

MINUTES OF THE 76th MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 16.11.2017 AT 12.30 PM AT HARITHASREE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA.

Present:

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

The 76th meeting of SEIAA and the 43rd meeting of the Authority as constituted by the notification No. S.O. 804 (F) dated 19-3-2015 was held at Harithasree Hall, State Environment Impact Assessment Authority, Kerala on 16th November 2017 from 12.30 P.M. with the Chairman, Dr.K.P.Joy in the chair. The Chairman welcomed the members.

Item No: 76.01 Confirmation of Minutes of 75th SEIAA Meeting

Confirmed

Item No.76.02 Environmental Clearance for Quarry Project in Sy.Nos. 298 at Mupainad Village, MupainadPanchayath, VythiriTaluk, Wayanad District, -673 579 by Sri.M.P.Kuriakose, for Masonry Stone Mine (Quarry) Project (File No.901/EC4/3462/SEIAA/2015)

Sri.M.P.Kuriakose, Muttath House, P.O.Chettapalam, Pullpaly, Wayanad District Kerala -673 579 vide his application received on 25.08.2015 has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy.Nos. 298 at Mupainad Village, Mupainad Panchayath, Vythiri Taluk, Wayanad District, for an area of 1.7726 hectares. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II (M) dated 18th May 2012 of Ministry of Environment and Forests. It is further categorised as Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares.The proponent in the basic details has noted that the quarry is a fresh one.

The proposal was considered in 55th SEAC held on 10th, 11th and 20th of May, 2016 and deferred the item for field visit. Site visit was conducted on 23.6.2016 by a subcommittee

consisting of Dr. P.S. Harikumar, Dr. George Chackachery and Sri. S. Ajayakumar and submitted their report.

The proposal was again considered in the 59th Meeting of SEAC held on 11th& 12th July 2016. The Committee after examining the mining plan, prefeasibility report, field inspection report and all other documents submitted by the proponent, decided to Recommend for issuance of EC subject to general conditions in addition to the following specific conditions for mining.

1. The activity should be started only after relevant authorities confirm that approach roads to the quarry are provided with a minimum width of 6 m.
2. The boundary shall be clearly demarcated before starting any activity
3. Storm water drainage from the quarry must be let out to the valley only after clarification
4. Fencing should be provided around the area with proper sign boards
5. The overburden should be stored at designated place.

The proponent agreed to set apart Rs 13 lakhs (non-recurring) and 15 lakhs per annum (recurring) for next 5 years for CSR activities for the welfare of the local community in addition to the 1% of the profit towards the KSBB. The proponent also agreed to spend this amount in consultation with the local Panchayath’.

The proposal was considered in the 58th meeting of SEIAA held on 8th September 2016. The Authority noted that in the site inspection report 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.

The proposal was considered in the 63rd meeting of SEAC, Kerala, held on 04th October, 2016. The Committee examined the suggestions made by SEIAA and decided to defer the item for a second site inspection.

Accordingly, the site inspection was carried out on 01.04.2017 by the sub-committee of SEAC, Kerala, comprising of Dr.KhaleelChowwa and Sri. John Mathai.

The proposal was placed in the 71st meeting of SEAC held on 20th& 21st April 2017. The Committee appraised the proposal based on Form I, Pre-feasibility Report, Mining Plan, field inspection report of the Sub Committee and all other documents submitted with the proposal. The Committee decided to direct the proponent to revise the Mining Plan limiting the quarrying operation to the exposed rock area alone.

The proponent has submitted the revised Mining Plan as suggested by the 71st SEAC. The proposal was then placed in the 79th Meeting of SEAC held on 25th& 26th September, 2017. After examining all the documents the Committee decided to have a presentation of the revised mining plan so as to ensure that the mining operations are limited to the barren rock out crop and carried out without causing damage to local ecosystems.

The proposal was placed in the 80th meeting of SEAC held on 11th October, 2017 and deferred the item.

The proposal was again placed in the 81st meeting of SEAC held on 30th & 31st October, 2017. The proponent appeared before the committee and explained the changes made in the revised mining plan. The effective mining area has been reduced from 1.7726 ha to 1.2766 ha. Committee also observed that though presence of two endemic and critically endangered species were reported in the documents submitted along with the application, the Sub Committee which visited the area could not notice the presence of such species in the area proposed for mining.

After considering all aspects of the application , the committee decided to modify its earlier recommendation by limiting the mining area to 1.2766 ha with the following specific conditions in addition to the general conditions.

- 1. The quarrying operation to be strictly limited to the rock outcrop in 1.2766ha..*
- 2. The storm water from the quarry to be directed to a large RWH structure for de-siltation and clarification. This structure may be placed adjacent to the road.*
- 3. If any endangered or endemic plant species are noticed in the mining area the same shall be transplanted and preserved in a nearby plot set apart for the purpose.*

The proponent agreed to set apart Rs. 12 lakh per annum (recurring) for CSR activities for the welfare of the local community in consultation with the local body.

Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the following specific conditions.

- 1. The quarrying operation to be strictly limited to the rock outcrop in 1.2766ha..*
- 2. The storm water from the quarry to be directed to a large RWH structure for de-siltation and clarification. This structure may be placed adjacent to the road.*
- 3. If any endangered or endemic plant species are noticed in the mining area the same shall be transplanted and preserved in a nearby plot set apart for the purpose.*

The proponent should set apart Rs.12 lakh per annum (recurring) for CSR activities for the welfare of the local community in consultation with the local body and the details should be forwarded to SEIAA. The specific conditions of the first inspection report as noted in para 3 should also be fulfilled. A notarised affidavit for the commitment of CSR activities and also agreeing to all the general and specific conditions should be submitted before the issuance of EC.

Item No.76.03 Application for Approval of Terms of Reference for EIA study for Outer Area Growth Corridor (55 km) highway project proposed through the villages Mangalapuram, Andorrkonam, Pothencode, Karakulam, Aruvikkara', Poovachal', Vilappil, Kattakada, Maranallur, Malayinkeezhu, Pallichal, 'Kalliyur', 'Venganur', Vembayam, Vellanad, Vilavoorkal, Thiruvananthapuram district By T.Balakrishnan, Convenor, Capitol Region Development Programme (File No. 1143/EC/ SEIAA/KL/2017).

Sri. T. Balakrishnan, Convenor, Capitol Region Development Programme -ii, Government of Kerala, Thiruvananthapuram vide his application received on 14.11.2016 has sought for terms of reference for EIA study for Outer Area Growth Corridor (55km) highway project proposed through the villages Mangalapuram, Andorrkonam, Pothencode, Karakulam, Aruvikkara, Poovachal, Vilappil, Kattakada, Maranallur, Malayinkeezhu, Pallichal, Kalliyur, Venganur, Vembayam, Vellanad, Vilavoorkal, Thiruvanthapuram district. It is interalia noted that the project comes under category (B) 7 (f) of schedule of EIA notification 2006. As per the application no forest land is involved in the proposed site.

The proposal was considered in the 65th meeting of SEAC, held on 06th December, 2016. The Committee examined the application for the approval of the Terms of Reference (ToR) for conducting the EIA study and observed that a detailed presentation is required for understanding the overall concept of the proposal and hence decided to defer the item.

The proposal was placed in the 69th Meeting of SEAC held on 09th& 10th March 2017. Further to the intimation of SEAC, the representatives of the proponent and the Consultant attended the meeting. The proposal is seen to have been submitted on behalf of the Capital Region Development Programme. The representatives of the proponent could not produce any enabling document authorising the proponent to submit such a proposal. Nevertheless the consultant was permitted to make a power point presentation detailing the salient features of the proposal. This is an ambitious project for the development of the transport and developmental infrastructure of the Trivandrum Capital region. For proceeding further in the matter the Committee advised the representatives to resubmit the proposal with proper authorisation from the Govt. for preferring the application before SEIAA.

The proposal was considered in the 76th meeting SEAC held on 25th& 26th July 2017. The same project was considered in the 69th meeting of SEAC. The shortcomings pointed out

by the Committee in the minutes of the above meeting are not yet rectified. Hence the Committee decided to recommend to delist the proposal.

The proposal was considered in the 74th meeting SEIAA09.10.2017. Authority noticed that the proposal is a government project and delay will cause the hike of project cost. Authority decided to direct SEAC to hear the authorised representative of the proponent. The proponent should be intimated for authorising the representative to attend the meeting.

The proposal was considered in the 81st SEAC meeting held on 30 and 31st October 2017. The proponent has submitted Letter for Authorization vide Letter No. 30/ORR/2015/CRDP dated 24.10.2017. The proponent and the consultant made a presentation before the Committee. After deliberations the Committee approved the Standard Terms of Reference (ToR) for the Highway Projects for conducting the EIA study for the proposal. The Committee also direct the proponent to study in details the issues connected with the rehabilitation and settlement of families likely to be displaced by the project.

Authority decided to approve the ToR for EIA study as approved by SEAC and to intimate the proponent accordingly. The proponent should address the issues raised by SEAC while conducting the study as noted above.

Item No.76.04 Environmental clearance for proposed expansion of existing hospital project in Sy. No. 1486/1-4-3-2, 1486/1-4-3, 1486/1-1, 1486/1-4-2, 1486/3-2, 1486, 1486, 1486/3-1, 1486, 1486/1-4-3-2, 1486/1-4-3-1, 1486/1-4-1, 1486/4-18, 1486/2, 1479/3-5, 1479/3-6, 1479/3-4, 1479/3-3, 1482/1-1, 1482/1-5, 1482/4-30, 1482/4-29, 1482/4-23, 1482/4-27, 1482/1-4-1, 1482/1-4-2, 1482/1-2, 1486/2, 1486/1-4-3-1, 1482/1-1, 1486/2-1, 1482/1-1-2, 1482/4-22, 1482/4-22-7, 1482/4-12, 1482/4-25, 1482/1-8, 1482/1-6, 1482/1-3, 1482/1-4, 1482/1-7, 1482/1-2, 1482/4-24-2, 1482/3-2-1-1-2-1, 1482/3-2-1-2, 1482/3-2-1, 1482/4-22, 1482/3-2-1-1-1, 1482/3-2-1-2, 1482/3-2-1-2-1, 1482/4-18-1, 1482/4-18-1, 1482/3, 1482/3-2-1, 1482/3-1-1, 1482/3-1, 1486/1-4-4, 1486/1-5-1-1, 1482/4-26, 1482/4-27, 1482/4-27, 1482/4-27-1, 1482/4-27, 1482/4-27-1, 1482/1, 1482/1-1-1, 1482/3-3-1, 1482/3-3-2, 1482/3-3, 1485/1, 1485/2, 1485/3, 1485/4, 1485/5, 1485/7, 1485/8, 1485/9, 1485/10 Kadakampally Village, Trivandrum Municipal Corporation, Trivandrum Taluk & District, Kerala State by Mr. E.M. Najeeb, Executive Director, M/s KIMS Healthcare Management Ltd. (File No. 1085/EC1/SEIAA/2016)

Sri.E.M. Najeeb, Executive Director, M/s KIMS Healthcare Management Ltd.P.B. No. # 1, Anayara P.O., Trivandrum, Kerala-695029, vide his application received online on 2nd May 2016 and acceptance letter for online application was given by SEIAA on 4th November 2016, has sought Environmental Clearance under EIA Notification, 2006 for

the quarry project in Sy. No. 1486/1-4-3-2, 1486/1-4-3, 1486/1-1, 1486/1-4-2, 1486/3-2, 1486, 1486, 1486/3-1, 1486, 1486/1-4-3-2, 1486/1-4-3-1, 1486/1-4-1, 1486/4-18, 1486/2, 1479/3-5, 1479/3-6, 1479/3-4, 1479/3-3, 1482/1-1, 1482/1-5, 1482/4-30, 1482/4-29, 1482/4-23, 1482/4-27, 1482/1-4-1, 1482/1-4-2, 1482/1-2, 1486/2, 1486/1-4-3-1, 1482/1-1, 1486/2-1, 1482/1-1-2, 1482/4-22, 1482/4-22-7, 1482/4-12, 1482/4-25, 1482/1-8, 1482/1-6, 1482/1-3, 1482/1-4, 1482/1-7, 1482/1-2, 1482/4-24-2, 1482/3-2-1-1-2-1, 1482/3-2-1-2, 1482/3-2-1, 1482/4-22, 1482/3-2-1-1-1, 1482/3-2-1-2, 1482/3-2-1-2-1, 1482/4-18-1, 1482/4-18-1, 1482/3, 1482/3-2-1, 1482/3-1-1, 1482/3-1, 1486/1-4-4, 1486/1-5-1-1, 1482/4-26, 1482/4-27, 1482/4-27, 1482/4-27-1, 1482/4-27, 1482/4-27-1, 1482/1, 1482/1-1-1, 1482/3-3-1, 1482/3-3-2, 1482/3-3, 1485/1, 1485/2, 1485/3, 1485/4, 1485/5, 1485/7, 1485/8, 1485/9, 1485/10 Kadakampally Village, Trivandrum Municipal Corporation, Trivandrum Taluk & District, Kerala. It is interalia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006. No forest land is involved in the present project. The proposed project site falls within Latitude 8°30'52.92" N to 8°30'46.64" to Longitude 76°54'40.23"E to 76°54'30.85" N.

The height of the proposed building is 30 m. and the total plot area of the proposed project is 2.6420 ha. (26,420.43 sq. m.) and the total built-up area is 78,669 sq.m. (existing 37,160 sq.m. + proposed 41,509 sq.m.). The total power requirement is about 5989.98 kW (existing 4419.98 kW + Proposed 1570 kW) which will be sourced through Kerala State Electricity Board & D.G. Sets (Standby). Total project cost is about Rs. 300 Crores.

The proposal was considered in the 68th meeting of SEAC, Kerala, held on 20th & 21st February 2017 and deferred the item for field visit to examine among other things the following aspects.

1. Parking facilities.
2. Water Balance
3. Waste Management
4. Alternate parking facility during construction phase.

Accordingly the Sub Committee of SEAC consisting of Sri.S.Ajayakumar, Dr.George Chackachery & Sri.John Mathai conducted the field visit on 07.03.2017 and submitted the report. The proposal was again considered in the 69th meeting of SEAC, Kerala, held on 09th & 10th March, 2017 and deferred the item for submission of documents sought in the field visit report. Subsequently, the proponent has submitted the documents sought by the 69th SEAC.

The proposal was again placed in the 71st meeting of SEAC held on 20th & 21st April 2017. The Committee verified the additional documents submitted by the proponent. The Committee was not convinced with the explanations given by the proponent that there was no requirement of Environment Clearance for the existing two buildings. The Committee opined

that the combined built up area of both the existing buildings exceed the threshold limit of EIA Notification 2006 and therefore violates the provisions of the notification.

However, since the proponent requested for time to produce further documents in support of his argument that there was no violation in the construction, the Committee decided to defer the item. Then the proponent has submitted the documents sought by SEAC in its 71st meeting.

The proposal was considered in the 73rd meeting of SEAC held on 30th and 31st May 2017. The Committee appraised the proposal on the basis of the Form I and Form IA application, conceptual plan, environment management plan, field inspection report of the sub-committee, explanations submitted by the proponent and other connected documents.

The sub-committee during its site inspection has observed that the total built up area of the existing two buildings of the hospital complex is more than 20000 sq.m and there could be a possible case of violation. Accordingly the proponent was asked to explain the position. In the written explanations the proponent has admitted that the total built up area of the two existing buildings is 37160 m². But according to him if the following two aspects are taken into consideration there is no violation.

1) The existing two buildings are in two different plots separated by a PWD road. Hence as per the building rules they are to be considered as separate structures and treated accordingly. Hence combined area cannot be reckoned for considering for the EC. Further, the first building of 25640 sq.m was completed much before the 2006 EIA notification and received completion report on 2.8.2005. Hence there is no violation.

The Committee rejected the above argument as the hospital as such is functioning as a single unit intimately sharing common amenities and services and whatsoever impacts it is making on the environment has to be assessed together.

2) As regards the second argument the proponent argues that the permit for the second building was granted on 24.4.2006 (Before the EIA notification) for 3 floors. Though the application for revised permit was submitted well before the EIA notification, due to administrative delay it was issued only on 3.2.2007. According to the proponent the EIA notification is applicable only to constructions commenced after the publication of EIA notification on 14.09.2006. In this case construction commenced well before the above date and hence there is no violation.

The EIA notification dated 14.09 2006 does not offer any such relief to the on-going constructions. Considering the circumstances of the case the Committee observed that there is a non-intentional technical violation. It deserves a lenient consideration. If the decision of SEIAA is to proceed further against the violation it may be done in accordance with procedures prevailed prior to 14.03.2017, the date on which MoEF issued notification revising procedures for treating cases involving violations.

The committee took the commitments intimated by the proponent vide letter dated 29.03.2017 into record and decided to recommend for issuance of EC subject to the general condition along with the specific conditions

1. Enhance total car parking facility for 648 cars which will include mechanical, multilevel and conventional car parking.
2. Parking facilities for 650 two wheelers
3. During construction stage proponent agreed to provide parking facility in a space away from the site with free to and fro shuttle service.
4. Rainwater storage capacity shall be increased to 3500 KL.
5. The sewage will be treated and recycled with the site itself.
6. Exit and entry will be as per revised plan submitted.
7. Emergency assembly points as shown in the revised conceptual plan should be provided.
8. Adequate safety measures shall be ensured to prevent slope failure of steep cutting.
9. Excess earth excavated shall be disposed off without causing environmental problem.

The proponent agreed to spend Rs.1 crore over a period of 3 years for CSR activities for the welfare of the local community in consultation with the local body. For the subsequent years SEIAA may obtain an appropriate commitment from the proponent.

The proposal was placed in the 71st meeting of SEIAA held on 20th July 2017. Authority decided to defer the item for detailed examination to ascertain whether there is violation of EIA Notification and place in the next meeting.

In the meantime, the proponent has submitted a representation dt.12.09.2017. They claim that as per the EIA Notification (Amendment) dt.07.07.2004, wherein building construction prior to 07.07.2004 are not required to take environmental clearance.

One Sri. K.J. Chacko has submitted complaint against the above project alleging that the area of the project comes under Wetlands as per the National Wetland Atlas Inventory published by Government of India.

The proposal was placed in the 73rd meeting of SEIAA held on 15th September 2017. Authority considered the representation submitted by the proponent dt.12.09.2017. In the light of the representation, it was decided that SEAC may re-examine the project whether there is a non-intentional technical violation or not and give unambiguous recommendation. Nowhere in the EIA Notification, 'there is provision for lenient consideration', as noted in the minutes of SEAC. SEAC may take a decision to give a clear-cut recommendation after verifying the representation of the proponent dated. 12.09.17 and hearing the project proponent and the complainant within a period of one month. SEAC may also re-examine the following points;

- 1) Whether the building connectivity needs NOC from Corporation & PWD?
- 2) Examine whether the designated parking area is used as paid parking ?

The proposal was placed in the 80th meeting of SEAC held on 11th October, 2017. The Committee decided to defer the item for seeking further clarification from the

proponent. The proponent has been intimated for clarification regarding the decision vide e-mail dt.23.10.2017.

The proposal was again placed before 81st SEAC held on 30th&31st October 2017. SEIAA in its 73rd meeting has raised few issues with regards to the recommendations made by SEAC with respect to proposal under consideration. After deliberations the Committee decided to furnish the following clarifications to SEIAA for taking further action in the matter.

1. SEIAA has opined that as per the EIA notification there is no provision for “lenient consideration” for a violation. This assumption is not factually correct. As regards the procedures to be adopted in dealing with violations MoEF&CC has issued OMs on 19.08.10;16.11.10;12.12.12 and 27.06.13. Finally it has also issued a notification on 14.03.17, superseding many of its earlier OMs, for providing a window of opportunity for regularising the violations. The validity of the above notification expired on 13.09.17. The 4th para of the above notification reads

“The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law”

From the above para itself it is clear that the nature and gravity of violation of EIA notification definitely have to be considered while taking action under the Environment (Protection) Act. It is also pointed out that as per the documents made available to SEAC, as on today the only recourse left before SEIAA for taking penal action against violation is to report the matter to govt. Decision with regards to the EC cannot be withheld for want of finalisation of proceedings against violation. Action against violations as per the Act will be separately pursued by the govt either directly or through the State Pollution Control Board.

2. The Proponent has argued that after the amendments to the EIA notification on 7.7.2004, no EC is required for the construction works undertaken prior to the above date. Notification dt.07.07.2004 is for amending the original EIA notification issued in 1994. But the above amendment has no relevance while fixing the threshold limit of the built area for the applicability of EC as per the 2006 notification.
3. As on the date of site inspection the nature of the land was not that of a wet land its recordal classification has no bearing on environmental appraisal. If it does attract the provisions of the Conservation of Paddy Land and Wetland Act 2008 then the onus to take further action in this regard is on the concerned local body.
4. a) Whether the building connectivity needs NOC from Corporation & PWD ?
b) Examine whether the designated parking area is used as paid parking?

The above issues do not have direct bearing on the appraisal of the proposal. Environmentally the connectivity does not raise any issue. If it is a violation of other rules or acts, it is the duty of the concerned governmental agency to look into that. So also the nature of the designated parking (paid/non-paid) is not even remotely concerned with the appraisal. While appraising building and real estate projects, SEAC generally follows the OM issued by the MoEF on 19.06.13. Only when issues like large scale constructions without the permission of the local body, inadequate width of the approach road etc, which have direct environmental consequences, crop up the Committee make its recommendations after considering its significance.

In the meantime the proponent filed a Writ petition no 32232/2017 before the Honorable High Court of Kerala in which SEIAA represented by its member as 2nd respondent and SEAC represented by its Chairman as 3rd respondent. The petitioner stated that he is entitled for deemed clearance.

Authority noticed that the building connectivity is not appraised by any Government agency and it appears to be an unauthorised construction. Any damage to the bridge may affect the person who uses it or the people who pass through the busy public under road beneath. As per the rules the setoff has to be clear sky which also has an environmental aspect since lack of clear sky will affect the users of the campus. The parking also has environmental aspects. At present most of the parking area is utilised by Doctors and staffs. The patients are using the paid parking and most of the vehicles are parking on road side causing traffic block. The view of the SEAC that the violation involves is unintentional and technical cannot be considered in favour of the project. As per the EPA Rules and Notification, environmental violation cannot be condoned and in regard to technical violation, violation proceedings has to be initiated whether it is deliberate or inadvertent. It is pertinent to note that MoEF Notification dt.14.03.2017 has become infructuous as on date as the Notification is for the period of six months from the date of Notification. Therefore SEIAA decided that violation proceedings may be initiated as per relevant rules and provisions of Environmental Protection Act 1986. Authority will take decision on the issuance of EC after taking credible action. SEIAA also holds the view that a violator cannot claim to have deemed clearance.

Item No. 76.05 Environmental Clearance for the quarry project in Sy. No. 1080/2(P) at Onakkoor village, Muvattupuzha Taluk, Ernakulam District, Kerala State by Sri.Philip George, M/s. Murickans Quarry (File No. 915/SEIAA/EC3/3661/2015) – Request to reconsider – reg:-

Sri.Philip George (Proprietor) M/s. Murickans Quarry, Murical house, Periyappuram P.O., Muvattupuzha Taluk, Ernakulam District vide his application dated 11.09.2015, has sought Environmental Clearance under EIA Notification, 2006 for the Proposed Building Stone Quarry in Sy. No. 1080/2(P) at Onakkoor village, Muvattupuzha Taluk, Ernakulam District, Kerala State for an area of 1.4761 Hectares. The project comes under Category B,

Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II (M) dated 18th May 2012 of Ministry of Environment and Forests. It is further categorised as Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares. The proposed project site falls within Latitude (N) 09^o52'04.83" to 09^o52'11.14" Longitude (E) 76^o32'04.21" to 76^o32'08.41". In the basic details the proponent has noted that the quarry has a permit obtained on 04.06.2016 valid up to 03.06.2017 and at present the quarry is not working.

The proposal was considered in the 56th Meeting of SEAC held on 6th & 7th June 2016. The proponent admitted that the quarry is at presently operational and hence there is a violation. This may be looked into by SEIAA. The SEAC has decided to Recommend for issuance of EC on completion action against violation subject to the following specific condition along with other general conditions.

1. There is an adjacent quarry named 'Edayan Crushers'. From the presentation, it was observed that there is no set out, between the two. This should be strictly provided as stipulated in rules.

2. Presently bench formation is not followed at all. This should be strictly adhered to.

The proposal was considered in the 55th meeting of SEIAA held on 16th July 2016. Authority wanted to get it clarified by SEAC as to when did the violation take place, and whether the case attract the order dated 30-10-2015 of the Hon. Supreme Court in SLP No. 30103/2015 to maintain status quo. SEIAA is the 8th respondent in that case.

The proposal was placed in the 67th meeting of SEAC held on 27th January 2017. The Committee examined the suggestions made by SEIAA and decided to defer the item for site inspection.

The proposal was considered in the 73rd meeting of SEAC held on 30th & 31st May 2017. The Committee opined that the proponent was operating the quarry based on permit without EC. The proponent admitted the fact during his presentation before the committee on 07.06. 2016. Hence, it is a case of violation, which may be looked into SEIAA.

The proposal was placed in the 71st meeting of SEIAA held on 20th July 2017 Authority decided to accept the recommendation of SEAC that the working of the quarry is a case of violation and hence decided to take action on violation.

The proponent Mr.Philip George has submitted a request that has been received in SEIAA office on 13.09.2017. He has requested to re-evaluate the decision of SEAC committee and to give permission to operate the quarry. He explained that he has operated the quarry only on the permit order of the Hon'ble Supreme Court and after that he has not continued quarrying after November 2016. He also submitted a Certificate form Village Officer that the quarry was not operational.

The proposal was placed in the 73rd meeting of SEIAA held on 15th September 2017. As SEAC in its minutes and inspection report has recorded violation, and the proponent himself has agreed violation to it, and also SEIAA has taken a decision on violation as recommended by SEAC, Authority decided to return the file to SEAC for reconsideration in the light of the representation of the project proponent and also after hearing the proponent.

The proposal was placed in the 81st meeting of SEAC held on 30th & 31st October 2017. The committee observed that the proponent was operating the quarry with permit obtained from Government. SEAC had subsequently taken a stand, that in cases where the quarries were operated with the consent of the State Government, violations need not be taken cognizance of. Hence the same yardstick can be followed here also and no further action need be taken against violation.

Authority examined the suggestion of SEAC and accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the following specific conditions.

1. There is an adjacent quarry named 'Edayan Crushers'. From the presentation, it was observed that there is no set out, between the two. This should be strictly provided as stipulated in rules.

2. Presently bench formation is not followed at all. This should be strictly adhered to.

2% of the total project cost should be set apart for CSR activities in consultation with the local panchayat and details should be forwarded to SEIAA. A notarised affidavit for the commitment of CSR activities and also agreeing to all the general and specific conditions should be submitted before the issuance of EC.

Item No:76.06 Environmental clearance for the proposed building stone quarry project in Survey No. 172/1 Pt., 177/1 Pt., 177/2 Pt, 178/1 Pt., 178/2 Pt., 179/1Pt. of Purapuzha Village &Panchayath, Thodupuzha Taluk, Idukki District, KeralaState byMr. C. A. Mohammed Iqbal, Director, M/s Cochin Blue Metal Industries Pvt. Ltd., (File No. 1069/EC4/2016/SEIAA)

Mr. C. A. Mohammed Iqbal, Director, M/s Cochin Blue Metal Industries Pvt. Ltd., Choozhikkara, Mathiri P.O., Ramapuram, Kottayam District, Kerala-686576., vide his application received online on 05.11.2016 has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Survey No. 172/1 Pt., 177/1 Pt., 177/2 Pt, 178/1Pt., 178/2 Pt., 179/1Pt. of Purapuzha Village &Panchayath, ThodupuzhaTaluk, Idukki District, Kerala State for an area of 1.3898 hectares. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II (M) dated 18th May 2012 of Ministry of Environment and Forests. It is further categorised as Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares. In the

basic details the proponent has noted that the quarry is a fresh one. The proposed project is for quarrying of 60,000 MTA of building stone. The total project cost is 1.50 Crores.

The proposal was placed in the 69th meeting of SEAC held on 09th & 10th March 2017 and deferred the item for field inspection. The proponent is operating another quarry nearby with EC granted vide 67/SEIAA/KL/7904/2012 dt.23.03.2013. During site inspection it may be verified whether he has adhered to the conditions of the above EC. Accordingly field visit to the proposed project site was conducted by the Sub Committee consisting of Dr.K.G.Padmakumar & Sri.P.Sreekumaran Nair on 02nd October 2017.

The proposal was placed in the 80th meeting of SEAC held on 11th October 2017 and deferred the item for considering in the next meeting.

The proposal was considered in the 81st meeting of SEAC held on 30th & 31st meeting. The Committee appraised the proposal based on the Mining plan, Form.1, Pre-feasibility Report, all other documents submitted with the proposal and the field visit report and decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific condition.

- 1) *If any rare, endemic and threatened plant species are noticed, they shall be properly protected insitu or transplanted to a suitable site inside the lease area.*

The proponent agreed to set apart Rs.10 lakh (non-recurring) and Rs.10 lakh per annum (recurring) for CSR activities for the welfare of the local community to be implemented in consultation with the local Panchayat.

Authority noticed that the proponent is operating another quarry of 4.23 ha in an adjacent plot with EC. Authority decided to inform the proponent to give an explanation whether it is an expansion of the existing quarry.

Item No: 76.07 **Environmental clearance for the proposed masonry stone quarry project in Re survey Nos.354/4, 354/5, 355/1pt, , 351/1pt, 328/5, 350, 352/1pt, at Manakkad Village, Thodupuzha Taluk, Idukki District, Kerala by Mr. George Kochuparambil (File No. 1137/EC/SEIAA/KL/2017)**

Mr. George Kochuparambil, Kochuparambil House, Vazhithala. P.O., Thodupuzha, Idukki- 685583, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Re survey Nos.354/4, 354/5, 355/1pt, , 351/1pt, 328/5, 350, 352/1pt, at Manakkad Village, Thodupuzha Taluk, Idukki District, Kerala for an area of 12.2987 Ha. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II (M) dated 18th May 2012 of Ministry of Environment and Forests. It is further categorised as Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares. In the basic details the proponent stated that the project is for expansion of an existing quarry project and the existing project is accorded with Environmental Clearance vide Order No. 36/SEIAA/KL/6091/2012 for an area of 4.2321 ha. The cumulative area is 12.2987 ha. The

EC accorded area is part of the area in the instant application. Mining is in progress in the EC accorded area of 4.2321 ha with the support of mining lease vide No. 405/2013-2014/3099/M3/2013 Dt. 12/09/2013 issued by Mining and Geology Department, Govt. of Kerala with validity up to October, 2023. The proposed project is for quarrying of 4,00,000 MTA. The total project cost is Rs. Crore.

The proposal was placed in the 79th meeting of SEAC held on 25th & 26th September 2017 and decided to defer the item for field inspection. Accordingly field visit to the proposed project site was conducted by the Sub Committee consisting of Dr.K.G.Padmakumar & Sri.P.Sreekumaran Nair on 02nd October 2017.

The proposal was placed in the 80th meeting of SEAC held on 11th October 2017. The committee decided to defer the item for considering in the next meeting. A mass petition from Pallavi Nagar Residents' Association against the proposed project was received on 19/10/2017

The proposal was considered in the 81st meeting of SEAC held on 30th & 31st meeting. The Committee appraised the proposal based on the Mining plan, Form.1, Pre-feasibility Report, all other documents submitted with the proposal and the field visit report condition. The members of the Sub Committee who inspected the site informed that they did not notice any of the structures mentioned in the petition of Pallavi Nagar Residents' Association in 100 m periphery where quarrying operations is proposed. After deliberations the Committee decided to Recommend for issuance of EC subject to general conditions in addition to the following specific condition.

1. *If any rare, endemic and threatened plant species are noticed, they shall be properly protected insitu or transplanted to a suitable site inside the lease area.*

The proponent agreed to set apart Rs.30 lakh per annum (recurring) for CSR activities for the welfare of the local community in consultation with the local Panchayat.

Authority noticed that there are complaints from 'Pallavi Nagar Residents' Association against the quarry. Hence Authority decided to hear the complainants and the proponent in the next SEIAA meeting.

Item No: 76.08 Environmental clearance for the proposed building stone quarry project in survey Nos. 218 Pt., 220 Pt., 223, Perakamanna Village, Edavanna Panchayat, Ernad Taluk, Malappuram District, Kerala State by Mr. Jamal Mohammed (Managing Partner & Authorised Signatory), M/s Al Madeena Granite Metal & Cement Industries.(File No. 1086/EC1/SEIAA/2016)

Mr. Jamal Mohammed, Managing Partner Authorised Signatory, M/s Al-Madeena Granite Metal & Cement Industries, Thuvakkad, Pannippara P.O., Edavanna, Malappuram District, Kerala-676541, vide his application received online on 12.07.2016, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in survey Nos. 218 Pt., 220 Pt., 223, Perakamanna Village, Edavanna Panchayat, Ernad Taluk, Malappuram

District, Kerala State for an area of 9.5070 hectares. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II (M) dated 18th May 2012 of Ministry of Environment and Forests. It is further categorised as Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares. In the basic details the proponent stated that the quarry site contains some area of an old abandoned quarry within the site. But, the proposal is for fresh quarry project and no mining activity at site. The proposed project is for quarrying of 2,40,000 MTA of building stone. The total project cost is Rs. 4 Crores.

The proposal was again considered in the 70th meeting of SEAC held on 4th and 5th April 2017 and decided to defer the item for field inspection.

Accordingly field visit to the proposed project site was conducted by the Sub Committee consisting of Dr P S Harikumar and Dr Khaleel Chovva on 1st October 2017.

The proposal was considered in the 81st meeting of SEAC held on 30th & 31st meeting. The proposal was appraised by the Committee after considering Form I, Form IA, Conceptual plan, field visit report and all other documents and details provided by the proponent the proposal and the field visit report and decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific condition.

1. *If any rare, endemic and threatened plant species are noticed, they shall be properly protected insitu or transplanted to a suitable site inside the lease area*

The proponent agreed to set apart Rs. 20 lakhs (non-recurring) and Rs.20 Lakh per annum (recurring) for CSR activities for the welfare of the local community in consultation with the local body.

Since the inspection report has recorded that the quarry had been working, Authority decided to inform the proponent to give an explanation about the date from which the quarrying has started working.

Item No. 76.09 Environmental clearance for the Proposed Hotel & Convention Centre Project in Sy. Nos. 271, 272, 282, 283, 285, 286, 287, 288, 290, 291/1A, 291/1B, 321/2, 364, 367/2, 368, 369/2, 370, 372/1, 488/1A1A, 488/2 at Valayanad Village, Kozhikode Taluk, Kozhikode District, Kerala by Mr. Packer Koya P.P , Director, M/s Lulu Convention Center Calicut Pvt. Ltd. (File No. 1116/EC/SEIAA/KL/2017)

Mr. Packer Koya P.P , Director, M/s Lulu Convention Center Calicut Pvt. Ltd, 24/826A, P.O. Mankavu, P.B. No. 1240, Calicut, Kerala-673007, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the proposed Hotel & Convention Centre Project in survey Nos.271, 272, 282, 283, 285, 286, 287, 288, 290, 291/1A, 291/1B, 321/2, 364, 367/2, 368, 369/2, 370, 372/1, 488/1A1A,

488/2, at Valayanad Village, Kozhikode Taluk, Kozhikode District, Kerala. It is inter alia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006.

The proposed project site falls within Latitude 11°14'27.65"N to 11°14'24.38"N to Longitude 75°48'15.03"E to 75°48'04.69"E. The height of the proposed building is 51.80 m and the total plot area of the proposed project is 3.856 Ha. The total built-up area of about 29,572.88 sq.m. (Ground +10 Floors) The facilities proposed of 105 rooms in hotel, 214 seats in restaurant & 2,000 seats in convention centre with other supporting infrastructure facilities. The total cost of the project is Rs. 125.275 Crores.

The proposal was placed in the 73rd meeting of SEAC held on 30th & 31st May 2017 and decided to defer the item for field inspection. The Committee also directed the proponent to submit the following additional documents/ details.

1. *Report on water yield test.*
2. *Revise the parking plan with enhanced provisions.*
3. *Portion of the energy proposed to be met from non-conventional sources.*
4. *Clarification whether the site attracts the provisions of the CRZ notification.*

Accordingly the Sub Committee members consisting of Sri P S Harikumar and Sri S. Ajayakumar has conducted the site visit on 17th June 2017.

The proposal was placed in the 75th meeting of SEAC held on 29th & 30th June, 2017 and decided to defer the item for submission of the following details/documents.

1. *NOC from KCZMA.*
2. *After the presentation of the proposal before the SEAC, some more land was acquired from the government. Hence,*
 - i. *A revised conceptual plan showing the whole land should be submitted.*
 - ii. *A copy of the Govt Order allotting the land to the Proponent should be submitted.*
 - iii. *Entry to the plot should be relocated sufficiently away from the junction to avoid traffic congestion.*
3. *Copy of the order exempting the plot from the purview of the Kerala Paddy and Wetland Act 2008.*

The proponent has submitted the documents/clarifications sought by 75th meeting of SEAC held on 29th & 30th June, 2017.

The proposal was placed in the 81st meeting of SEAC held on 30th & 31st October. The proposal was appraised by the Committee after considering Form I, Form IA, Conceptual plan, field visit report and all other documents and details provided by the proponent the proposal and the field visit report and decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific condition.

- 1) *The entry gate should be located sufficiently away from the junction to avoid the traffic congestion.*

Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the following specific conditions.

- 1) *The entry gate should be located sufficiently away from the junction to avoid the traffic congestion.*
- 2) *Green conditions related to construction should be strictly adhered to.*
- 3) *As per the landmark judgment dated 3rd September 2017 of the Principle Bench of National Green Tribunal (NGT), developers should give a satisfactory explanation on the facilities provided for open space, recreational grounds and parking facilities at the project site as they have an important bearing on the life of people.*

2% of the total project cost should be set apart for CSR activities in consultation with the local panchayat and details should be forwarded to SEIAA before the issue of EC. A notarised affidavit for the commitment of CSR activities and also agreeing to all the general and specific conditions should be submitted before the issuance of EC.

Item No:76.10 Environmental clearance for the proposed masonry stone quarry project in survey Nos. 221/1, Block No: 14, Muthuvallur Village, ErnadTaluk, Malappuram District, Kerala by Mr.V.P. Harshad, Managing Partner, M/s Associate Engineering & Chemicals (File No1122/EC/SEIAA/KL/2017)

Mr.V.P.Harshad, Managing Partner, M/s Associate Engineering & Chemicals,Thavanur (P.O), Kuzhimanna, Malappuram District, Kerala-673641,vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in survey Nos 221/1, Muthuvallur Village, ErnadTaluk, Malappuram District, Kerala for an area of 8.9180 Ha.The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II (M) dated 18th May 2012 of Ministry of Environment and Forests. It is further categorised as Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares.

In the basic details the proponent stated that the part of proposed quarry is in operation with mine lease vide Order No. 590/2010-11/6864/M3/2010 Dt. 07/12/2010. The mining was started at site on 10/12/2010 and the validity of lease is up to December, 2020.The total project cost is Rs. 6 Crores.

The proposal was placed in the 74th meeting of SEAC held on 14th& 15th June 2017 and decided to defer the item for field inspection.

Accordingly, field visit to the Quarry project site of Shri.V.P. Harshad, Managing Partner, M/s Associate Engineering & Chemicals was carried out on 1st October 2017 by Dr P S Harikumar and Dr KhaleelChovva.

The proposal was considered in the 81st meeting of SEAC held on 30th& 31st meeting. The proposal was appraised by SEAC after considering Form I, Form IA, Conceptual plan, field visit report and all other documents and details provided by the proponent and decided

to **recommend for issuance of EC** subject to general conditions in addition to the following specific condition.

1. If any rare, endemic and threatened plant species are noticed, they shall be properly protected insitu or transplanted to a suitable site inside the lease area

The proponent agreed to set apart Rs.8 lakh (non-recurring) and Rs.7 lakh per annum (recurring) for CSR activities for the welfare of the local community to be implemented in consultation with the local Panchayat.

As the Project proponent has recorded that the quarry is operational for an area of 8.9180 ha on lease before 2012 without EC, Authority decided to ask an explanation from the proponent why violation proceedings should not be initiated against the functioning of the quarry.

Item No. 76.11 Environmental clearance for the proposed masonry stone quarry project in Survey Nos. 371/1, 371/2/1, 372/1, 4, 372/2, 372/2, 373/1, at Vengappally Village, VythiriTaluk, Wayanad District, Kerala by Mr.M.M Thomas, Managing Partner, M/s Wayanad Granites (File No.1132/EC/SEIAA/KL/2017)

Mr.M.M Thomas, Managing Partner, M/s Wayanad Granites, Pinangode Post, Kalpetta, Wayanad, Kerala-673121, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Survey Nos. 371/1, 371/2/1, 372/1, 4, 372/2, 372/2, 373/1, at Vengappally Village, VythiriTaluk, Wayanad District, Kerala for an area of 5.1625 Ha. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II (M) dated 18th May 2012 of Ministry of Environment and Forests. It is further categorised as Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares. The proposed project is for quarrying of 1,00,000 MTA. The total project cost is Rs. 3.35 Crores.

The proposal was placed in the 76th meeting of SEAC held on 25th & 26th July, 2017 and decided to defer the item for field inspection.

Subsequently, site visit was conducted on 21.10.2017 by Subcommittee consisting of Dr.KhaleelChovva & Dr.E.A.Jayson.

On field visit, it is suggested that, it is necessary to take precaution to avoid effluent waters entering the nearby areas. This calls for establishing scientifically laid garland drains and settling tanks for settlement of debris. The presently provided pits (two nos.) has to be developed into two settling ponds with sufficient depth with rubble lined side walls. Only filtered water after sedimentation be allowed to flow out of the quarry. The nearby house is located at a distance of 102 meters. Quarters and canteen facility has to be created before the functioning of the quarry. The boundary pillars has to be painted with yellow colour and lat.long. marked on the pillars. Tree planting as per the mining plan to be strictly followed. The application may be favourably considered.

The proposal was placed in the 81st meeting of SEAC held on 30th & 31st October, 2017. The proposal was appraised by SEAC after considering Form I, Form IA, Conceptual plan, field visit report and all other documents and details provided by the proponent and decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific conditions.

1. *If any rare, endemic and threatened plant species are noticed, they shall be properly protected insitu or transplanted to a suitable site inside the lease area*
2. *All conditions suggested by the field inspection report, as noted above should strictly implemented before starting mining.*

The proponent agreed to set apart Rs.10 lakh per annum (recurring) for CSR activities for the welfare of the local community to be implemented in consultation with the local Panchayat

Authority decided to issue EC subject to the submission of the copy of proof for having applied for Wild Life Clearance, with general conditions and the following specific conditions.

1. *If any rare, endemic and threatened plant species are noticed, they shall be properly protected insitu or transplanted to a suitable site inside the lease area*
2. *All condition suggested by the field inspection report as noted above should be strictly implemented before starting mining.*

The proponent should set apart Rs.10 lakh per annum (recurring) for CSR activities for the welfare of the local community to be implemented in consultation with the local Panchayat and the details should be forwarded to SEIAA. A notarised affidavit for the commitment of CSR activities and also agreeing to all the general and specific conditions should be submitted before the issuance of EC.

Item No. 76.12 Environmental clearance for the proposed building stone quarry project in Sy. No.172, in Kodyathur Village, Kozhikode Taluk, Kozhikode District, Kerala by Mr.HabeebuRahiman (File No 1136/EC/SEIAA/KL/2017)

Mr.Habeebu Rahiman, Puthoor Madathil House, P.O., MukkomVaint, Kozhikode District, Kerala-673602, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy. No.172, in Kodyathur Village, Kozhikode Taluk, Kozhikode District, Kerala for an area of 5.91 Ha. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II (M) dated 18th May 2012 of Ministry of Environment and Forests. It is further categorised as Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares. The proposed project is for quarrying of 75,000 MTA. The total project cost is Rs. 1.75 Crores.

In the basic details the proponent has stated that it is an existing one and the quarry was working with permit till 09.12.2015

The proposal was placed in the 78th meeting of SEAC held on 23rd August, 2017 and decided to defer the item for field inspection. Subsequently, site visit was conducted on 01.10.2017 by Subcommittee consisting of Dr P S Harikumar & Dr Khaleel Chovva.

The proposal was placed in the 81st meeting of SEAC held on 30th & 31st October, 2017. The proposal was appraised by SEAC after considering Form I, Form IA, Conceptual plan, field visit report and all other documents and details provided by the proponent and decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific condition.

- 1. If any rare, endemic and threatened plant species are noticed, they shall be properly protected insitu or transplanted to a suitable site inside the lease area*

The proponent agreed to set apart Rs.8 lakh per year for CSR activities for the welfare of the local community to be implemented in consultation with the local Panchayat.

Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the following specific conditions.

- The entire quarry area should be fenced all around. Boundary pillars should be erected properly with legible markings*
- The approach road should be developed and properly surfaced.*
- The rich floral biodiversity shall be protected*
- Benches should be formed properly and wherever deep cliffs are present, those areas should be avoided for quarrying*
- Appropriate sign boards should be erected all around the quarry site*
- Appropriate drains should be provided to collect the rain water. Water should be clarified before discharge*
- Since the area has a rich floral biodiversity, a green belt should be developed around the quarry and should be make sure that no endemic species*
- If any rare, endemic and threatened plant species are noticed, they shall be properly protected insitu or transplanted to a suitable site inside the lease area*

The proponent agreed to set apart Rs.8 lakh per year for CSR activities for the welfare of the local community to be implemented in consultation with the local Panchayat and details should be forwarded to SEIAA. EC will be issued only after fulfilling all the pre-mining conditions in the project site and a certificate to this effect from a competent authority (RDO/Tahsildhar/District Geologist) should be submitted. A notarised affidavit for the commitment of CSR activities and also agreeing to all the general and specific conditions should be submitted before the issuance of EC.

Item No. 76.13 Environment Clearance for proposed MES Super Speciality Hospital Project in Survey Nos. 15/1, 22/1, 15/2, 16/2, 15/3, 16/3,

16/4, 16/5, 15/5A, 12/9 in Valayanad Village, Kozhikode Taluk & District, Kerala State by Mr. P.O. Jamaluddin Lebba, General Secretary & Authorized Signatory, M/s The Muslim Educational Society (Regd.) (File No. 1075/EC4/2016/SEIAA)

Mr. P.O. Jamaluddin Lebba, General Secretary & Authorized Signatory, M/s The Muslim Educational Society (Regd.), Calicut Head Quarters, Bank Road, Calicut, Kerala-673001, vide his application received online and, has sought Environmental Clearance under EIA Notification, 2006 for the proposed MES Super Speciality Hospital Project in Survey Nos. 15/1, 22/1, 15/2, 16/2, 15/3, 16/3, 16/4, 16/5, 15/5A, 12/9 in Valayanad Village, Kozhikode Taluk & District, Kerala State by Mr. P.O. Jamaluddin Lebba, General Secretary & Authorized Signatory, M/s The Muslim Educational Society (Regd.). It is inter alia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006.

The total plot area of the proposed project is 1.0605 ha. (10,605.57 sq. m.) and total built-up area about 35,936.59 sq.m with Basement + Ground + 9 floors. The total project cost is 180 Crores.

The proposal was placed in the 70th meeting of SEAC held on 04th & 05th April 2017 and decided to defer the item for field inspection. The Committee also directed the proponent to submit the following documents-A0 drawing, Site Plan, Parking Plan.

Accordingly the Sub Committee members consisting of Sri P S Harikumar and Sri S. Ajayakumar has conducted the site visit on 17th June 2017. The report is as follows:

The proposal is for a 398 bedded hospital with other supporting infrastructure facilities. Construction has already started. The proponents told that the construction is based on a valid building permit. There is drain on one side of the plot to which rain water can be let out. SEAC may verify the adequacy of the solid waste and water storage capacity. It is to be verified whether the plot falls under Kerala Paddy and wetland Act 2008.

- a. *Conceptual plan should be recast so that entry/ exit should be limited to single one.*
- b. *Building permit and approved plan of the building for which construction has already started shall be submitted and SEAC may verify whether there is any violation due to construction.*
- c. *NOC from CZMA shall be submitted*

The proposal was placed in the 75th meeting of SEAC held on 29th & 30th June, 2017. The Committee decided to defer the item for a personal hearing of the proponent and also for the submission of the following details/documents.

1. NOC from KCZMA.
2. Copy of the approved plan based on which construction is going on.
3. Revised conceptual plan with a single gate providing both entry and exit.

The proponent has submitted the documents/clarifications sought by 75th meeting of SEAC held on 29th & 30th June, 2017. The proponent has been intimated for personal hearing vide e-mail dt.21.10.2017.

The proposal was placed in the 81st meeting of SEAC held on 30th & 31st October, 2017. The Committee appraised the proposal based on Form 1, Form I A, field inspection report of the Sub Committee and all other documents submitted with the proposal. The Committee decided to **Recommend for issuance of EC** subject to general conditions.

The proponent agreed to treat 200 patients belonging to BPL families and suffering from serious ailments in a year free of cost. The eligible patients will be selected in consultation with the local body.

Authority noticed that the inspection report states that the construction has already started based on a valid building permit. Hence Authority decided to ask an explanation from the proponent why violation proceedings should not be initiated for starting construction without EC.

Item No:76.14 Environmental clearance for the proposed building stone quarry project in Re-survey No. 168, Karukutty Village & Karukutty Grama Panchayat, Alwaye Taluk, Ernakulam District, Kerala State by Mr. Saji Vadakkekara (Proprietor), M/s Planters Aggregates (File No. 1065/EC3/2016/SEIAA)

Mr. Saji Vadakkekara (Proprietor), M/s Planters Aggregates, Palissery, Ezhattumugham P.O., Angamaly, Ernakulam, Kerala-683 577, vide his application received online 19/12/2015 and, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy. No. 168, Karukutty Village & Karukutty Grama Panchayat and Re-Survey No. 168, Karukutty Village & Karukutty Grama Panchayat, Alwaye Taluk, Ernakulam District, Kerala State for an area of 4.1885 hectares. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II (M) dated 18th May 2012 of Ministry of Environment and Forests. It is further categorised as Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares. The proposed project is for quarrying of 1,00,000 MTA of building stone. The total project cost is Rs. 8 Crores.

The proposal was placed in the 69th meeting of SEAC held on 9th & 10th March 2017 and decided to defer the item for field inspection. During Field visit, whether the conditions stipulated in the E.C given for the adjoining quarry of the proponent have been adhered to has to be examined closely.

Subsequently, site visit was conducted on 08.04.2017 by Subcommittee consisting of Er.P.Sreekumaran Nair, Dr.K.G.Padmakumar & Dr.E.A.Jayson.

The proposal was considered in the 73rd meeting of SEAC held on 30th and 31st May 2017. The Committee verified the additional documents submitted by the proponent and found satisfactory. Based on the Mining plan, Form.1, all other documents submitted with the

proposal and the field visit report, the committee decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific condition.

1. *If any plant species endemic to Western Ghats are noticed in the area they shall be properly protected in situ or by transplanting to an appropriate location inside the lease area.*

The proponent agreed to set apart Rs. 10 lakh (non-recurring) and Rs. 10 lakh per annum (recurring) for CSR activities for the welfare of the local community in consultation with the local body.

The proposal was placed in the 71st meeting of SEIAA held on 20.07.2017. Authority accepted the recommendation of SEAC and decided to issue EC subject to obtaining legal opinion as decided in the 66th SEIAA meeting whether quarrying on lease areas without Environmental Clearance would also come under the scope of violation.

EC is recommended subject to the general condition in addition to the following specific conditions suggested by SEAC as noted above.

Now the proponent vide letter dt.15.09.2017 stated that though there is a mine lease for the area under consideration, there is no mining activity in progress in the area and therefore there is no violation of the provisions of law. The Sub Committee report states that the Mining activity is in progress in the adjoining land to the area under consideration which is already obtained Environmental Clearance. Since no mining activity is carried out in the proposed area the proponent requested to accord EC for the project.

The proposal was placed in the 74th meeting of SEIAA held on 09th October 2017. Authority decided to conduct a site visit to verify the present status of the project.

Accordinlgy the Chairman and the Member SEIAA conducted the site visit on 25.10.2017 to M/s Planters Aggregates, owned by Mr.SajiVadakkekara (Proprietor), Palissery, Ezhattumugham P.O., Angamaly, Ernakulam, Kerala-683 577, as per the decision of 74th SEIAA to verify the present status of the project. The Administrator was also present. The project is fresh one and no quaarying operations are carried out at the project site.

Authority accepted the recommendation of SEAC and decided to issue EC subject to the general condition in addition to the following specific condition.

- 1) *The mandatory distance between the existing and the proposed quarry should be maintained.*
- 2) *If any plant species endemic to Western Ghats are noticed in the area they shall be properly protected in situ or by transplanting to an appropriate location inside the lease area.*

The proponent should set apart Rs. 10 lakh (non-recurring) and Rs. 10 lakh per annum (recurring) for CSR activities for the welfare of the local community in consultation with the local body and the details should be forwarded to SEIAA. A notarised affidavit for the commitment of CSR activities and also agreeing to all the general and specific conditions should be submitted before the issuance of EC.

Item No:76.15 Environmental clearance for the proposed quarry project in Sy.Nos.1107/1P, 1108/P, 1109/2P, 1110/2P, 1117/2P, 1118/1P, 1119/1P & 1121/3P at Perumbilavu Village, ThalappillyTaluk, Thrissur District, Kerala by Sri. P. K. Jaleel, Managing Partner for M/s Best Granites (File No. 964 / SEIAA / EC1 / 4474 / 2015)

Sri. P. K. Jaleel (Managing Partner), M/s Best Granites, Kadangode, Thippillissery P.O., ThalappillyTaluk, Thrissur District, Kerala-680 519 vide his application received on 27-10-2015, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Survey Nos. 1107/1P, 1108/P, 1109/2P, 1110/2P, 1117/2P, 1118/1P, 1119/1P & 1121/3P in Perumbilavu Village, ThalappillyTaluk, Thrissur District, Kerala. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II (M) dated 18th May 2012 of Ministry of Environment and Forests. It is further categorised as Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares.The proposed project is for quarrying of 6,00,000 MTA of building stone.

The proposal was placed in the 58th Meeting of SEACHeld on 28th& 29th June, 2016 and decided to defer the item for site inspection. Field visit to the Quarry project site was carried out on 18.07.2016 by the sub-committee of SEACcomprising Dr. E A Jayson and Sri. John Mathai.

The proposal was placed in the 63rd meeting of SEAC, Kerala, held on 04th October, 2016 and decided to defer the item for the production of following;

- The boundary of the actual quarry area has to be limited to the elevated part and western part leaving the eastern side where the thickness of top soil and OB is more than 2 m. A fresh plan to be submitted excluding the above portion.
- A clear distance of 100 m, will be kept as a buffer zone from the quarry edge to the temple and dwelling units.
- The approach road should be maintained and widened properly.
- The Green belt shall be provided around the periphery.

The proponent has submitted the documents / clarifications sought by 63rd SEAC held on 04th October, 2016.

The proposal was placed in the 68th meeting SEAC held on 20th& 21st February 2017. The Committee verified the additional documents submitted by the proponent and found satisfactory. The Committee appraised the proposal based on the Mining Plan, Pre-feasibility Report, field visit report and all other documents submitted along with Form1. The Committee decided to **Recommend for Issuance of EC** subject to the following specific conditions in addition to the general conditions.

1. *The boundary of the actual quarry area has to be limited to the elevated part and*

western part leaving the eastern side where the thickness of top soil and OB is more than 2 m as shown in the revised Sketch submitted by the proponent.

2. *If any plant species endemic to Western Ghats are noticed in the area they shall be properly protected in situ or by transplanting to an appropriate location inside the lease area.*

The proponent agreed to set apart Rs.8 lakh (non-recurring) and Rs.7 lakh per annum (recurring) for CSR activities for the welfare of the local community in consultation with the local Panchayat.

The proposal was placed in the 66th meeting of SEIAA held on 07.04.2017. The Authority decided to give a detailed note to AG / Legal department to seek legal opinion whether mining in lease areas without EC also comes under the scope of violation. The Authority decided to get the legal opinion at the earliest before the issuance of EC.

Then the proponent has requested vide letter dt.15.09.2017 that the proposed quarry is a fresh one and there is no violation in any account. They have neither mining lease nor mining permit. They have mentioned all these aspects in the application itself. Hence the proponent request to grand EC for the project.

The proposal was placed in the 74th meeting of SEIAA held on 09.10.2017. Authority decided to conduct a site visit to verify the present status of the project. Accordingly, the site visit was conducted by the Chairman and Member, SEIAA on 4th November 2017.

Authority noticed that the extent of the eastern side where the Top soil / Over Burden are more than 2 m is not clear and therefore the Project Proponent should submit the details of the extent of the area (in hectares) on the eastern side where thickness of OB/Top Soil is more than 2 m and fence the area.The Chairman & Member , SEIAA are not convinced how the above area can be left out while mining all around it. Hence the Authority decided that a satisfactory explanation should also be furnished by the Project Proponent on this before the issue of EC.

Item No: 76.16 Environmental clearance for the proposed building stone quarry project in Survey No. 459/1-1pt., 459/2, 460/10, 12, 460/2-1pt., 460/2-2, 461/4, 461/1, 462/1pt., 462/2, 462/3, 446/4pt., 446/7pt., 446/8pt., 462/5, 461/2, 461/3, 447/3, 2pt., 448/3pt., 2, 1pt., 452/5pt., 452/4, 6, 7, 8 of Peroorkada Village, Thiruvananthapuram Taluk, Thiruvananthapuram District, Kerala State by Mr.Jabu K. Abraham, Managing Partner, M/s POABS Granites Pvt. Ltd. (File No. 1071(A)/EC1/2016/SEIAA)

Mr.Jabu K. Abraham, Managing Director M/s Poabs Granites Pvt. Ltd. Kuttoor P.O., Thiruvalla, Kerala-689106., vide his application received online and, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Survey No. 459/1-1pt., 459/2, 460/10, 12, 460/2-1pt., 460/2-2, 461/4, 461/1, 462/1pt., 462/2, 462/3,

446/4pt., 446/7pt., 446/8pt., 462/5, 461/2, 461/3, 447/3, 2pt., 448/3pt., 2, 1pt., 452/5pt., 452/4, 6, 7, 8 of Peroorkada Village, Thiruvananthapuram Taluk, Thiruvananthapuram District, Kerala State for an area of 14.5687 hectares. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II (M) dated 18th May 2012 of Ministry of Environment and Forests. It is further categorised as Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares. The proposed project is for quarrying of 9,00,000 MTA of building stone. The total project cost is Rs. 12.50 Crores.

The proposal was considered in the 69th meeting of SEAC Kerala held on 09th and 10th March 2017 and deferred the item for field inspection. Accordingly, field visit to the quarry project was carried out by the Subcommittee of SEAC comprising of Sri. S. Ajaya Kumar and Sri. John Mathai on 18.03.2017.

The proposal was placed in the 71st meeting of SEAC held on 20th & 21st April 2017 and deferred the item for submission of the following document.

An agreement of 'no objection for quarrying' from the owner of the plot embedded within the proposed quarrying area.

Subsequently, the proponent has submitted the document sought by the 71st SEAC. The proposal was considered in the 74th meeting of SEAC held on 14th & 15th June 2017. The Committee verified the additional documents submitted by the proponent and found satisfactory. Based on the Mining plan, Form.1, all other documents submitted with the proposal and the field visit report, the committee decided to **Recommend for issuance of EC** subject to the general conditions in addition to the following specific condition.

1. *The abandoned pit on the western part to be developed as a Rain water Harvesting pond.*
2. *If any plant species endemic to Western Ghats are noticed in the area they shall be properly protected in situ or by transplanting to an appropriate location inside the lease area.*

The proponent agreed to set apart Rs. 25 lakh (non-recurring) and Rs. 25 lakh (recurring) per annum for CSR activities for the welfare of the local community in consultation with the local body.

The proposal was placed in the 72nd meeting of SEIAA held on 01st August 2017. Authority noticed from the site inspection report that dwelling units are seen within 100m. (And in the Form I Application it is recorded that the dwelling units are located within 45ms). Hence Authority decided not to consider the proposal for EC.

Then the proponent has submitted the revised surface sketch and Form I vide letter dt. 03.11.2017 stating that mining will be restricted by keeping a distance of 100m from the dwelling unit.

Authority decided to inform the proponent to give an explanation about the exact mining area after leaving 100 m distance from the dwelling unit before the issuance of EC. If

the explanation is satisfactory EC may be issued subject to the general conditions in addition to the following specific conditions.

- 1) *The abandoned pit on the western part to be developed as a Rain water Harvestingpond .*
- 2) *If any plant species endemic to Western Ghats are noticed in the area they shall be properly protected in situ or by transplanting to an appropriate location inside the lease area.*

The proponent should set apart Rs. 25 lakh (non-recurring) and Rs. 25 lakh (recurring) per annum for CSR activities for the welfare of the local community in consultation with the local body and the detail should be forwarded to SEIAA. A notarised affidavit for the commitment of CSR activities and also agreeing to all the general and specific conditions should be submitted before the issuance of EC.

Item No: 76.17 Legal opinion – Whether mining in lease areas without Environmental Clearance also comes under the scope of violation

In order to take immediate decision on several pending projects for granting Environment clearance to lease quarries, a decision was taken to seek legal opinion on whether mining in lease areas without Environmental Clearance would also come under the scope of violation.

In this regard the legal opinion was called for from the Advocate General and the same has been furnished vide the letter No SS -30 /2017 / AG dated 26th October 2017

The main points highlighted in Advocate General's legal opinion are as follows:

1. Lease renewed after Deepak kumar's case (27.02.2012) and yet not applied for EC amounts to Violation and should be treated as violators.
2. The mining lease taken after Deepak Kumar's case (27.02.2012) and continue with mining without EC would amount to Violation and may be treated as violators.

In the light of the Order of Hon'ble Supreme Court & Hon'ble High Court of Kerala, Notifications of MoEF, DMG, issued an order dt.19.12.2016 stating that for existing quarries which are in operation with mine lease, which were issued prior to the judgment of Hon'ble Supreme Court need to take Environmental Clearance only at the time of renewal of mine lease. This decision was stayed by the National Green Tribunal on 17.08.2017. In compliance to the said decision, DMG, issued directions on 30.08.2017 to district geologists stating that not to permit the quarries which are operating with mine lease and without Environmental Clearance. This decision of DMG was challenged in the Hon'ble High Court of Kerala. The decision of DMG dt.30.08.2017 was stayed by Hon'ble High court on 18.09.2017. This latest decision of Hon'ble High Court, upheld the decision of the DMG made on 19.12.2016 which grants permission to the existing mine lease quarries. Or in other

words, the final legal position with respect to mine lease quarries for which mine lease were accorded prior to 27.02.2012 are required to take Environmental Clearance only at the time of renewal of mine lease.

As SEIAA, Kerala is not a party to proceedings before the NGT and as there is no notification or office memorandum issued by MoEF clarifying the position of mining lease of more than 5 ha before 2006 the Authority shall follow the EIA Notification 2006 and consider the projects for issuing EC in accordance with law.

The Hon'ble High Court Judgement on 23.03.2015 conclusively states that *"Environmental Clearance as contemplated by Notification dt.14.09.2006 required Environmental Clearance for new projects/activities. In case where quarrying/mining/lease which were existing on the date of issuance of Notification dt.14.09.2006 or on the date of issue of the order dt.18.05.2012 by the Government of India, Ministry of Environment & Forests with regard to area less than 5 ha no Environmental Clearance with regard to extraction of minor minerals is required"*.

In the light of the above clarification SEIAA decided that;

- 1) Lease quarries more than 5 ha and are functional prior to the effective date of EIA Notification 2006 are required to obtain Environmental Clearance only at the time of renewal of lease.
- 2) Lease quarries having an extent of more than 5 ha, if found functional without obtaining Environmental Clearance after the effective date of EIA Notification 2006 should be treated as violators.
- 3) Lease quarries having an extent less than 5 ha. and lease renewed without obtaining Environmental Clearance after Deepak kumar's case (27.02.2012) should be treated as violators.
- 4) Lease quarries having an extent of less than 5 ha and lease taken and being functional after Deepak Kumar's case (27.02.2012) without obtaining Environmental Clearance should be treated as violators.
- 5) Mining leases for quarries having less than 5 ha and functional before Deepak Kumar case (27.02.2012) need to obtain Environmental Clearance only at the time of renewal of lease.

In the light of the above clarification individual pending cases may be examined and decisions for the issuance of EC shall be taken in accordance with law.

Item No:76.18 Court Cases

1) Direction in WPC No. 12854/2017 (File No. 163/SEIAA/KL/3493/2013)

Sri. V. Sudhakaran, Managing Partner of M/s V.S.C. Hollow Blocks & Crusher Division, vide his application received on 09-12-2013, has sought Environmental Clearance under EIA Notification, 2006 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 for an area of 2.7946 hectares. The project comes under Category B2 as per the O.M. No. J-13012/12/2013-IA-II (I) dtd. 24.12.2013 of Ministry of Environment and Forests, since the area of the project is below 25 hectares.

The application was considered in the 23rd SEAC meeting held on 6th and 7th January 2014 as agenda item no. 23.09 and the Committee deferred the item for site visit, especially for evaluating the quarrying activities going on in the very sensitive Mukkunnimala region considering the complaints received in this regard and also directing the proponent to provide the following to SEAC for further consideration of the proposal:

1. Copies of sale deed for Sy. Nos. 271/1-10, 271/8-2, 271/8-1, 271/20 pt. and 270/4.
2. Copies of possession certificate of all Sy. Nos. mentioned in the proposal.
3. Clarification in writing as to whether EC has to be considered for Sy. No. 270/4 or 270/4-2, with reasons for the same.
4. Environmental quality analysis reports of air, water and noise taken from at least four different locations in the project site.
5. Detailed split up of proposed CSR activities linked with the present project along with the amount earmarked for each activity and the details of the areas/institutions to which the same shall be extended.
6. Documentary evidence regarding the amount already spent towards CSR.

The proposal was considered in 32nd SEAC meeting held on 13-14th August 2014 on the submission of additional clarifications sought by SEAC. Attempts were made by the subcommittee for conducting field visits to the site, but the same could not be happened due to public protest against the quarry. Hence the item was deferred for field visit, after addressing the District Collector for police protection during the site visit. Now the field visit report is received from SEAC subcommittee and the details are extracted below:-

‘Field visit to the Quarry project site of M/S V.S.C Hollow Blocks and crusher in Pallichal Village, Neyyattinkara Taluk, TVM District, Kerala was carried out on 22.01.2016 by the sub-committee of SEAC, Kerala, comprising Dr. George Chakkacherry, Sri. Ajaya Kumar and Sri. John Mathai. The Proponent with his representatives was present at the site at the time of site visit.

“The project is an active quarry located at about 1.5 km north of Pallichal. This quarry lease area of 2.7946 ha being his own land occupy the eastern lower slopes of Mukkunnimala. Boundary pillars are erected and numbered displaying GPS values. The rock type is a mixture of gneiss and charnockite.

Vertical cut slopes are seen on the northern side. The removed OB from the existing quarry is stocked at convenient places based on the place of excavation. RWH structure provided as a small tank is not adequate. A valley is seen close to the quarry on the lower eastern side to which the storm water from the quarry is led through concealed pipes. Rubber plantation is the dominant land-use in the undeveloped part. Floral and faunal biodiversity is not observed as the area is cleared. Dwelling units are seen adjacent to the MLA road but beyond 100 m. A crusher unit is associated with the quarry

Based on an overall evaluation of the site, the quarry operations may be recommended with following conditions:

1. Fencing should be provided all around the lease area.
2. Top soil and Over burden should be stored in a designated place on the lower slope away from the working area and provided with protective support walls.
3. The water draining into the valley on the eastern side need clarification. It should also be provided with low level check dams at least at two places to arrest silt being washed down stream. Periodic desiltation is essential.
4. The steep cuttings seen on the northern side must be demarcated with danger signs. A minimum of 10m wide flat zone should be provided at the base of the cutting to arrest the rock fragments likely to fall from the cutting.
5. Dust suppression mechanism should be in place. The crusher unit should be completely encased.
6. The lower part of the pit can be developed as a RWH and also to arrest the silt from being washed down.
7. The CSR activity needs revision addressing the needs of the locality”.

The committee appraised the proposal in the 53rd meeting of SEAC held on 25/26-02-2016 in light of the field inspection report of the Subcommittee and decided to defer the item for details from the District Collector as regards the mining operations in Mookkunnimala. Proponent submitted a true copy of the letter from DC, TVM, in light of that the matter was placed in the 56th meeting of SEAC held on 6th and 7th June, 2016.

The Committee appraised the proposal based on the clarification from the proponent. It is observed that the documents produced before the committee as letter from the District Collector, Trivandrum is only a photocopy addressed to Member Secretary, DoECC. The committee decided to request the Secretary to verify the veracity of the communication and place the details in the next meeting.

In connection to that, Secretary, SEAC had sent a letter to the District Collector vide letter no.163/SEIAA/KL/3493/2013 dtd.22.07.2016 to verify the veracity of the

communication. So the reply of the same has received regarding the same which is appended to the CF that the matter was placed for further appraisal.

As per the report of the District Collector the mining activities in the region are continuing from February 2015 itself. In the report it is cited that illegal mining in this region under the consideration of Vigilance and Anticorruption Bureau

The proposal was placed in the 63rd SEAC meeting. The committee appraised the proposal based on the mining plan (KMMCR-2015), pre-feasibility report and all other documents submitted along with the Form I application and decided to defer the item for the finalization of on-going Survey operations in the Mukkunnimala Region, and completion of all the enquiries by various Govt. Agencies.

In the meantime the proponent has approached the Honorable High Court of Kerala and filed a writ petition, WPC no. 12854/2017 as SEIAA as the second respondent. The Judgement direct to SEIAA to take a decision on the application for Environmental clearance after obtaining for a report from the Expert Appraisal Committee within two months. The Court Order was received in SEIAA office 03.11.2017 and the time limit ends on 02.01.2018.

A complaint was also received from Smt. V. V Vijitha vide letter no. A3/272/2017/ envt dated 25/10/2017 stating that illegal mining activities carried out without Govt permission or Sanction.

Authority decided that urgent action may be taken within one month after obtaining report from SEAC. Hence the proposal is returned to SEAC to give a report within two weeks positively to comply with court orders.

2. Direction in WP(C) No. 29386 /2017 dated 26.10.2017 (M/s Manimaleth Crusher Industries)

Sri. Tomy Abraham, Owner of M/s Manimaleth Crusher Industries, vide his application received on 02-08-2013, has sought Environmental Clearance under EIA Notification, 2006 for the building stone quarry project in Sy. Nos. 781/1-23-1 & 781/1-23-2 at Athikkayam Village, Ranni Taluk, Pathanamthitta District, Kerala for an area of 4.2755 hectares and EC was issued vide Proceedings No.121/SEIAA/EC4/2014 dt.23.12.2015 (EC No.112/2015).

WP(C) No. 29386/2017(W) has been filed by Sri. Tomy Abraham, praying that the HC may stay Ext. P18 (Proceedings of Naranamuzhy Grama Panchayath Secretary rejecting permission for Quarrying) and permit the petitioner to continue quarrying operations. The Hon. High Court vide judgement dated 24.10.2017 has ordered that

“Government Pleader is directed to ascertain from the third respondent (SEIAA – represented by Member Secretary) and report before this court as to whether the petitioner has complied with condition nos. 3,7,35 and 38 of general conditions appended to Ext.P6 Environment Clearance”

The 75th SEIAA meeting held on 28.10.2017 authorised the Chairman and the Member to inspect the site and furnish the report as per the court order dt.24.10.2017. WP(C) No.29386/2017 of the Hon'ble High Court to verify whether the conditions iii, vii, xxxv and xxxviii of Ext.P6 of EC dt.23.12.2015 have been fulfilled by the proponent.

Accordingly the Chairman and the Member visited the site on 31.10.2017 and the report is as follows;

Condition No.iii) We observed that avenue trees are planted on either side of the tar road and open parking areas including approach road. Recently planted jack fruit and teak seedlings are also seen.

Condition No.vii) As mining is progressing excavated pits are not yet formed. Hence minimum of 10% out of the total excavated pit area as water storage area could not be observed. However, two small water storage areas on the western side of the quarry are noticed.

Condition No.xxxv) The project proponent has advertised in two local newspapers (Mangalam daily dt.04.01.2016 and Indian Express dt.05.01.2016) as per the copies of the newspapers supplied by the proponent, that the project has been accorded Environmental Clearance . And the copies of the same has been forwarded to the SEIAA office vide a letter dt.27.01.2016 (Copy attached).

Condition No.xxxviii) It is observed that the details of the EC is permanently displayed in a metallic board of 3 ft x3 3ft with green background and yellow letters of Times New Roman Font of size of not less than 14. Sign boards with extent of lease area and boundaries are depicted at the entrance of the quarry.

Authority noticed that the proponent has complied with the conditions iii, vii, xxxv and xxxviii of Ext.P6 of Environment Clearance issued vide Proceedings No.121/SEIAA/EC4/2014 dt.23.12.2015. The report is to be forwarded to the Advocate General.

Item No.76.19 Personnel Hearing

1) M/s. Reena Metals – Correction in Geo-coordinates

Sri. Joseph Chandy, Pallikkunnu has submitted a complaint dated 08.09.2017 alleging that M/s. Reena Metals has misled SEIAA by submitting false details and survey plan to obtain EC and that they are operating quarry on all days from 6 am to midnight, overlooking all prevailing rules, even in Sy nos. 179,1293 and 237 which do not have permission. They have therefore requested another opportunity for hearing. The complainants were intimated vide Letter No.3769/EC/SEIAA/KL/2017 dt.10.10.2017 for personal hearing in the 75th meeting of SEIAA. They attended the meeting and their grievances were recorded.

Several complaints have been received from Mohan, Thomas Thadathil & Varkey stating that the survey plan which is been submitted for environmental clearance is not genuine. The proposal was placed in the 75th meeting of SEIAA and decided to get clarification from District Surveyor, whether all the sketches submitted by the proponent are the same and if there is any material difference in the sketches. Authority also decided to give a personal hearing to the proponent in the next SEIAA meeting.

As per the decision of 75th SEIAA Meeting, a letter has been sent to the District Surveyor dated 03.11.2017 for getting clarification regarding the matter. The proponent was called for personnel hearing vide letter dated 03.11.2017 in the 76th SEIAA meeting scheduled to be held on 16.11.2017.

Authority took into record the arguments reported by the proponent. Authority decided to wait for the report from the Director of Survey & Land Records.

2) Environmental clearance for the proposed Residential Project by M/s Asset Homes Pvt. Ltd. in Survey Nos. 174/1-1, 174/1-2, Kizhakambalam Village & Panchayat, Kunnathunad Taluk, Ernakulam District, Kerala, Application of Mr. Mahesh L., Chief Technical Officer M/s Asset Homes Pvt. Ltd. (File No. 869/SEIAA/EC3/3100/2015)

Sri. Mahesh L., Chief Technical Officer, M/s Asset Homes Pvt. Ltd., vide his application received on 05-08-2015 and has sought environmental clearance under the EIA Notification, 2006 for the proposed Residential Project by M/s Asset Homes Pvt. Ltd. in Survey Nos. 174/1-1, 174/1-2, Kizhakambalam Village & Panchayat, Kunnathunad Taluk, Ernakulam District, Kerala application of Sri. Mahesh L., Chief Technical Officer M/s Asset Homes Pvt. Ltd. It is inter alia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006.

The total plot area of the proposed project is 3.1280 Ha (31,280 sq.m.) and the built up area is 1,32,100 Sq.m. The maximum numbers of apartments are 900 club houses with supporting infrastructure facilities. The total cost of the project is Rs. 280 Crores.

The proposal was placed in the 55th meeting of SEAC held on 10th, 11th & 20th May, 2016 and decided to defer the item for field visit by a sub-committee consisting of Sri. Ajayakumar and Sri. John Mathai. The Committee may specially look into water balance, sewage water treatment and functional ease of multi-storied car parking.

Field visit to the above project site was carried out on 22.06.2016 by the sub-committee of SEAC, Kerala, comprising Sri. Ajaya Kumar and Sri. John Mathai.

The proposal was considered in the 59th meeting of SEAC, Kerala, held on 11th and 12th July, 2016 and advised that, for further consideration of the proposal, the proponent may be asked to submit the details as per the field visit report, so the Committee deferred the item for submission of clarifications sought in the field visit report.

1. The approach road is from an existing public road on the eastern side which is being widened to more than 10 m. This public road is presently not provided with any drains to manage storm water. The connectivity of this road is to the main Kizhakkambalam - Pattimattom road which has only a narrow drain. Therefore, credible drainage plan

should be submitted.

2. The entry level to the complex is nearly at level of the public road. Parking is planned at multiple levels connected with ramps of 5 m width only. However to and fro vehicular movement to different levels was not clear to the sub-committee. Considering the fact that 900 apartments are planned, the detailed traffic circulation plan with number of vehicles planned for parking at each level and the connectivity to the main entry may be submitted for scrutiny
3. As such there is no dependable source of water. Considering the absence of shallow aquifer, open wells may not yield. Public water supply facility is presently not available. Hence alternate source of water should be made available and reported.
4. In the absence of dependable source of water, *in-situ* water conservation is to be maximised. RWH facility to be enhanced to at least 15 days daily requirement
5. Mechanism for waste treatment and disposal was explained. Treated water should be disposed through specially designed soak pits. It should not be let into public drains.
6. Use of solar energy for the building is planned. The detailed plan with capacity to be given.
7. Retaining wall is proposed along the north and west boundary, structural drawings with certificate of structural engineer should be submitted.
8. Evacuation plans marked with emergency assembly points should be submitted.

Subsequently the proponent has submitted the documents/clarifications sought by 59th SEAC held on 11th and 12th July, 2016.

The proposal was again considered in the 68th meeting of SEAC held on 20th& 21st February 2017. The Committee verified the additional documents submitted by the proponent and deferred for further clarifications from the proponent regarding Parking Plan, traffic circulation, drinking water and storm water disposal.

The proponent has submitted the documents on 31.03.2017 regarding further clarifications mentioned in the 68th meeting of SEAC.

The proposal was considered by SEAC in its 70th meeting held on 04th& 05th April 2017. The Committee verified the additional documents submitted by the proponent and appraised the proposal based on all the documents and field inspection report. The Committee decided to stipulate the following specific conditions.

1. *As agreed by the proponent a drainage will be constructed at the cost of the proponent along the access road in the eastern side of the project.*
2. *RWH facility shall be enhanced to atleast 15 days requirement.*
3. *Effluent from the STP should be disposed through specially designed soak pits. It should not be let into public drains.*
4. *10% of the Power Consumption should be utilised from solar energy.*
5. *Emergency assembly points furnished in the clarification shall be provided.*
6. *Minimum area of 500 m² should be earmarked for material recovery facility.*

The proponent agreed to set apart an amount of Rs.1.5 crore over a period of 5 years for CSR activities for the welfare of the local community in consultation with the local body. However the proponent could not produce the ownership documents of the two sites

identified as alternate sources of water. Hence the Committee decided to defer the item for the production of the same.

Then the proponent has submitted the documents on 03.05.2017. The proposal was placed in 72nd meeting of SEAC held on 8th& 9th May 2017. The Committee verified the additional documents submitted by the proponent. The Committee found that the clarification in the document is not sufficient enough to explain the water supply to the proposed building. The proponent is asked to produce an agreement with the owner of land to ensure continuous supply of water to the proposed site. Hence the item was deferred.

The proponent has submitted the documents sought by 72nd SEAC. The proposal was placed in the 74th Meeting of SEAC held on 14th&15th June 2017. The Committee verified the additional documents submitted by the proponent. The Committee was not convinced about the sources of water identified for the project. Hence, decided to defer the item to have a personal hearing of the proponent for clarifications in this regard.

The proponent was intimated vide Letter No.869/SEIAA/EC3/3100/2015 dt. 21.07.2017 for personal hearing. The proposal was placed in the 76th Meeting of SEAC, held on 25th& 26th July, 2017. The proponent was explained the inadequacy of the documentation so far done for assuring uninterrupted availability of water from the near by pond. He was advised to integrate the piece of land as a part of the original project so that its ownership will automatically stand transferred to the persons owning apartments in the project. The Committee decided to defer the item for producing a copy of document effecting such an arrangement.

The proponent has submitted the documents sought by the 76th Meeting of SEAC.

The proposal was considered in the 77th meeting SEAC held on 7th August 2017. The Committee verified the additional documents submitted by the proponent and found satisfactory. The Committee appraised the proposal based on Form 1, Form I A, Conceptual Plan, field inspection report of the Sub Committee and all other documents submitted by the proponent. The Committee decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific conditions.

1. *As agreed by the proponent a drainage will be constructed at the cost of the proponent along the access road in the eastern side of the project.*
2. *RWH facility shall be enhanced to atleast 15 days requirement.*
3. *Effluent from the STP should be disposed through specially designed soak pits. It should not be let into public drains.*
4. *10% of the Power Consumption should be utilised from solar energy.*
5. *Emergency assembly points furnished in the clarification shall be provided.*
6. *Minimum area of 500 m² should be earmarked for material recovery facility.*

The proponent agreed to set apart an amount of Rs.1.5 crore over a period of 5 years for CSR activities for the welfare of the local community in consultation with the local body.

The notarised documents submitted by the proponent assuring transfer of water source to the residents association shall be taken into record.

The proposal was placed in the 74th meeting of SEIAA held on 09th October 2017. As the non-availability of sufficient water source as reported by the inspection team of SEAC is a major drawback for such a large structure, Authority decided to inform the proponent to appear before SEIAA to make a convincing presentation with emphasis on water supply.

The proponent has been intimated vide letter dated.06.11.2017 for a personal hearing in the 76th meeting o SEIAA scheduled to be held on 16th November 2017.

Authority took into record the proposals suggested by the proponent for water supply. Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the following specific conditions.

1. *As agreed by the proponent a drainage will be constructed at the cost of the proponent along the access road in the eastern side of the project.*
2. *RWH facility shall be enhanced to atleast 15 days requirement.*
3. *Effluent from the STP should be disposed through specially designed soak pits. It should not be let into public drains.*
4. *10% of the Power Consumption should be utilised from solar energy.*
5. *Emergency assembly points furnished in the clarification shall be provided.*
6. *Minimum area of 500 m² should be earmarked for material recovery facility.*

In view of the scarcity of rains and increased drought situations in Kerala, Authority is concerned whether the RWH facility could meet the 15 days requirements of water in a month. Hence the proponent should look for additional source of water.

The proponent should also submit the facilities provided for open spaces , recreational grounds & adequate parking facilities as per the Judgment of the Principle Bench of NGT, New Delhi dated 3rd September 2017.

2% of the total project cost should be set apart for CSR activities in consultation with the local panchayat and details should be forwarded to SEIAA. A notarised affidavit for the commitment of CSR activities and also agreeing to all the general and specific conditions should be submitted before the issuance of EC.

3) **Hearing allowed on the basis of Review Petition**
(File No.144/SEIAA/KL/2745/2013)

Sri.Reji Kuriakose and Smt.JeevaReji, vide their application received on 07.10.2013, has sought Environmental Clearance under EIA Notification, 2006 for the proposed quarry project in Sy.No.611/1A-303-147 at Keerampara Village and Panchayath, Kothamangalam Taluk, Ernakulam District, Kerala for an area of 3.2537 hectares.

The proposal was considered in the 63rd Meeting of SEAC held on 4th October 2016. The Committee appraised the proposal based on the mining plan (KMMCR-2015), pre-feasibility report and all other documents submitted along with the Form I application and decided to recommend to reject the proposal as the proposed site is only 2.5 kms away from the Thattekkadu Bird Sanctuary and any quarrying operation will have far reaching adverse impact on the wildlife of the above protected area.

The proposal was considered in the 61st meeting of SEIAA, held on 30th November 2016. The Authority noticed that for obtaining environment clearance for all development projects including quarry projects located within 10 km radius of Wildlife Sanctuaries and

National Parks, the procedure to be followed is explained by MoEF vide O.M. dated 02-12-2009 and 30-03-2015.

In the instant case, to comply with the above requirement as prescribed in the above mentioned O.M., the application for Wildlife Clearance is submitted online at MoEF and the acknowledgement is submitted at SEIAA on 13-10-2015.

Further, the Wildlife Warden, Wildlife Division, Idukki has submitted the copy of the study report of (i) National Institute of Rock Mechanics (ii) Research Centre for Environment and Social Sciences (RECESS). As per the said reports it was stated that:- "*the functioning of the quarry is not creating harm to the flora and fauna of the Thattekkad Bird Sanctuary*".

Further, on reply (dated 05-12-2013) received on another RTI query, it was reported by Wildlife Warden, Wildlife Division, Idukki, stating that there is increase in the number of birds for the last 5 years.

The matter may be referred back to SEAC for a scientific and detailed examination to ascertain the impact of the quarry operation with respect to Thattekkadu Bird Sanctuary.

The proposal was placed in the 68th meeting SEAC held on 20th & 21st February 2017. The SEAC consists of experts from different fields including Wild Life Management. After examining all the facts of the proposals the Committee is of the opinion that the presence of a quarry in such proximity to the Wild Life Sanctuary is not conducive to the long term survival of the world famous Thattekkad Bird Sanctuary. Hence the Committee found no reason to change its earlier recommendation.

The proposal was considered in the 66th meeting of SEIAA held on 7/4/2017. The Authority decided to accept recommendation of SEAC to reject the proposal as per the 63rd & 68th minutes of SEAC. On 13/9/2017 a rejection letter was sent to the proponent from SEIAA office. But a Review Petition No.Nil dated 23/09/2017 has been submitted in SEIAA office. The Authority afforded him a chance of hearing in the matter. The hearing notice of the case was served him on 3rd October 2017. But he could not attend the hearing date and he prayed for an opportunity for hearing in the upcoming meeting. The proponent was intimated vide letter dt.10.11.2017 for a personal hearing in the 76th meeting of SEIAA scheduled to be held on 16.11.2017.

Authority took into record the arguments of the proponent. Authority decided to reject the proposal as the arguments were not convincing.

4.Extension of validity of EC for OE issued via Court order :

Sri. K.H. ShajahanRawther was granted EC for removal of OE vide proceedings no. 936/EC4/3982/2015/SEIAA dated 16.01.2016 as per his application for the same. He had submitted a request for extending validity of the same for a period of 6 months stating that he was unable to remove earth due to unfavourable weather and SEIAA after considering the same in its 61st meeting, extended the EC for 6 months. As the proponent again represented to SEIAA that he was still unable to remove earth and requested extension, SEIAA considered the same in its 63rd meeting and on finding that the reason stated by the proponent was

genuine, decided to grant extension for 6 more months, on condition that no more extension will be granted further, vide proceedings dated 18.02.2017.

The proponent had filed WP(c) No. 29848/2017 before the Hon. HC requesting for further extension since only 18000 m² could be extracted so far. A letter from District Geologist has been produced to this effect. The Hon. Court vide judgement dated 25.09.2017, has directed that the 6th respondent (Member Secretary, SEIAA) to take a decision on the application submitted by the petitioner for renewal of EC, with notice to the petitioner, in the next meeting of SEIAA.

Authority examined the matter in detail and noticed that as per the decision of SEIAA extension was given only for two times. Moreover this decision was communicated to him vide Order No.936/SEIAA/EC4/3982/2015 dt. 18.02.2017 that the 2nd extension is the final one. This matter shall be informed to the Hon'ble High Court.

The Hon'ble High Court vide judgment dt.09.11.2017 in the W.P(C) No.35191/2017 filed by the proponent directed the 2st respondent (Member Secretary, SEIAA) , and ordered that the second respondent is directed to grant the extension sought by the petitioner in his application referred to in Ext.P7. The term of the extension shall be fixed by the second respondent after affording the petitioner as also the representatives of Railways an opportunity of hearing. This shall be done in the next meeting of the second respondent.

Accordingly the proponent and also the representatives of the railways were intimated vide e-mail dated 15.11.2017 for personnel hearing in the 76th meeting of SEIAA held on 16.11.2017 at 2.30 pm.

The authorised representative of the proponent and the representative of the railway attended the hearing and expressed their grievances. Authority after examination decided to give extension for a period of 6 months on condition that no more extension shall be granted. Authority also opined that the online pass with hologram system at the cost of the proponent should be strictly implemented. The decision shall be conveyed to Hon'ble High Court.

Item No:76.26 General Items

Deferred for next meeting.

**Sd/-
Dr.K.P.Joy
Chairman**

**Sd/-
Dr.J.Subhashini
Member**

**Sd/-
Shri.James Varghese I.A.S
Member Secretary**