

MINUTES OF THE 58th MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 8-9-2016 AT 2.30 P.M IN THE OFFICE OF SEIAA, PALLIMUKKU, THIRUVANANTHAPURAM

Present:

1. Prof. (Dr). K.P. Joy, Chairman, SEIAA
2. Dr. J. Subhashini, Member, SEIAA
3. Sri.V.S.Senthil. I.A.S.Additional Chief Secretary & Member Secretary, SEIAA.

The 58th meeting of SEIAA and the 25th meeting of the Authority as constituted by the notification No. S.O. 804 (F) dated 19-3-2015 was held from 2.30 p.m in the office of SEIAA at Pallimukku, Thiruvananthapuram, on 8th September 2016, 02.30 P.M

Item No. 58.01 Confirmation of minutes of 57thSEIAA meeting

Confirmed

Item No. 58.02 Removal of Ordinary earth/Brick earth/ laterite building stone Environmental Clearance issued-Applications for extension of period of validity of Environmental Clearance.

Validity of E.C extended for six more months. No further extension.

Item No. 58.03 Environmental clearance for removal of brick earth in Sy. No. 135/20-1 and 135/20-2 at Ennakkadu Village, Budhanoor Panchayath, Chengannur Taluk, Alappuzha District, Kerala by Sri. Sarasan, K. S. (File No. 809/SEIAA/EC3/2303/2015)

In the 49th meeting of SEAC held on 7th& 8th of December 2015, the Committee had observed that the proponent has not submitted the recommendation of Local Level Monitoring Committee as per Paddy and Wetland Act -2008 document till date. Based on the revenue records depicting the land involved as 'nilam' the Committee in its 59th meeting held on 11/12-7-2016, recommended removal of 3000m³ of brick earth. Authority observed that the condition pertaining to Paddyland reclamation, which is no more applicable, ought to have been withdrawn along with the final recommendation.

Authority approved for issuance of Environmental Clearance on usual conditions for mining of 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 3000 m³ of brick earth subject to the condition that removal should be in a uniform manner limiting the maximum depth of removal to 2m.

Item No. 58.04 **Environmental clearance for removal of ordinary earth in Re Sy.386/1, 386/2 at Melarkkode Village, Aalathur Taluk, Palakkad District, Kerala by Sri. P. Ananthanarayanan Rejected - Review Petition- (File No 840(A)/SEIAA/EC1/2744/2015).**

The proposal was rejected in the 54th meeting of SEIAA on the ground that the land involved is a 'wetland'.

Sri. P. Ananthanarayanan submitted a review petition with supporting report dated 17.5.2016 of the District Geologist Palakkad that the purpose of the land is to make his paddy land, situated at a higher plane than the irrigation canal to a lower level to make flow from the canal possible.

Authority decided to call for report of the R.D.O concerned reconfirming that the land involved is not a 'wetland' and that it will be suitable for paddy cultivation if the required quantity of ordinary earth is removed and the level of the land reduced as applied for.

Item No. 58.05 **Environmental clearance for removal of ordinary earth in BL.6, Re. Sy.No.147/1 at Vazhayoor Village, Kondotty Taluk, Malppuram District, by Sri. M. E. Mohanan & Smt. Suja (File No. 1053/SEIAA/EC1/982/2015)**

Authority approved for issuance of Environmental Clearance on usual conditions for mining of 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 1,3000 m³ of ordinary earth subject to the condition that removal should be in a terraced manner limiting the average depth of cutting to 2m.

Item No. 58.06 **Environmental clearance for the quarry project in Sy.No.65/1, 3, 5, 6, 7, 10, 12, 13, 74/4, 5 and 6 at Nellanad Village and Panchayath, Nedumangadu Taluk, Thiruvananthapuram District by Sri. Abdul Salam**

Pookunju, M/s Aaraamam Rock (P) LTD. (File No. 624/SEIAA/KL/4807/2014)

The SEAC has observed that 'part of the proposed land is already under mining, and there are court cases regarding the project. NGT in its order dated 31.3.15 ordered not to renew licence without EC. The proponent informed that the Division Bench of Hon'ble High Court of Kerala has quashed the NGT order since he had a valid lease for quarrying. The judgement is not seen provided with the application.'

Authority decided to obtain copies of the judgment referred to above and the existing lease/permit to ascertain the duration of mining that has taken place and extent.

Authority wanted the details of existing and earlier lease/permits in the mining area of working quarries to be ascertained and included in the agenda note in all cases of applications in respect of quarries and reference to verification of these basic details in the site inspection report. Basic details of the existing quarry or mining area already mined, with details of commencement and end of mining, extent of area being mined /already mined out, whether the mining carried out was with all the required legal sanctions as required at the time of commencement /continuance of mining, authorities who granted permits/lease, consent license, etc, nature of violation if any, action if any taken against the proponent for such violations etc shall be provided in the agenda note.

Item No.58.07 Environmental clearance for Quarry Project in Sy.Nos. 298 at Mupainad Village, Mupainad Panchayath, Vythiri Taluk, Wayanad District, -673 579 by Sri.M.P.Kuriakose, for Masonry Stone Mine (Quarry) Project (File No.901/EC4/ 3462/ SEIAA/2015)

While recommending for issue of E.C, It was stated that after the site inspection by the subcommittee on 23/06/2016, the following observations were made.

Virgin site

No proper road to the quarry

The quarry is inside a coffee plantation area

There is reference to critically endangered and endemic plant species in the PFR. Authority decided to refer the case back to SEAC for reappraisal with special reference to the following terms:

Whether the ambience is ecologically suitable for mining of rock.

Whether the quarry site inside the coffee plantation which is a virgin site having endangered and endemic floral diversity could be subjected to blasting and mining activities as proposed.

Whether trees need be cut for site clearance for mining, road formation or other activities as per the PFR.

Whether the approach road to the quarry can be provided by the proponent within his own land available at site.

Whether the endangered and endemic plants at site could be transplanted and protected in the remaining land owned by the proponent?

Item No. 58.08 **Environmental clearance for the quarry project in Sy. No. 93/1 pt, 94 pt, 95 pt, 96 pt, at Perakamanna Village, Eranad Taluk, Malappuram District, by Sri. A.M. Mohamed Ali, Managing Partner, M/s Mubaraq Granites (File No.902/SEIAA/EC1/3463/2015)**

59th meeting of SEAC held on held on 11/12-7- 2016 appraised the proposal based on the details provided by the applicant and decided to recommend for issuance of Environmental Clearance subject to the general conditions and the specific condition that the water retaining areas has to be enhanced to 3m.

Authority decided that this being a working quarry, details thereof as called for in item No. 58.06 shall be obtained and the case placed in the next meeting of the Authority.

Item No. 58.09 **Environmental clearance for Township and Area development Project in Sy. Nos. 671/1, 674/1, 675/4 at Kakkanad Village, Kanayanoor Taluk, Ernakulam District, by Sri.Thankachan Thomas (File No. 588/SEIAA/KL/4504/2014)**

The 59th meeting of SEAC held on held on 11/12-7- 2016 appraised the proposal based on the details provided by the applicant and decided to recommend for issuance of Environmental Clearance subject to the general conditions and the specific condition that the water retaining areas has to be enhanced to 3m.

Category B.8(b) project of built up area 2, 09,264.09sq.m. Environmental Assessment report for appraisal as Category B1 is necessary.

Authority wanted to ensure that the facilities such as internal roads, STP, effluent discharge, availability of parking space, energy sources etc required for the major project of

built up area 2, 09,264.09 m² are envisaged as required by the rules as applicable, and feasible. These matters may be further examined and the case placed in the Authority.

Authority also directed that if the application is incomplete, or without adequate details it can be rejected before it is sent to SEAC for appraisal. Applications may be screened at the initial stage properly and with application of mind, for adherence to rules and guidelines. Defective applications need not be entertained. The laws, rules and procedure generally applicable shall be equally applicable in the case of Government projects as well and the proponents of such projects shall also adhere to the norms and requirements as in the case of other proponents.

Item No.58.10 Environmental Clearance for the Proposed construction of office space Project at Survey Nos. 80/4(pt), 80/2(pt), Puthencruz Village, Puthencruz Panchayat, Kunnathunadu Taluk, Ernakulam District, Kerala by Sri. P.V.S. Vinod Tharakan, Managing Director, M/s Claysys Infrastructure Pvt. Ltd.(File No. 832/SEIAA/KL/2706/2015).

Proponent submitted a representation against the decision of SEIAA in the 55th meeting held on 16-7-2016 rejecting the application in view of the prohibitions and controls as per the Kerala Conservation of Paddy lands and Wetlands Act -2008. The main contention for reconsideration of the above decision is that the State Govt. vide G.O. (MS) 14/2013/Agri dated 22.1.2013 accorded sanction for change of land use from wet land to INFOPARK development. Another contention is that SEIAA as per E.C.No.85/SEIAA/KL/326/2013 dated 31.10.2013 has accorded Environmental Clearance to another building project (M/S. Cognizant Technology Solutions Pvt.Ltd) adjoining the property in question.

As regards the G.O. permitting change of land use, it is seen that it also was a review order, the original one being an order on denial of the proposal. The G.O invokes Section 10 of the Kerala Conservation of Wetland and Paddy Land Act 2008. The provision enables Govt to grant exemption in prohibition of conversion of paddy land. In the case of wetlands what applies is Section 11, under which there is a total prohibition on reclamation of wet land. Govt. cannot grant exemption from the above prohibition, and the G.O. produced does not evidence that it is permitting reclamation of wet land and not paddy land.

Authority decided not to review the earlier decision. The remedy in such cases is under appeal proceedings in the Hon.NGT.

Item No. 58.11 Environmental clearance for the building project in Sy.Nos 158/3; 407/1-1 at Kazhakootam and Airooppara Villages and Kazhakootam Panchayath Trivandrum Taluk, Trivandrum District, Kerala by Sri. K. Sudhakaran, General Manager (Projects), KINFRA ANNEX (File No. 879/SEIAA/EC1/3222/2015)

The proposal was placed in 55th meeting of SEAC held on 10/11/20-05-2016. Committee recommended it for the issuance of EC subject to the general conditions.

The proposal was considered by SEIAA in its 54th meeting held on 21-06-2016. Authority held that this being a Rs.422 Cr project in 10.2 ha. site visit ought to have been conducted. It was decided that the Chairman and Member visit the site and submit a report to consider the recommendations.

Accordingly the Chairman and Member SEIAA visited the project site at Kinfra Film and Video Park Kazhakkootam on 09/08/2016. The site inspection report is extracted as below:

“The project site falls in Kazhakkootam and Ayirooppara Villages. There is an existing building with area 16000 m². In addition, four new blocks with area of 1,23,327 m² is planned making the total built up area ~1,39,100 m². Kinfra has 25 acres for the project, out of total extent of 75 acres for the Kinfra Film & Video Park. The project area is notified as SEZ. Project cost is Rs. 422 Cr.

The project authorities explained that a well envisioned EMP has been proposed for the project and site. The construction is site specific so that removal of earth could be avoided. Rainwater will be directed to the existing RWH pond. 20% of total electricity to be consumed will be from renewable sources, for which rooftop solar panels will be setup. There will be an Environment Monitoring cell for overseeing implementation of the EMP. Separate STP will be provided. Facilities have been planned for biogas generation from organic wastes, generated. Good practices in energy saving will be adopted – CSR activities are being executed by Kinfra. No Wetland or Paddy land is involved in the project area.

The site is within the Kinfra Film and Video Park and now planted with Accacia. No Environmentally disagreeable situations have come to notice. Environmental Clearance can be accorded subject to the following specific conditions:

The entire acacia plantation shall be cleared. Land available after construction shall be planted with native trees, for developing a green belt.

It must be ensured that effluent water from STP and other treated liquid wastes shall be reused to the maximum and grey water if let out from the site to drains (not leading to the RHW pond) shall conform to the PCB norms for such effluents.

Use of glass for the proposed buildings shall be below 40%. LED lighting shall be adopted.

General Green norms for buildings may also be stipulated.

The Authority considered the proposal again in the light of the inspection report. It was decided to issue environmental clearance to the project subject to the specific conditions recommended by the inspection team and general conditions for non-mining projects.

Item No.58.12 Environmental clearance for the Proposed Township Project at Sy Nos. 15/1 & 33/1 at Kodenchery Village, Kozhikode Taluk & Kozhikode District, Kerala by Sri. Anwar Sadath (File No. 909/SEIAA/EC4/3588/2015)

The proposal was considered in the 59th Meeting of SEAC held on 11/12-7-2016. This project is in Kodenchery Village in Kozhikode Taluk, which is an ESA Village as per the direction No.F.No.1-4/2012-RE (Pt.) dated 13.11.2013 of the, MoEF, Government of India. In para 9(c) of the said statutory decision, buildings and construction projects of 20,000 m² area or above are prohibited in ESAs. The present project involves construction of four buildings having a total built up area of 1,45,000 m². Since this area far exceeds the permissible limit of construction in ESA Village the Committee recommended to reject the proposal.

On 23-08-2016, the proponent submitted a representation to reconsider the proposal and has undertaken that “we are ready to fix the area of construction of each individual building to less than 20,000 sq.m and the area of the project to less than 1,50,000 sq.m and revise our plan accordingly.”

The Authority found that the project is a category 8(b) project but appraised under Category 8(a) conditions. To be referred to SEAC for reappraisal as 8(b).

Item No.58.13 Application for prior EC for the proposed Commercial Complex (Hotel, Convention Centre & Shopping Mall) project at Survey Nos. 1888/2-6, 1888/4-2, 1888/1-3, 1890/1, 1888/12-1-1, 1888/12-2, 1888/1-2-1, 1888/1-2, 1888/1-1-1, 1888/12-3, 1888/1-1, 1888/1-2-4-1, 1888/1-1-2, 1882, 1888/1-2-2, 1888/1-2-6, 1888/2-2, 1888/2-3, 1888/2-4, Kadakampally Village, Thiruvananthapuram Municipal Corporation, Thiruvananthapuram Taluk & District, Kerala by Sri.

Nishad M. A., Director, M/s LULU International Shopping Mall Pvt. Ltd. (File No. 1047/SEIAA/EC1/899/2016)

Pursuant to the decision of the Authority in the 56th meeting held on 23-07-2016, the proponent has submitted the scheme as called for in para 13.3 of item No.56.26 of the minutes and related documents to the Authority. The pre E.C condition was submission of a feasible scheme to preserve the No Development Zone of CRZ areas with landscaping and upkeep of T.S canal portion on CSR. A scheme for greening the No Development Zone with green hedge, medicinal plants and butterfly garden has been submitted. As for T.S canal conservation under CSR, it is informed that they have no control over the water body, but upkeep of portion of the canal abutting the project site will be taken up if permitted by the Authority concerned. Authority approved these undertakings. In case the component on conservation of T.S. Canal could not be taken up due to any reason, the proponent shall in consultation with the Corporation of Thiruvananthapuram implement appropriate environment care programmes including the greening of no development zone, at the same expenditure as has been stipulated vide para 6.2 of item No.56.26 of the 56th meeting of SEIAA held on 23-7-2016 (minimum 1% of total cost).

As regards generation of 10% of the total energy required through non-conventional source, it is informed that mandatory requirement of Ministry of New and Renewable Energy on generation of solar power shall be complied with. Energy Saving Certificate, of the Bureau of Energy Efficiency, SEWA Bhavan, R.K. Puram, New Delhi-66 shall be obtained.

The Authority decided to issue integrated E.C to the proposed Commercial Complex (Hotel, Convention Centre & Shopping Mall) project of M/s Lulu International Shopping Mall Pvt Ltd, at Kadakampally Village, Thiruvananthapuram Taluk & District with the additional conditions and the general conditions for buildings and the specific condition during construction and operational phase as decided in the 56th meeting held on 23-7-2016.

Item No. 58.14

Environmental clearance for the building stone quarry project in Sy. No. 249, 249/1, 249/2, at Kondoor Village-, Meenachil Taluk-, Kottayam District- by Sri. M.K. Rasheed – Judgment in W.P No. 24357/16 – Personal hearing – reg.(File No. 793/SEIAA/EC4/1851/2015)

As per the proceedings no. 793/EC4/1851/2015/SEIAA dated 01/06/2016 SEIAA has rejected the application for EC for quarry project in Sy. No. 249, 249/1, 249/2 at Kondoor Village-, Meenachil Taluk-, Kottayam District submitted by Sri.M.K.Rasheed, Menakaparambil, Nadakal P.O., Erattupetta, Kottayam-686124. On 12/08/2016, the Authority received a letter dated 11/08/2016 from Sri. M.K Rasheed, enclosing a copy of the Judgment dated 01/08/2016 of High Court in W.P. No. 24357/16. The Hon. High Court held that this is a fit case which required reconsideration especially on account of the fact that the reason for denial is not in – existence. The High Court set aside the order dated 01/06/2016 of SEIAA rejecting the application for E.C. It has been directed to reconsider the request of the petitioner for Environmental Clearance after taking consideration of the certificates etc. produced by the petitioner to prove that the building within 100 meters of the periphery of the quarry was demolished; after hearing the parties, within one month.

Accordingly the Authority heard Sri.M.K. Rasheed. The 53rd meeting of SEAC held on 25/26-2- 2016 with a condition that, ‘The proponent shall resolve the issue of dwelling unit located within 100 mtrs away on the eastern side of the project site’. The Inspection Report clearly indicated the existence of a dwelling unit within 100 meters on the eastern side. The proponent submitted that he had purchased the land before 29-1-2016, when the experts of SEAC visited the site. But the registration of sale deed was not done. As per the direction of the visiting team a joint affidavit with the seller was submitted. M&G Department has granted LoI, but lease has not been received. There are no complaints against the quarry.

The Authority in its 54th meeting held on 21-06-2016 considered the review petition dated 14-6-2016 from Sri. Rasheed and assessed that there is no provision to ‘review’ the decision of SEIAA. The review petition was therefore rejected; vide proceeding 793/EC4/1851/2015/SEIAA dated 29/07/2016. Now that the order of rejection is no more, the Authority examined the case afresh and decided to grant of E.C subject to the specific conditions of SEAC and general conditions.

Item No. 58.15

Environment Clearance for the proposed mining projects of Sri. Tinson John, M/s Aiswarya Granites, at Elamadu Village, Kottarakkara Taluk – Judgment in W.P No. 15854/16 – Implementation of reg.(File No. 129/EC3/2013/SEIAA)

As per the decision of the Authority in the 57th meeting held on 26/08/2016 Sri.Chackochan and his son Tinson John Managing Partners, M/s Aiswarya Granites was heard by the Authority in compliance with the Judgment in W.P.15854/2016.

They stated that the quarry now being run by them was purchased from M/S PathiBel of Malaysia, the contractors of the Kerala Road Fund Board, which executed the works on M.C road. The quarry was a utility for the above Government work. The purchase was under sale deed and not on patta conditions. They are a limited Company. Quarrying was going on there for more than 20 years. The quarrying was on temporary permits. They have employed about 250 workers. Their application for environmental clearance is pending since 2013 and despite several judgments of the High Court; the Authority is not taking decision thereon. Revised mining plan as per the KMMC Rules 2015 have been submitted. Members of the Committee have visited the quarries. There are no cases against the quarries. No environmental issues have been raised against the quarry. There are no houses within 500 meters of the quarry. The issues, on which the E.C is delayed, are land related only. These issues have been examined by the Tahsildar and District Collector and reports sent to the Authority. The issues referred to the District Collector have been clarified by the Hon.High Court in the Writ petition filed by K.K. Rocks, and they have been given E.C on that basis. By way of royalty they have paid Rs.1.66 crores and as Sales Tax, Rs.1.4 crores, so far. The Committee has recommended for E, C in the Application in file No.127/EC3/2013/SEIAA, but that too was not sanctioned by the SEIAA. At least the case recommended by SEAC may be cleared. They are now working on the basis of the interim orders of the Supreme Court in the case in which they also have got impleaded. Recently they have got four permits. The land related issues are not relevant in their case and the lands purchased on sale deed have been mutated by the authorities concerned. Land related issues have already been clarified by Tahsildar and N.OC of the District Collector obtained .They explained the facts related to the opposition to the quarry mainly from the former owners of the very land, who could not buy it in auction from M/s PathiBel. The petitioner also submitted a note containing the facts related to the issues outstanding.

Authority examined the received interim report from the District Collector, Kollam furnished on letter no.129/EC3/2013/SEIAA dated.27.02.2016, seeking clarification on the issue of utilisation of patta land for rubber cultivation, for rock quarrying. It was also noted that the very patta conditions stipulate that, *'The existing customary rights of Government*

and public in roads, paths, rivers, stream channel etc. through or bordering the land, and the right of Government in mines and quarries, subjacent to the said land are reserved and are no way affected by the grant'. This legal position has been further clarified by the Hon:High Court of Kerala in the judgment dated.02.11.2015 in W.P.No.32207/2015 filed by M/s K.K. Rocks. Authority wanted to ascertain how far the patta conditions override or bar the mining of minor minerals as per KMMC rules in such lands. It was decided to examine whether E.C could be granted on environmental conditions, subject to settlement by the revenue authorities, of land related issues as to the nature of the land and permissibility of mining in the land; the E.C to be operational only if the decision is in favour of mining as applied for. If not, E.C will stand cancelled. It was decided to grant provisional E.C in the above line in file No. 127/EC3/ 2013/SEIAA, and to refer the other two proposals to SEAC for recommendations on issues other than land related matters.

The meeting concluded at 5.15 p.m. It was decided to hold the next meeting of the Authority on 27-9-2016.

Sd/-
Dr. K.P. JOY
Chairman

Sd/-
Dr. J. SUBHASHINI
Member

Sd/-
Sri.V.S.SENTHIL. I.A.S
Member Secretary