

MINUTES OF THE 77th MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 28.11.2017 AT 3.00 PM AT HOTEL PATTAM ROYAL, PATTAM, THIRUVANANTHAPURAM

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 77th meeting of SEIAA and the 44th 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 28th November 2017 from 3.00 P.M with the Chairman, Dr.K.P.Joy in the chair. The Chairman welcomed the members.

Item No: 77.01 Confirmation of Minutes of 76th SEIAA Meeting

Confirmed

Item No.77.02 General Items deferred from 76th SEIAA meeting.

1) Request for change in site for OE deposition (1031/EC4/219/2016/SEIAA) :

Shri.P.J. Jony, Pakkarambil House, Ettumanoor P.O, Kottayam-686 631 submitted a representation to SEIAA to extend the validity period of EC No.139/2016/OE dt.30.09.2016 issued for the removal of OE as he could not remove the earth within the validity period of the Environmental Clearance, which is 6 months from the date of issue of Environmental Clearance. The Hon'ble High Court vide judgment dt.11.04.2017 in the W.P(C) No.13072/2017 filed by the proponent directed the 1st respondent (Member Secretary, SEIAA) to consider and pass orders on the application submitted by the proponent within 3 months after hearing the petitioner. The matter was placed in the 69th meeting of SEIAA held on 01.06.2017 and decided to hear the petitioner in the next SEIAA meeting.

The proponent Sri.P.J.Jony attended the hearing held during the 70th meeting of SEIAA on 16.06.2017. Considering the arguments of the proponent SEIAA decided to grant extension of EC for four months.

Accordingly the proponent was granted an extension of EC for a period of four months for removing the Ordinary Earth subject to the terms and conditions stipulated in the EC already issued and on condition that the total quantity of excavated earth shall not exceed 8000 m³.

The proponent vide letter dt.29.08.2017 stated that he was unable to deposit the excavated earth in the plot as stated in the application (Sy.No.235/3 Vallichira Village). So he requested to give permission to deposit the removed earth in another site. He also submitted the work order from the Tecpro Infra-Projects Limited.

The proposal was considered in the 74th meeting of SEIAA held on 9th October 2017. Authority decided that a Certificate from the concerned Engineer should be submitted stating that the excavated ordinary earth is used for the construction of Alappuzha Bypass two line project by Tecpro Infra –Projects Limited.

Hence the proponent submitted a Certificate from the concerned Engineer vide Letter No.TIPL/3/707/15:P1462 dated 03/11/2017 and stated that the excavated ordinary earth is used for the construction of Alappuzha Bypass two line Karacode to Kommady Bypass.

The proponent requested that his removal of extraction of soil will expire on 15.12.2017 and hence he has requested to renew the extension order issued.

Authority noticed that the excavated earth is going to be used for the construction of Alappuzha Bypass two line project by Techpro-infra projects ltd. Authority decided to give an extension of further period of four months from the date of issuance of extension order, on condition that no more extension will be given.

2.1094/EC/SEIAA/KL/2017 – Explanation regarding Mount Zion Medical College

The proposal was placed in the 77th meeting of SEAC. The proponent has gone ahead with the construction works based on a permit obtained from local panchayat for constructing 28000 m² of buildings. In fact now he has completed 42000 m² of construction without a proper EC. Apart from the above violation the Sub Committee of SEAC has observed that the width of the access road to the plot is less than 8 m which is grossly inadequate for a proposal of this size. It is also observed that in the application the access road width is erroneously shown as 10 m which does not agree with the ground reality. Hence the proposal cannot be considered in the present form. However SEIAA may decide whether the proponent need be given a chance to explain the current situation.

The proposal was placed in the 74th meeting of SEIAA held on 09.10.2017 Authority examined the minutes of SEAC and decided to reject the proposal and initiate violation proceedings as per law. Authority also noticed that the stop memo is already issued and decided to inform the District Collector to take credible action for going ahead with construction inspite of Stop Memo issued dt.17.02.2017.

After considering the explanatory note dt.23.10.2017, Authority decided, not to change the earlier decision already taken in the 74th meeting to reject the application as

violation proceedings have already been initiated. SEIAA also noted that there is concealment of facts.

3.Cancellation of Environment Clearance issued to M/s. Basil Industries:

Environment Clearance has been issued to M/s. Basil Industries vide proceedings no. 72/SEIAA/167/2013 dated 07.04.2013. Sri. Pramod R. has submitted a complaint stating that the above EC has been obtained by submission of incorrect details by the proponent. The Environment Committee (2016- 2019) of KLA has issued recommendations on mining activities carried out in Kottamala Kurinjikumban hills of Kottayam district in its 2nd report, a copy of which has been forwarded to SEIAA by Government. The report of RDO, Kottayam furnished in this regard recommends that

- (i) EC issued for the site with slope greater than 60° may be reviewed (recommendation 1)
- (ii) All developmental activities causing environmental issues may be stopped (recommendation 8)
- (iii) Quarrying operations in the region may be stopped until clarity is obtained on possibility of occurrence of mishaps, considering the concern of local residents (recommendation 10)

The Environment Clearance was issued to M/s. Basil Industries vide proceedings no. 72/SEIAA/167/2013 dated 07.04.2013. There are several Court cases and judgments in this regard.

Authority decided to give an opportunity for hearing to the proponent to explain his position before further action is taken.

4.Expenditure Statement :

Expenditure statements upto 31.11.2017 placed before SEIAA was approved.

5.Validity of Environment Clearance :

It is observed that the Validity period criterion in some of the Environment Clearances issued earlier by SEIAA has been omitted due to oversight. Authority decided that

- (i) The Validity period of the Environment Clearance for such Stone Quarries may be deemed to be five years and that of the Environment Clearance for construction projects may be deemed to be seven years from the date of issue, as decided by SEIAA in its earlier meetings. An erratum may be issued to such projects.

- (ii) In such cases, Project Proponents should apply to SEIAA for renewal of Validity of Environment Clearance **three months before expiry** of validity.

6.Insertion of a clause on open spaces etc. in EC for buildings :

On 3rd September 2017, the Principal Bench of National Green Tribunal (NGT) passed a landmark judgement in the matter of Sunil Kumar Chugh Vs. Secretary MoEF, appeal no. 66 of 2014 that open spaces, recreational grounds and adequate parking facilities in buildings had an important bearing on the right to life of people. It was observed that the developer has severely prejudiced the right to life of appellants by not providing adequate recreation grounds, which is a provision under Article 21 of the constitution of India.

Authority decided to include the above clause of judgment of NGT as a specific condition in the EC's to be issued to all the construction projects. The proponent should also include the above details in the basic details.

7. Further Action on cases of Violation :

As per As per MoEF notification S.O.804(E) dated 14.03.2017, the Ministry of Environment, Forest & Climate Change has notified that in cases of violation, the project proponents can apply for Environment Clearance under the notification only within six months from the date of notification. It may be noted that the above notification has become infructuous as on date as the same is for a period of six months from the date of notification. It may be seen that there is no new notification or court order extending the time of the provisions of MoEF notification S.O.804(E) dated 14.03.2017. The Authority is therefore competent to take action in accordance with law and the violators are liable to be prosecuted.

Section 15 of the Environment (Protection) Act 1986 contains very stringent penalties for contravention of the provision of the Act, the Rules, Orders and Directions thereunder. The penalty is imprisonment extending up to 5 years with fine which may extend one lakh rupees or with both. Section 15 of the Environment (Protection) Act 1986 provides that cognizance of an offence can be taken only on the complaint made by the Central Government or any authority or officer authorised in this behalf by that Government. As per MoEF notification S.O. 804 (E) dated 14th March 2017, clause 13 (3), it is stated that in cases of violation, action will be taken against the proponent by the respective State or State Pollution Control Board under the provisions of section (19) of the Environment Protection Act, 1986 and further no consent to operate or occupancy certificate will be issued till the project is granted the environment clearance.

Authority decided that in cases other wise the proponent would be eligible but for the technical error committed by the proponent Authority should forward the matter to the Collector to initiate credible action as per section 15 & 19 of EPA Act. After getting proof for initiating credible action Authority will proceed for giving Environmental Clearance based on the merit of each case.

Item No.77.03 Environmental clearance for the Proposed Expansion of Existing Hospital Campus Project in Sy. Nos. 666/1, 666/2, 681, 669/1, 669/2, 669/3, 2245/2, 2245/3, 669/4, 669/4, 671/6, 671/1, 2247/1, 2247/6, 2245/4, at Chembukkavu Village, Thrissur Taluk, Thrissur District, Kerala by Fr. Francis Pallikunnath, Director, M/s Jubilee Mission Medical College & Research Institute (File No. 1138/EC/SEIAA/KL/2017)

Project Proponent : Fr. Francis Pallikunnath, Director, M/s Jubilee Mission Medical College & Research Institute

Fr. Francis Pallikunnath, Director, M/s Jubilee Mission Medical College & Research Institute, Bishop Alpat Road, Jubilee Mission .P.O, Thrissur – 680005, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the Proposed Expansion of Existing Hospital Campus Project in Sy. Nos. 666/1, 666/2, 681, 669/1, 669/2, 669/3, 2245/2, 2245/3, 669/4, 669/4, 671/6, 671/1, 2247/1, 2247/6, 2245/4, at Chembukkavu Village, Thrissur Taluk, Thrissur District, Kerala. It is inter alia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006.

The height of the proposed building is 42.6 m and the total plot area of the proposed project is 10.18087 ha. The total built-up area of about 1,20,259.29 sq.m with supporting infrastructure facilities. The total cost of the project is Rs. 240 Crores.

The proponent has already submitted an application for the same area (built up area 117901.25 sq. m) with same survey numbers (File No. 779/SEIAA/EC1/997/2015) and which was considered by SEAC in its 52nd meeting held on 8/9-02-2016. The Subcommittee observed that the construction work is almost over, and to that extent it is a case of violation. The Committee recommended to SEIAA for action against violation and issuance of EC on completion of above proceedings stipulating over and above the general conditions a specific condition to mechanize the feeding to the biogas plant. The proposal was considered by SEIAA in its 51st meeting held on 29-03-2016. The Authority decided to initiate violation proceedings.

Pursuantly, SEIAA issued show cause notice to the proponent; vide letter No. 779/SEIAA/EC1/997/2015 dated 01-06-2016 and thereafter Stop Memo has been issued dt. 16.01.2017.

On the basis of the Stop Memo received from SEIAA M/s. Jubilee Mission Medical College & Research Institute, Thrissur has submitted a request dt. 15.03.2017. The proposal was again placed in the 66th Meeting of SEIAA held on 07.04.2017. The Authority decided to inform the proponent to submit revised Form 1, Form 1A, conceptual plan and other

documents regarding the actual status of construction. The proponent has submitted a fresh application (built-up area 1, 20,259.29sq.m.) for the project.

The proposal was placed in the 79th meeting of SEAC held on 25th & 26th September 2017. The Committee examined the documents and observed that it has given a clear recommendation on the proposal in its 52nd meeting held on 08.02.2016. Hence further action in the matter may be pursued by SEIAA.

The proposal was placed in the 75th meeting of SEIAA held on 28th October 2017. The Authority decided to defer the item for detailed examination.

Now the proponent submitted the request to withdraw their application vide letter dated 06/11/17 due to their financial constraints within their organisation they decided to postpone the proposed expansion.

Authority decided to give sanction to withdraw the proposal received on 13.09.2017 (File No.1138/EC/SEIAA/KL/2017).

Item No: 77.04 Environmental clearance for the proposed expansion of Jubilee Mission Medical College & Research Institute in Sy. Nos. 666/1, 666/2, 681, 669/1, 669/2, 669/3, 2245/2, 2245/3, 669/4, 669/4, 671/6, 671/1, 2247/1, 2247/6, 2245/4, at Chembukkavu Village and Trissur Taluk, Thrissur District, Kerala by Sri. Francis (File No. 779/SEIAA/EC1/997/2015)

Sri. Francis, Director, Jubilee Mission Medical College & Research Institute, Bishop Alappat Road, Jubilee Mission P.O, Thrissur – 680005, vide his application received on 23/03/2015 (date of application) and has sought environmental clearance under the EIA Notification, 2006 for the Residential cum Commercial project in Sy. Nos. 666/1, 666/2, 681, 669/1, 669/2, 669/3, 2245/2, 2245/3, 669/4, 669/4, 671/6, 671/1, 2247/1, 2247/6, 2245/4 at Chembukkavu Village and Trissur Taluk, Trissur District, Kerala. It is interalia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification of MoEF dated 19/09/2006. No forest land is involved in the present project.

The height of the proposed building is 57.05 m and the total plot area of the proposed project is 1,01,808.62sq.m. and the total built-up area is 1,17,901.25sq m. Total project cost is Rs. 76.15 Crores. The proponent has stated that there is no litigation pending against the project and /or land in which the project is proposed to be set up.

The proposal was first considered in the 47th meeting of SEAC held on 13-14 October 2015. The committee deferred the proposal for field inspection and for submission of more realistic CSR. Accordingly the field inspection has been undertaken by the subcommittee on 19/12/2015.

On receipt of the Inspectional report, the proposal was considered by SEAC in its 52nd meeting held on 8/9-02-2016. The Subcommittee observed that the construction work is almost over, and to that extent it is a case of violation. The Committee recommended to SEIAA for action against violation and issuance of EC on completion of above proceedings stipulating over and above the general conditions, a specific condition to mechanize the feeding to the biogas plant. The proponent should also submit more realistic CSR to SEIAA.

The proposal was considered by SEIAA in its 51st meeting held on 29-03-2016. The Authority decided to initiate violation proceedings. Considering the situation that the EIA notification is being violated with impunity and applications for E.Cs are being submitted after the projects are progressed considerably, the Authority decided to alert the Government agencies such as LSGIs, K.S.E.B, K.S.P.C.B etc. and also to put up boards at the site depicting the violation. Advertisements through media will also be given on the effects of violation of EIA notification and taking up of activities without obtaining prior environmental clearance.

Pursuantly, SEIAA issued show cause notice to the proponent; vide letter No. 779/SEIAA/EC1/997/2015 dated 01-06-2016. The proponent requested vide letter No nil dated 12-08-2016, to grant two more weeks to prepare a detailed reply to the show cause notice.

Thereon the proponent submitted the detailed explanation before SEIAA on 19-10-2016. And requested to accept their explanation, because they have stopped all the work on the building awaiting EC. The proponent also submitted an Affidavit undertaking that they '*shall not carry out any work on the building until the EC is issued for the new block*'.

Violation is initiated only in respect of hospital building which requires E.C. There is the O.M. No. S.O. 3252 (E) dated 22.12.2014 of the MoEF specifically requiring prior E.C for the hospital building attached to Medical College projects. The project for which E.C is being considered by SEIAA is not exceptional for the purview of EIA notification. SEAC has not only not recommended the hospital project for E.C but has recommended to initiate violation proceedings based on which is the show cause notice issued.

In exercise of the powers delegated to SEIAA as per S.O 637 (E) and 638 (E) dated 28-2-2014, of the Ministry of Environment & Forests, Government of India and in due compliance with the instructions for action under the Environment (Protection) Act, the violation having been established, the State Environmental Impact Assessment Authority issued and directed that in terms of para 5(iv) (a) of the above O.M and as the violation is on account of carrying out construction without valid EC, all construction activities of M/s Jubilee Mission Medical College & Research Institute in Sy. Nos.666/1, 666/2, 681, 669/1, 669/2, 669/3, 2245/2, 2245/3,669/4, 669/4, 671/6, 671/1, 2247/1, 2247/6 and 2245/4 at Chembukkavu Village and Trissur Taluk, Thrissur District, shall be and is hereby suspended at the existing level till Environmental Clearance is obtained for the project.

The District Collector, Thrissur will enforce the above orders. On 15.02.2017 SEIAA issued a request to the District Collector of Thrissur required to furnish an action taken report in connection with the violation proceedings of M/s.Jubilee Mission Medical College & Research Institute, Thrissur.

As on the basis of the Stop Memo received from SEIAA M/s.Jubilee Mission Medical College & Research Institute, Thrissur submitted a revised application dated.15.03.2017 for obtaining environmental clearance for their Hospital Complex and they clarify some construction activities ie mentioned below:-

1. The total built-up area mentioned in the application is 1,17,901.25 sq.m
2. Their Hospital Complex includes medical college, nursing college, nursing school, hostels, accommodation for doctors & staff etc and the total built-up area of the campus is the total of all these facilities. Also, it is proposes to expand the existing facilities.
3. The existing hospital is in operation since 1951. Therefore, some of the buildings in the camps are constructed and occupied prior to the coming in to effect of EIA Notification , 2006.
4. As per the Gazette Notification dated 22/12/2014 by MoEF, education institution, hostels etc are exempted from the purview of EIA Notification,2006.
5. The total built-up area mentioned in the application includes the built-up area of building constructed prior to 14/09/2006 and is also includes the built –up area of buildings which are exempted from the purview of EIA Notification.

In view of the above submissions, they have requested that they may be given an opportunity for submission of a revised application which will clarify the status of built-up area of all buildings (existing & proposed) within their campus.

The proposal was placed in the 66th SEIAA meeting held on 7/4/2017. The Authority decided to inform the proponent to submit revised form 1, Form 1A, conceptual plan and other documents regarding the actual status of construction. As per the decision of SEIAA, the proponent has been informed vide letter dated 11/9/2017.

The proponent has submitted the revised Form I, Form I A Conceptual Pan and other related documents on 22.11.2017. The proponent stated that out of the total built up area (22632.44 m²) the hospital component consist of basement, ground floor and eight upper floors with a built up area of 14,377 m² and a height of 29.85 m. The building already has a building permit (DW3/PW 7/BA/239/06-07 dt.05.01.2008) from Thrissur Corporation. Since the built up area of the project is less than 20,000 m² the hospital building does not require Environmental Clearance.

In the proposal the additional six floors above the hospital building (Block IV) is for the Post Graduate Medical Student's Hostel consisting of 9 to 14 floors with a total built up area of 8, 254.86 m². And the hostel component is exempted from Environmental Clearance as per EIA notification dt.22.12.2014 of MoEF (amendment of EIA Notification No.S.O3252 (E)). So they requested to delist their proposal.

In the light of the representation stating that the hospital component of the building is below 20,000 m² (ie. only 14,377 m²) Authority decided to return the proposal to SEAC for reconsideration whether violation proceedings recommended by the Committee should be dropped.

Item No.77.05 Complaint againt the quarry project in Sy. Nos. 160/4, 160/5, 161/7, 161/8-1, 161/8-2, 161/8-5, 160/1, 160/1-1, 160/1-2, 160/1-3, 160/1-4, 160/2, 60/6, 160/3 and 160/7 at Thottappuzhessery Village, ThottappuzhesseryPanchayath, Thiruvalla Taluk, Pathanamthitta district, Kerala by M/s Shanio Metal Crushing Unit (File No. 75/SEIAA/KL/170/2013)

A complaint has been received from Sri.Laly Simon against the illegal quarrying operations of M/s Shanio Metal Crushing Unit and was placed in the 68th meeting of SEIAA held on 12.05.2017. It was decided to inform the complainant, that stop memo has been issued to the proponent as per the decision of 56th SEIAA Meeting.

The quarry has violated the condition of 100 m buffer distance from boundary of the Ponmala Temple. The Sub Collector, Thiruvalla has reported the complaint to SEIAA and

SEIAA in its 56th meeting held on 23rd July 2016 decided to issue Stop Memo. As the petitioner has complained that there is no evidence about the despatch of the Stop memo, the Authority decided to issue the same again to the proponent. A copy of the Stop Memo should also be sent to the Pollution Control Board and to the District Geologist and action taken report should be submitted by them.

**Item No.77.06 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

'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.

Based on an overall evaluation of the site, the quarry operations the inspection team recorded that the proposal 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 is 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 Mookkunnimala Region, and completion of all the enquiries by various Govt. Agencies.

In the meantime the proponent has approached the Hon'ble High Court of Kerala and filed a writ petition, WPC no. 12854/2017 where SEIAA is the second respondent. The Judgment direct SEIAA to take a decision on the application for Environmental clearance after obtaining a report from the Expert Appraisal Committee within two months of the receipt of a copy of the judgment. The Judgment has been received on 03.11.2017. Hence time limit ends on 02.01.2018. A complaint has also been received from Smt. V. V Vijitha vide letter no. A3/272/2017/Envvt dated 25/10/2017 stating that illegal mining activities are being carried out without Govt permission or sanction.

The matter was placed before SEIAA in its 76th meeting held on 16/11/17. Authority decided that urgent action may be taken within one month after obtaining report from SEAC. Hence the proposal was returned to SEAC to give a report within two weeks positively.

The proposal was placed in the 82nd meeting of SEAC held on 25th November 2017. The Committee examined the suggestion communicated by SEIAA. The Committee had earlier deferred the proposal for the completion of ongoing survey operations in the Mukkunnimala Region, and completion of all the enquiries by various Govt. Agencies. Only on receipt of the details it can be conclusively ascertained whether the area proposed for mining does really belong to the proponent, for no clear cut demarcation on the field delineating the area belonging to the Government and private individuals is available in Mukkunnimala region. Therefore the Committee decided to recommend to SEIAA to defer the proposal till receipt of the above details. The Committee also decided to request Secretary, SEAC to ascertain the latest position in this regard from the District Collector, Thiruvananthapuram.

As the boundary of the project is not demarcated and surveyed, the Authority accepted the recommendation of SEAC and decided to defer the item till the completion of ongoing survey operations in the Mukkunnimala Region, and completion of all the enquiries by various Govt. Agencies. The matter should be intimated to the Hon'ble High Court immediately.

**Item No. 77.07 Request for extension of contract of Accountant,
Sri.G.Ramachandran Pillai**

Authority decided to extend the contract period of the Accountant Sri.Ramachandran Pillai to a further period of one year w.e.f 12.01.2018. He has also requested to enhance the remuneration at par with that of Project Assistant in SEIAA vide G.O(P) No.28/16/Fin dt.26.02.2016. This may be conveyed to Government for sanction.

Item No. 77.08 Request from Sri. K.R.Viswanathan for relaxation of condition in EC :

Environment Clearance has been accorded vide proceedings no. 855/SEIAA/EC1/2979/2015 dated 18.05.2017 for the quarry project of Sri. K.R.Viswanathan in Sy. Nos. 138(P), 836 (P), 837 (P), 839 (P) and 847(P) of Killimangalam Village, Thalappally Taluk, Thrissur. Sri K.R Viswanathan has now requested vide letter received on 26.10.2017, that the condition imposed in the above Environment Clearance vide para no.10,

that mining operations should be limited to the area of at least 100m from the forest boundary, may be waived and may be stated as 50 m, as stipulated vide GO(P) No. 25/2017/ID dated 22nd June 2017, as the above condition has caused a huge loss to him.

Authority noticed that the proponent had submitted an affidavit dt.16.05.2017 satisfying the conditions that a 100 m distance shall be maintained from the forest boundary. Considering the environmental impacts the consistent policy decision taken by SEIAA is that no mining activities should be conducted within 100 m distance from the forest boundary. Hence it was decided not to consider his request favourably.

**Item No.77.09 Request for renewal of Environment Clearance (File no. 4370/
EC5/SEIAA/2017)**

Environment Clearance has been granted for the quarry project of Sri. Mohammed Ashraf (M/s. Hitech Metals) at Sy. Nos. 1/1,165/2, 278 (P) at OOrakam village & panchayat, Morayu & Nediyruppu Taluk, Tirurangadi & Ernad , Malappuram vide proceedings no. 70/SEIAA/KL/165/2013 dated 22.06.2013. The proponent has now requested that the Environment Clearance granted to him may be renewed, as five years have elapsed after issuance.

Authority decided that after scrutinizing the prescribed application, remitting fee and conducting the site visit etc the validity of EC may be extended in all such cases. Proponent should apply for renewal three months before the expiry of the validity period.

**Item No.77.10 Complaint received from Prof. P.V.Joseph & others (File No.
4328/EC5/2017/SEIAA)**

Sri. P.V. Joseph & others have submitted a complaint regarding the EC issued to Sri. Zacharia in Re. Sy No. 106/1 in block no. 34 of bharananganam village in the name Bharananganam Industries. The complainant has alleged that the proponent has obtained Environment Clearance by misleading authorities and submitting fraudulent documents.

It may be seen that the proposal for Environment Clearance of M/s. Bharananganam Industries has been considered in the 18th meeting of SEIAA held on 23.05.2013 in file no. 62/SEIAA/KL/7683/2012 and was approved for issuance of Environment Clearance.

Authority decided to hear the proponent and the petitioner to ascertain whether the allegations are true or not.

Item No.77.11 Request from Sri. N. Ramachandran (Sarathchandra Metal Crusher) File no. 4240/EC1/SEIAA/2017

Sri. N. Ramachandran , M/s. Sarathchandra Metal Crusher, had submitted an application for Environmental Clearance for his quarry project in Sy. Nos. 260/7,260/12 , Anavoor Village, Neyyatinkara Taluk, Thiruvananthapuram in 2015. As the proponent had not submitted the mining plan within the specified time limit, his proposal was rejected vide proceedings no. 871/SEIAA/EC1/3102/2015 dated 02.12.2016. He has now submitted the mining plan and revised form I details. As the area of quarrying is only 2.3333 hectares, Environment Clearance for the project is to be granted by DEIAA, Thiruvananthapuram. The proponent has therefore requested vide letter dated 30.10.2017 that the mining plan may be returned to him for taking up his proposal with DEIAA, Thiruvananthapuram.

Authority decided to return the Mining Plan to the proponent to take up the proposal with DEIAA.

Item No.77.12 Request for extending validity of Environment Clearance (File No. 4404/ EC5/SEIAA/2017)

Sri.P. Ananthanarayanan has submitted a request for extending the validity of the Environment Clearance issued vide proceedings no. 840(A)/SEIAA/EC1/2744/2015 dated 13.09.2017 for removal of ordinary earth in Sy Nos. 386/1, 386/2 of Melarkkode Village, Aalanthur Taluk, Palakkad. It has been stated in the EC that the validity expires on 12.03.2018. The proponent has requested that the validity of the above EC may be extended upto 31.05.2018 since the agencies who had been taking OE from him have now reduced the quantity procured. He has therefore stated that he has a huge quantity of earth remaining. He has also requested that the corrections may be made in Page 2 of column 6 of the EC issued stating that the OE removed should also be deposited to the sites of Sri.Janardhanan & Smt.Sheeba.

Authority decided to issue erratum to the proponent.

Item No.77.13 General Items

1) Financial crisis in SEIAA Office :

Authority expressed its concern over the prolonged and frequent financial crisis in SEIAA as funds are not available even for paying salary of the staff on time, allotment to DEIAA and for making several other pending payments. It was decided to bring this matter to the attention of the Government with a request to rectify the situation.

2) Correction in CSR component in the EC issued :

Authority noticed that there is a disparity in the CSR amount of certain projects which have been approved recently. Hence Authority opined that 2% of the total project cost may be set for CSR for all building projects. For mining project a reasonable amount should be set apart for CSR activities as proposed by SEAC or considering the project cost, extent of land and minable quantity of mineral. If the CSR already suggested is found inadequate, the amount may be enhanced and revised affidavit may be obtained so as to grant EC.

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

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

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