The earlier condition was 60 m from the forest boundary.
2. 100 m from the boundary would extend to the existing mining area making a loss of 12 lakhs tonnes of mineable material, for which there is lease.

3. Benches formed with 60 m setback cannot be maintained if the distance is increased.
4. There is no provision prohibiting mining within 100 m of forest area. As per mining rules it is only 60 m.
5. Even in cases of diversion of forest land for non-forestry purposes, under Forest Conservation Act 1981, the safety Zone for free movement of wild animals is only 7.5 m, all along the outer boundary.
6. E.C given is for annual production of 6, 00, 00 tonnes. Lease area is only 8.7663 ha. Increasing the distance to 100 m will block the mineral exploration, making it impossible to quarry the permitted quantity.

A representation to SEAC has been considered in the 40th meeting held on 29-5-2015. Committee held that in such matters, SEIAA is the competent Authority to take further course of action.

Authority examined the above grounds adduced for review. The condition on distance was as recommended by SEAC. There is a statement in the Inspection Report (20-7-2013) that *“The setback from the forest boundary marked with pillars is about 100 m (not measured physically due to dense vegetation cover in the buffer region and steep slope”*. Authority decided that clarification on the above statement and recommendations of SEAC may be obtained on the above grounds for review as to whether the condition on distance now in the E.C would have adverse effect on due compliance with any other conditions in the E.C, such as loss in production, formation of benches after a site visit to report how much quantity can be mined as per the mineable resource shown in the mining plan and if so whether relaxation applied for may be granted.

Item No.40. 44 Requesting for transportation of removed earth out of the property. Submitted by Sri. P.M. Chandran (File No. 2653/SEIAA/EC4/2015)

The 34th SEIAA approved for issuance of EC as per the recommendations of SEAC and issued EC on 31-10-2014 for removal of red earth should be used only for levelling the plot itself and no excavated earth should be taken out of the property.

Now Sri. P.M Chandran, Secretary, Sree Narayana Smaraka Educational Trust. Reg.No. 242/12, Mathumoola, Vazhappally P.O., Changanacherry, Kottayam – 686101 submitted a representation on 8-7-2015. He was granted EC (No. 88/2014 dated 31-10-

2014) for removing ordinary earth for levelling the plot. He stated that the excavated earth is to be used for KSTP work (Chengannur to Changanassery) and the site could be levelled only if the excavated earth is removed from the site. About 5600 m³ ordinary earth is needed for it and requesting for granting permission to transport the excavated earth. Authority considered the request and decided to grant the request.

Item No. 40.45 Environmental Clearance to St. Basil Industries India Pvt Ltd, Muvattupuzha for quarry project- Objections of Ramapuram

As per E.C. No.72/SEIAA/KL/167/2013 dtd. 7-4-2013, Environmental clearance had been accorded to M/s St. Basil Industries India Pvt. Ltd., for quarry project at Ramapuram village, Ramapuram Panchayat, Meenachil Taluk, Kottayam district in 4.8560 ha of land. On 7-4-2014, the Secretary, Ramapuram Grama Panchayat informed that the Panchayat received the copy of the E.C. only along with the application for license on 20-1-2014. The Panchayat committee also passed a resolution that while granting such permits, clearance, etc. for quarrying, crusher units etc. which are dangerous activities, comments of the Panchayat shall be obtained and that the E.C granted to St, Basil Industries may be cancelled. A show cause was issued on 9-5-2014 to Sri. Shans Paul, Managing Director, St. Basil Industries India Pvt Ltd, Muvattupuza based on the report of Grama Panchayat and on the basis of a decision of SEIAA in the 29th meeting held on 9-4-2014. It was also directed to stop the quarrying activities until further orders. The adverse party responded with explanation on 29-5-2014, stating that the firm has all statutory clearances, and that quarrying has not been started and that the show cause notice may be withdrawn. Since then no ground has been advanced by the Ramapuram Grama Panchayat for revocation of the duly given environmental clearance.

Based on the representation of the E.C holder the Authority examined the case. SEIAA does not require the permission of Grama Panchayat to issue E.C. No adverse report has been received in this case. Also nobody has challenged the E.C in the NGT. The 35th meeting of SEIAA has taken certain general decisions in such cases, according to which E.C duly issued shall be challenged in the NGT, in cases when there are no issues on false submission in the applications. The Ramapuram Grama Panchayat has not raised any such matters which call for a review of the E.C. However the Authority resolved to visit the quarry to have first hand information for final decision on the representation and to decide.

Item No. 40.46 Environmental Clearance for quarries situated in ESA villages as per direction under section 5 of Environment (Protection) Act 1986, issued by MoEF-General decision reg-

MoEF has issued directions under Sections 5 of Environment (Protection) Act-1986 in F.No. 1-4/2012-RE (Pt) dated 13-11-2013 to the SEIAA and PCBs of the Western Ghats States restricting certain ecologically deleterious activities including mining and quarrying in the 123 ESA villages in the state. 13 quarry projects in such ESA of the state are pending. As per the directions of MoEF, that such applications shall not be considered by SEIAA w.e.f 13-11-2013. On the question whether these applications except in which there are court directions need be kept pending, the Authority decided to wait for final notification of ESAs by MoEF.

Item No. 40.47 Delay in settlement of claim of Chairman and member of SEIAA

Member Secretary assured and directed DoECC that the claims should be settled promptly.

Item No. 40.48 WP(c) No. 10177/2014 filed by Sri. Tinson John, Managing Partner, M/s Aiswarya Granites (File No. 127/SEIAA/KL/2368/2013, File No. 128/SEIAA/KL/2369/2013, File No. 129/SEIAA/KL/2370/2013)

The case was first deferred in the 38th meeting of SEAC for want of approved mining plan. Meanwhile in W.P(c) 10177/14 filed by the proponent Hon: High Court directed to pass appropriate order in accordance with law in the next meeting itself. Mining plan was submitted on 12.06.2015. Then the application was further appraised on 16/17-06-2015 in the 41st meeting of SEAC, which found that the survey numbers in the Mining Plan do not confirm to those in the application. For three applications only two Mining Plans were submitted which also is another defect. The proponent could not present their case in SEAC properly. Applicability of cluster condition is also to be looked into, as 29 other quarries worked earlier nearby, of which 22 were operated by the proponent.

In order to comply with the direction in the judgment in W.P.No. 1077/14, the Authority decided to pass orders to inform the proponent, of the findings of the SEAC in its 41st meeting to rectify the defects. In view of the long pendency of the case SEAC may make the final recommendation at the earliest. It was also decided to seek time for full implementation of the judgment.

Item No. 40.49 Amendment of EC for Brahmapuram Diesel Power Plant (BDPP) (File No. SEIAA/E3/1902/2015)

Vide Letter No. CE (TP) BDPP conversion/2014-15/15 dated 23.05.2014 the Chief Engineer (Thermal Projects) KSEB requested to amend the EC which is already under consideration of MoEF. The 40th SEAC held on 27-28 May 2015 considered the case as item 40.23 'other items' and decided not to take any action since the proponent has not submitted Form I application to SEIAA.

Authority accepted the recommendation and decided to advise the KSEB be to submit application as per rules/ guidelines.

Item No. 40.50 Application for environmental clearance for extraction of ordinary sand (കരമണൽ) in Wayanad District-recommendations of SEAC for EIA study (6 files).

The matter was considered by SEIAA in its 36th meeting held on 18.04.2015 and decided to have EIA reports in all the 6 cases of ordinary sand (കരമണൽ) extraction from river banks and flood plains as applied for. A question has arisen as to who should prepare the impact study report. As per G.O. (Ms) 132/14/ID dtd. 22.09.2014 on mining of ordinary sand, a District Level Expert Committee in the lines of the District Level Expert Committee for removal of river sand has been constituted. Certain powers and functions have been assigned to the committee, which includes ensuring the protection of environment and ecology in and around the area of quarrying. Authority decided that the District Collectors may prepare the impact study and to submit to SEIAA with recommendation of the District Level Expert Committee Expert Committee on ordinary sand mining.

Item No. 40.51 Illegal quarrying by Sri. T.L George - W.P No: 13567/2015 filed by Sri. John Sebastian - Judgment-Implementation of – (File No .1314/EC3/2015/SEIAA)

As per letter No. 1314/EC3/2015/SEIAA dated 30-5-2015 the decision on the petition against the quarry operated by Sri T.L. George Thottumarikkal house, Vadavodu, Vazhakkulam had been was conveyed to Sri. John Sebastian. On 3-6-2015 SEIAA received a copy of the judgment dated 8-5-2015 of the High Court of Kerala directing SEIAA to consider the representation (already disposed of) after affording an opportunity to the petitioner before taking final decision. In order to comply with the judgment, the

petitioner was heard by the Chairman and Member of SEIAA on 30-6-2015. He was informed that the quarry does not have E.C and no application for E.C has been received. Therefore the decision of the Authority conveyed on 30-5-2015 to approach the appropriate authority for redressal of his grievance would stand.

Authority endorsed the above stand and decided to inform the petitioner accordingly.

Item No. 40.52 Environmental clearance for the proposed quarry project in Sy. Nos. 271/1-2, 271/1-3, 271/1-6, 271/1-10, 271/1-11, 271/1-4, 271/8-2, 271/8-1, 271/20 pt., 270/4-1, 270/4, 270/3 and 270/2 at Pallichal Village and Panchayath, Neyyattinkara Taluk, Trivandrum District, Kerala by M/s V.S.C. Hollow Blocks & Crusher Division. Judgement in W.P No. 1607/2015-Implementation Reg. (File No. 163/SEIAA/EC1/3493/2013)

As per the judgment dated 27-2-2015 in W.P. (C) No. 1607 Of 2015) the Hon. High Court of Kerala , the proponent was heard by the Chairman and Member of SEIAA at 1.45 p.m on 30-06-2015. The proponent (petitioner) and his son attended the meeting.

Chairman informed the party of the decision of SEIAA to conduct site inspection with police protection. Petitioner informed that no inspection has been conducted at their site so far and the reported protests against the inspection might have been at Mookkunnimala. Quarrying is going on for several years on lease at the site. Lease period is up to 2022. There are no complaints of the general public against the quarry. It is functioning since the year 2000, with all licenses. Their quarry can be inspected without police protection. The E.C may be granted as early as possible.

Authority examined the hearing note. The 23rd meeting of SEAC held on 12/13-08-2015 had stated that the quarrying activities are going on in the very sensitive Mookkunnimala region need to be evaluated by site visit. Several reports on the adverse impacts of the legal and illegal quarrying activities at Mookkunnimala have been submitted by the District Collector, Thiruvananthapuram, and Vigilance & Anticorruption department, Mining and Geology Department and Environment Department to Government. It was resolved that along with the site inspection and appraisal report of SEAC in this case, copies of such reports and relevant judgements of High Court/NGT may be called from the concerned authorities, for decision on granting E.Cs in

Mookkunnimala and its vicinity. Proponent may be asked to produce approved mining plan and certificate of no cluster situation from the Mining and Geology Department.

Authority decided to hold the next meeting at 9.30 a.m. on 2-9-2013 in the chamber of the Principal Secretary, Environment Department.

The meeting concluded at 11.00 a.m. on 4-8-2015.