

**MINUTES OF THE 41<sup>ST</sup> MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 2<sup>ND</sup> SEPTEMBER 2015, 9.15 A.M. IN 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 41<sup>st</sup> meeting of SEIAA and the seventh meeting of the Authority as constituted by Notification No. dated 19-3-2014 was held from 9.30 a.m onwards on 2-9-2015 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 shifting to online submission and monitoring of applications for E.C and speedy disposal of pending cases. It was brought to the notice of the Authority that ancillary works such as litigations affect the substantive works. To attend to the urgent and important works on litigation a Data Entry Operator is necessary as the Authority has no such facility at present. The Authority authorized the Administrator to engage an experienced Data Entry Operator on daily wages, in consultation with Chairman and Member, till further arrangements are made as per the proposals now under consideration of the Government.

Chairman raised the issue of defending of W.P. No .12356/2015 filed by Sri. C.R. Neelakantan. It was decided that the Member Secretary may address the Joint Secretary of MoEF, which is the 1<sup>st</sup> respondent in the case, to file their counter affidavit as the Hon. High court has given the last chance to MoEF to file the same within three weeks from 1-9-2015.

It was also decided that the file on providing facilities to the authority for functioning now with Finance Department may be followed up for early orders of Government.

**Item No. 41.01 Confirmation of minutes of 40<sup>th</sup> meeting of SEIAA**

Confirmed

**Item No. 41.02 Action taken Report on minutes of 40<sup>th</sup> meeting of SEIAA held on 4<sup>th</sup> and 5<sup>th</sup> August 2015.**

Noted . The immediate requirement of Data Entry Operator for the ministerial works may be met vide the decision in the introductory.

**Item No. 41.03 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	Request	Decision
1	Sri. N. R. Satheesan, Health-Education Standing Committee Chairman, Mundathicode Grama Panchayat, Thuruthiparambu, Mundathicode P.O., 680601	Illegal Quarrying in Thalappilly Taluk, Parlikkad Village, Thrissur by Ms/ Amala Granites & Productes	Not to grant E.C without EIA study	In general cases not related to E.C issued, petitioners may approach the concerned authorities for redressal, vide O/o NO. 1/2015 dated 18-4-2015..
2	Dr. P.T. Ajith Kumar, Kulir, Crescent Hill, Thinavila, Thiruvallom, Thiruvananthapuram	Bogus application for top soil removal, large scale soil trade and violation of court orders by Sri. Anil Kumar.	Immediately issue a stop memo etc.	In general cases not related to E.C issued, petitioners may approach the concerned authorities for redressal, vide O/o NO. 1/2015 dated 18-4-2015..
3	The Pricipal, MES College Marampally, N-Vazhakulam, Aluva, Ernakulam-683107.	Whether E.C is needed to build 5000 m <sup>2</sup> of college building	Immediately issue a certificate to prove the same.	Conditions on E. C may be informed.

4	P. G. Pradeep Kumar, Secretary, Ponmala Shethra Haindavaseva Samithy, Reg.No. P 22/06, Kanjeettukara P.O, Kuriyanoor	M/s Shanio Metal Crushing Unit violated the conditions specified in the EC order	Cancellation of E.C	EC granted vide No. 75/SEIAA/KL/170/2013 dated 5-11-2013 to Sri. A.J. Abraham, Managing partner, M/s Shanio Metal Crushing Unit, Kuriyanoor P.O, Thiruvalla, Pathanamthitta District . petitioner may approach the Hon: NGT for redressal.
5	Kochukunju M.K., Molokunnel Veedu Pathanpara P.O, Alakkode, Kannur-670571	Complaint against the functioning of quarry and stone crusher unit in Narayankalluthattu, Vaduvil Grama Panchayat, Thaliparambu Taluk, Kannur district	Violating the circular No. PCB/TAC/St.Cr.com/65/2005 dated 17-10-2007 issued by Kerala State Pollution Control Board	. In general cases not related to E.C issued, petitioners may approach the concerned authorities for redressal, vide O/o NO. 1/2015 dated 18-4-2015.

**Item No. 41.04 Removal of Ordinary earth/Brick earth Environmental Clearance issued-Applications for extension of period of validity of Environmental Clearance.**

S.L. No	Name of Applicant	Date & Number of E.C.	Quantity to be removed M <sup>3</sup>	Purpose	Reason for delay	Decision
1	Francis Jacob, Kanichai House, St. Paul's Street, Kuriachira, P.O., Thrissur-680006.	581/SEIAA/KL/4 337/2014 (EC No. 18/2015)	2500m <sup>3</sup>	KLDC work	Heavy rain	3 months extension. No further extension will be allowed.

2.	Sri. Kunjimarakkur Haji Nambrath House Valancherry P.O., Malappuram – 676552	314/SEIAA/KL/1824/2014 35 <sup>th</sup> meeting of SEIAA decided to extend the validity up to 30-9-2015 on condition that no further extension will be given.	1325m <sup>3</sup>	To make the land suitable for agriculture	Heavy rain	3 months extension. No further extension will be allowed.
3.	Sri. Rajendran Ananda sadanam, Pallimon. P.O, Kollam. 69`1576.	E.C issued vide 348/SEIAA/KL/2203/2014 dtd 18-9-2014..	500m <sup>3</sup>	O.E could not be removed due to technical reasons.		3 months extension. No further extension will be allowed

**Item No. 41.05**      **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)**

Proponent applied to the MoEF directly and obtained E.C vide No. F.No. 21-157/2014-IA. –III dated 17-6-2015. SEIAA file to be disposed of accordingly.

**Item No. 41.06**      **Environmental clearance for removal of ordinary earth in Sy. No. 228/17 at Kalayapuram Village, Kulakkada Panchayath, Kottarakkara Taluk, Kollam District, Kerala by Smt. Shailaja Raghavan (File No. 327/SEIAA/KL/2028/2014)**

Validity of the E.C was up to 6-2-2015. W.P No. 35182/2014 filed by Smt. Saramma Mathai against the removal of O.E from the property of Smt. Shylaja Raghavan has been dismissed as infructuous on 25-5-2015. As applied for the authority decided to extend the validity of the E.C given, for six months from 2-9-2015.

**Item No. 41.07**      **Request for modification of environmental clearance for the proposed construction of Prestige Forum Mall at Maradu Municipality, Maradu Village, Kanayanoor Taluk, Ernakulam District, Kerala State, in Sy. Nos. 138/1,2,3, 4,5,6,9,11 12,13, 14,15,16, 139/1,3,4., 140/2,3,4,5, 141/11,13,14, 145/4,6,7,8, 176/21, 179/1,10,11,25,26 by M/s Thomsun Realtors(P) Ltd. (File No. 13/SEIAA/KL/491/2012)**

The proponent has been granted environmental clearance by the Authority in its fifth meeting held on 28.06.2012 for construction of Prestige Forum Mall consisting of residential

apartments and retail shopping malls at Maradu Municipality, Maradu Village, Kanayanoor Taluk, Ernakulam District, in Sy. Nos. 138/1,2,3,4,5,6,9,11,12,13,14,15,16, 139/1,3,4., 140/2,3,4,5, 141/11,13,14, 145/4,6,7,8, 176/21, 179/1,10,11,25,26 with total built up area of 1,74,492 m<sup>2</sup>. Now due to the market conditions they have revised the plan and the built up area has been reduced to 1, 54,675.35 m<sup>2</sup>, by deducting 19,812.65 m<sup>2</sup>, and applied for modification of the EC issued. The Authority approved the proposal to modify the E.C issued in respect of matters specially applied for and without modification to any other conditions in the existing E.C.

**Item No. 41.08          Requesting for Reconsideration of General conditions and Specific conditions mentioned in the EC order. Submitted by Sri. K.M. Radhakrishnan (File No. 3067/SEIAA/EC4/2015)**

Sri. K.M. Radhakrishnan, President, Kidangoor Grama Panchayat Kidangoor Kottayam-686572 submitted a representation on 4-8-2015. They have been granted EC No. 8/2014/OE dated 01-10-2014 for removal of ordinary earth for the construction of shopping complex. Though the Committee recommended the quantity for removal was 2200 m<sup>3</sup>, in the General condition, it was mentioned that the quantity of earth removed should not exceed 2000 m<sup>3</sup>. They requested to fix the exact quantity for removal and to change the following conditions given in the EC order for the purpose of utilization of removed earth,

- 1. The excavated earth should be utilized for authorized Government works only, such as for railways, National Highways, etc*
- 2. A minimum distance of 15 m from any civil structure shall be kept from the periphery of the excavation area.*

The Authority decided to agree to the first request only and to correct the quantity referred to in the general condition as 2200 m<sup>3</sup>. The excavated earth may be sold in auction as per decision of the Panchayat Committee. The typographical error in the E.C as Nedumangadu Taluk, Thiruvananthapuram district to be corrected as Meenachil Taluk, Kottayam District

**Item No. 41.09          Application for environmental clearance for the quarry project in Survey No. 172 (P) at Kodyathur Village, Kozhikode Taluk, Kozhikode District, Kerala by M/s Palakkal Granite Products Private Limited (File No. 137/SEIAA/EC4/2567/2013)**

In this case, though site inspection was held by SEAC no intimation on violation is there in the report. However on publication of the minutes of the 25<sup>th</sup> meeting of SEAC (25.37) Adv. Harish Vasudevan had sent an email on 10-9-2014, informing that as the extent of mining area in this case is more than 5 ha it ought have obtained prior E.C as per the existing rule. According to him the mining lease is void ab inito . For the illegal quarrying from 11-11-2010 till date the proponent should be proceeded against under violation proceedings. He has also quoted an interim order of NGT (SZ) in O/A No. 135/2014 filed by S.P. Muthuraman, according to which SEIAA has no authority to consider application of any of the violators of EP Act. Sri. K. Balakrishnan the applicant in O/A.84/2015 against the quarry filed in the NGT(SZ) submitted a petition dated 23-1-2015, alleging that the EIA the consultant is not accredited, and that certain statements in the documents produced by the proponent are false. It is also informed that the Govt. officials who issued licenses/permit to the quarry have been booked by Vigilance Department under the P.CAct. It is with similar averments that O/A No. 84/2015 has been filed.

Authority examined the issues in detail, and decide to issue stop memo to the quarry and to await for the final decision of the Hon. NGT in the pending case.

**Item No. 41.10**      **EC application for removal of ordinary earth from Sy. No. 55/3 at Mangad Village, Porkulam Panchayath, Talpilly Taluk, Thrissur District, Kerala by Sri. Jithu George K. (File No. 415/SEIAA/KL/2948/2014)**

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 brick earth not exceeding 3200 m<sup>3</sup> as per recommendations of SEAC

**Item No. 41.11**      **Environmental clearance for removal of ordinary earth in Re. Sy. No. 471, 483 at Karikkad Village, Kadavallur Panchayath, Talappilly Taluk, Thrissur District, Kerala by Mr. P.V. Johny (File No. 502/SEIAA/KL/3605/2014)**

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 brick earth not exceeding 6500 m<sup>3</sup> as per recommendations of SEAC

**Item No. 41.12**      **Environmental clearance for removal of ordinary earth in Sy. No. 433/6-2, 433/6-4 at Vazhakulam Village and Panchayath, Kunnathunadu Taluk, Ernakulam District, Kerala by Fr. Anuraj Tony (File No. 529/SEIAA/KL/3833/2014)**

43<sup>rd</sup> meeting of SEAC held on 15<sup>th</sup> July 2015 and decided to *reject* the application on the ground that:

- (a) the consent from the adjacent land owners is not produced and
- (b) removal of earth is not conducive for the intended agricultural purpose.

Authority resolved to refer the application back to SEAC for further explanation whether such a stand as at (a) above had been adopted in other cases recommended and how it affects the purpose of agriculture.

**Item No. 41.13**      **Environmental clearance for removal of ordinary earth in Sy.No. 237/5,243/1 at Kodassery Village and Chalakkudy Taluk, Kodassery Panchayath, Thrissur District, Kerala by Smt. Bohi (File No. 619/SEIAA/KL/4773/14)**

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 brick earth not exceeding 4000 m<sup>3</sup> as per recommendations of SEAC

**Item No. 41.14**      **Environmental clearance for Granite Building stone quarry project in Sy. Nos. 313/1 (P), 313/4 (P), 312/3 (P), 313/2 (P), 315/1 (P), 311/4 (P), 311/6 (P), 315/6 (P), 315/5 (P), 315/4 (P) & 315/3 (P) at Vellavoor Village, Changanassery Taluk, Kottayam District, Kerala for by Sri. George Antony, GK Granites Limited (File No. 524/SEIAA/EC4/3828/2014)**

The 43<sup>rd</sup> meeting of SEAC held on 15<sup>th</sup> July 2015 appraised the proposal based on the Mining Plan, Prefeasibility Report, field investigation report and all other documents submitted along with the Form I application and decided to recommend for issuance of Environmental Clearance with the following specific conditions, in addition to the general conditions stipulated for mining projects.

1. Over burden is to be stored in a designated place in the lower part to avoid slope failure or mud flow and provided with protective support walls.
2. The drainage from the quarry must be channelized to the eastern part

with proper de-siltation and clarification mechanism. RWH structure must be created for the collection of part of the rainwater.

3. It is necessary to provide catch water drains at the lower levels of the lease area to safely dispose the storm water.

4. The approach road to the quarry is a narrow public road which must be widened and maintained in good motorable condition by the proponent.

5. The blasting time must be displayed and strictly adhered to. Considering the proximity to a public road it is better to limit blasting to two times a day when the traffic density is least. Steps to be taken to limit fly rock to the quarry area.

6. Considering the importance of the stream with a length of more than 10 km and a catchment of more than 20 sq. Km, a buffer distance of 10 m be provided on either side as a no development zone.

7. Native species presently seen in its banks must be promoted through a planned afforestation scheme.

8. Other types of tree cover seen all around the quarry must be maintained till the entire life of quarry. Reclamation and eco-restoration should be done by planting native species.

9. To the extent possible local Biodiversity Management Committee should be involved in the environmental management/restoration activities.

The Authority considered the proposals as appraised and decided to grant E.C subject to the above specific conditions, on production of certificate of accreditation by NABET for the consultant.

**Item No. 41.15**      **Environmental clearance for the proposed exhibition cum convention center at Kaloor in Sy. Nos. 105, 106, 107/1,2, 108/2,3, 109/2, 110/1,2,3, 117/1,3,4,5, 118,119,120/1,2,3, 121,122,123/1,2, 124/2, 125/1,2,3,5, 126/2, 127, 128/2, 129/1-6, 130,, 134, 135, 136/1,2, 137/2, 138/2, 139/2, 140, 141/1,2,3, 142, 145/1,2,3,4, 146/2, 147/2 of Poonithura village and 100/1,4,5,6, 106/5,6,7,8,13,14,16,18,19,20, 107/2,4-12, 111/2-5, 112/1,2,4 of Elamkulam Village, Kanayannur Taluk, Ernakulam District, Kerala by Sri. Sasikumar, G. for M/s GCDA (File No. 620/SEIAA/KL/4774/2014)**

The 43<sup>rd</sup> committee of SEAC held on 15<sup>th</sup> July 2015 considered the proposal on the basis of the application, conceptual plan, documents submitted and field inspection report and decided to recommend to reject the application on the ground that '*public safety and disaster*



*management, converting the open space which is meant for providing parking facility for the stadium, into an Exhibition cum Convention Centre is not advisable'.*

A permanent facility is what is intended. The Authority therefore accepted the recommendation of SEAC and decided to reject the application.

**Item No. 41.16**      **Application for obtaining environmental clearance for the proposed quarry project in Sy. No. 73/3, 6&7 at Elanji Village, Muvattupuzha Taluk, Ernakulam District, Kerala by Sri. N.J. James for M/s Neerakkal Granites (File No. 181/SEIAA/KL/3789/2013)**

The proponent has submitted fresh application for the same project which was received on 05.05.2014 as 324/ SEIAA/ KL/1969/2014. Hence this application may be closed.

**Item No. 41.17**      **Application for obtaining environmental clearance for the proposed quarry project in Sy. No. 805/1A-34 at Kalloorkkadu Village, Muvattupuzha Taluk, Ernakulam District, Kerala by Sri. Iype Joseph for M/s Jesus Quarry (File No. 167/SEIAA/KL/3497/2013)**

The proponent has submitted fresh application for the same project which was received on 12.08.2014 as 517/SEIAA/EC3/3821/2014. Hence this application may be closed.

**Item No. 41.18**      **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)**

SEAC in its 40<sup>th</sup> meeting reported without site inspection that the proponent has already committed violation. Hence SEIAA in its 40<sup>th</sup> meeting held on 3/4 August 2015 decided to know the extent of violation by site inspection by its own. Accordingly Chairman and Member, SEIAA together with Administrator, SEIAA conducted field visit at the Angamali site of INKEL at 4.00 p.m. on 24-8-2015. It is seen that the construction has reached almost the final stage of the structure. At the time of visit concreting of the 5<sup>th</sup> floor was going on. Construction of about 1,80,000F<sup>2</sup> is over. A clear case of violation is revealed. The Authority decided to accept the report submitted by Chairman and Member and to issue stop memo to the proponent and to get explanation for the violation.

**Item No. 41.19      Environmental Clearance to St. Basil Industries India Pvt Ltd, Muvattupuzha for quarry project- Objections of Ramapuram Grama Panchayat (DoECC/E4/1613/2014)**

The 40<sup>th</sup> meeting of SEIAA held on 3 /4 -8-2015 resolved that the Authority itself may conduct a site inspection to ascertain the ground situation on the complaint of the Ramapuram Grama Panchayat, Kottayam against the E.C issued as per No. 72/SEIAA/KL/167/2013 dated 7-4-2013, as the SEAC had not conducted site inspection. Accordingly on 24-8-2015 the Chairman and Member SEIAA together with the Administrator SEIAA conducted site inspection at Nellappara, Ramapuram, Kottayam Dist. where the quarry is identified.

The mining area was inspected by the Chairman and Member. No natural water bodies or water sources are found in the area or nearby. There is no habitation in and around the site boundaries up to a distance of 100 meters, affecting the mining or inviting any security concerns. It is also reported that there is no biodiversity or ecological significance to the site and that in fact such areas are fit to be mined in a sustainable and scientific manner. However formation of roads should be with due consideration of slopes and safety norms. The inspection team was of the opinion that there is no apparent reason to object to the functioning of such a quarry at the site. No action for mining has been taken so far. There is no justification for revoking the E.C given. There is no case against the grant of E.C in the N.G.T. There are no other apparent reasons to revoke the E.C. The report has made the additional recommendation that approved Mining Plan may be submitted before the works are started.

The Authority considered the matter in detail. No ground has been advanced by the Ramapuram Grama Panchayat for revocation of the duly given environmental clearance. The specific resolution of the Panchayat is that while granting EC, the permission of the Panchayat is not being sought for by the DoECC. This is irrelevant. 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 applications. The Ramapuram Grama Panchayat has not raised any such matters which call for a review of the E.C. The resolution of Ramapuram Grama Panchayat is not maintainable. The Authority

decided that the show cause notice issued on 9-5-2014 need not be pursued. The stop memo issued on 9-5-2014 may be withdrawn. The condition recommended in the site inspection of SEIAA and that approved mining plan shall be submitted before starting quarrying may be stipulated as additional specific conditions of the E.C.

It was decided to hold the next meeting on 1-10-2015 at 9.30 a.m.

Prof (Dr) K.P. Joy  
Chairman

Dr. J. Subhashini  
Member

P.Mara Pandiyan. I.A.S  
Member Secretary