

MINUTES OF THE 81st MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 08.03.2018 AT 11.00 AM 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.P.H.Kurian I.A.S. Additional Chief Secretary & Member Secretary, SEIAA.

The 81st meeting of SEIAA and the 48th 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 08th March 2018 from 11.00 A.M with the Chairman, Dr.K.P.Joy in the chair. The Chairman Dr.K.P.Joy, welcomed the members.

Item No: 81.01 Confirmation of Minutes of 80th SEIAA Meeting

Confirmed.

Item No: 81.02 SEIAA – Petitions on Environmental Clearance/general complaints on illegal quarries/other environmentally degrading activities (individual cases consolidated)

Sl. No.	Petitioner and Address	Subject	Nature of complaint	Status of E.C application
1.	Smt.Sudha, Soumya Mandiram, Kadanoor, Chadayamangalam, Kollam	Complaint against Sha Quarry, Kollam (File No. . 752/SEIAA/301 /2015)	Human Rights Commission vide Order dt.29.01.18 has directed SEIAA, DMG& SPCB to enquire into the complaint and to take necessary action. (complaint is annexed at Page No.67)	Authority will entertain complaint only before the issuance of EC. If there is any complaint against the issuance of EC, the petitioner may approach NGT, also if there is violation of any law the petitioner may approach the enforcement agencies like Pollution Control Board, the District Collector, Geology Department etc..

	2. Adv. Antony Loyed C.J Ernakulam	Complaint against M/s Pynadathu Granite Thrissur (File No.606/SEIAA/E C1/4633/2014) (complaint is annexed at Page No.69)	As per revenue records this land is Mala Reserve forest, government land is also included. The proponent has submitted false information for obtaining EC.	The petition may be forwarded to the District Collector & Geologist for further action.
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Item No.81.03 Environmental Clearance for Housing Project titled ‘Sobha Silver Sand’ in Sy. Nos. 492, 492 pt, 493, 495/1, 2, 3, 4, 496, 497, 498, 498 pt, 500, 504/1, 504/2, at Nadama Village, Kanayannur Taluk, Ernakulam District, Kerala by Mr. Majo Joseph, Asst. General Manager, M/s Sobha Developers Ltd. (File No. 412/SEIAA/ KL/2912/2014)

Sri. Ramakrishnan Prabhakaran, Authorized Signatory of M/s Sobha Developers Ltd. (Now the authorized signatory has been changed to Mr. Majo Joseph, Asst. General Manager) vide his application received on 19.06.2014, seeking environmental clearance under the EIA Notification, 2006 for housing project in.Sy.No.492, 492 pt, 493, 495/1, 2, 3, 4, 496, 497, 498, 498 pt, 500, 504/1, 504/2, at Nadama Village, Kanayannur Taluk, Ernakulam District, Kerala. It is interalia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006.

Total Built up Area of the project is 1,04,730.79 sq. m with Ground + 27 floors. The project consist of 384 Residential units, Club house with supporting infrastructure facilities. Height of the building from the ground level is 95.95 m. The total project cost is about Rs. 500 Crores.

The 33rd SEAC meeting held on 2-3 Sept. 2014 analysed the proposal. The Committee was informed that the Kochi Metro project is coming in front of the present project site and the electricity facility for the project will be done through underground. It is apprehended that if sewage from the project site reaches the nearby thodu, which is a navigable one, it may create eutrophication. The committee was apprehensive of the occurrence of mangrove in the Silver Sand Island area and the item was *deferred for site visit*

and verify the following additional clarifications/documents from the proponent for further consideration of the proposal:

1. Revised proposal on CSR activities extending the same to the vicinity of the project site, especially concentrating on the BPL families. The area (locating) and the institutions to which the same shall be extended should be clearly specified. The amount set aside towards the same should be mentioned specifically with respect to each activity.

2. Details on the measures taken to prevent sewage flow into the nearby water body and the measures taken for catering to the water requirements of the present project.

The additional clarifications sought for were submitted by the proponent on 17-03-2015. The highlights of the field inspection to the proposed building project site conducted on 23.09.2014 by Dr. N G K Pillai, Sri. Eapen Varughese and Sri. John Mathai are as follows:

The project is proposed on the southern side of an island called Silver Island in Nadama Village, Kanayannur Taluk. The area is a level land with very gentle slope to the south. The soil is mostly sandy clay. The land is partly filled with dredged sandy material from the adjacent tidal channel. Water is seen at the surface in the depressions. The water level is nominally influenced by the tidal waters of adjacent water body. The ground water inside the island is saline with a TDS of 2550 mg/l.

One of the important observation is the presence of mangrove trees and shrubs along the southern boundary. Avicinea and Rhizophora varieties are seen indicating high salinity in the tidal channel and the need to regulate the area under CRZ.

Hence before considering any other aspect, clearance from KCZMA is mandatory. Necessary setbacks may have to be provided and activities may have to be regulated too. The project can be considered after the receipt of the recommendations of KCZMA.

The 39th SEAC appraised the proposal on the basis of the application, conceptual plan, documents submitted and field visit report. The Committee noticed that proposed areas is on the southern side of an island called 'Silver Island' which is normally influenced by tidal water and presence of typical mangrove species indicates that the area falls under CRZ. The Committee also found that a dependable source of water should be provided by the

proponent since the reported TDS value of ground water is high. The waste water treatment facility mentioned in the application is not so clear and hence may provide a detailed plan to be adopted for waste water treatment.

Based on the above, the Committee decided to direct the proponent to produce approved building and connected plans from the concerned authorities incorporating the suggestions noted below so as to recommend to SEIAA for according final EC.

1. CRZ clearance from KCZMA.
2. Based on the reported TDS value saline intrusion is noticed. Hence provision for dependable source of water should be provided.
3. The facilities to be adopted for waste water treatment should be adequate so as not to cause contamination in the nearby water bodies.
4. Should provide sufficient setback from the extra high tension line passing through the proposed area

In the case of construction projects insistence of approved building plan is not feasible in so far as production of E.C is necessary for approval of building plan as per Rule 23 .4(a) of the Kerala Building Rules introduced by SRO No. 80/2013 dated 5-2-2013 which states that

“In the Buildings and Construction projects having built-up area not less than 20,000 sq. metres and other activities as specified in the schedule to the Notification No. S.O.1533 (E) dated the 14th September, 2006 and amendments thereto, issued by the Ministry of Environment and Forests, Government of India require prior environmental clearance from the State Level Environment Impact Assessment Authority (SEIAA) Kerala/Ministry of Environment and Forests, the Local Self Government Institution shall not issue permit without ensuring a valid prior environmental clearance.”

In view of the amendment to Para (3) of appendix V of 2006 notification issued vide SO 3067 dtd 1.12.2009 the Committee reviewed its decision taken in its 39th meeting on 2nd July 2015 in its 42nd meeting.

The Committee observed that even though the applicant in the Application indicated that the area is outside CRZ area, the area support mangroves and the salinity is also on the higher side indicating tidal activity and hence SEIAA may obtain recommendations from the KCZMA before issuance of EC. After detailed discussions the Committee decided to

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

1. Since the area is subjected to saline intrusion provision for dependable source of water should be provided.
2. The facilities to be adopted for waste water treatment should be adequate so as not to cause contamination in the nearby water bodies.
3. Should provide sufficient setback from the extra high tension line passing through the proposed area.
4. Adequate precautions for disaster management should be inbuilt in the plan.
5. Carbon foot print of the project should be reduced to the maximum extent possible.

The proposal was placed in the 40th meeting of SEIAA held on 03rd & 04th August 2015. The Authority examined the case with reference to rules. The CRZ notification S.O 19 (E) dated 6-1-2011 in Rule 4.2 (ii) stipulates that for projects attracting EIA notification 2006, the concerned CZMA shall examine the documents in accordance with the approved CZMP and in compliance with the CRZ notification and make recommendations within a period of 60 days from the date of receipt of completed application to the State Environment Impact Assessment Authority. As per Rule 4.2 (iii) SEIAA shall consider such projects for clearance based on the recommendation of the concerned CZMA within a period of 60 days. This position has been further clarified in O.M. No. 11-83/2005 –IA-III dated 8-2- 2011 of the MoEF. In cases where CRZ is applicable, the KCZMA has to furnish recommendations on CRZ, based on which an integrated EC is to be issued, if fit for clearance. Proponent has to obtain CRZ clearance of KCZMA and submit to SEIAA.

The proponent has submitted a letter from KCZMA (letter dt.4814/A2/15/KCZMA dt.05.10.2017).

The proposal was placed in the 75th meeting of SEIAA held on 28th October 2017. Authority accepted the recommendation of SEAC and decided to issue EC subject to the general conditions along with the specific conditions suggested by SEAC as noted above over and above the recommendations, if any, by the KCZMA.

The proponent should submit the proof for having applied for Wild Life Clearance Certificate. 2% of the total project cost should be set apart for CSR activities in consultation

with the local panchayat. A notarised affidavit for the commitment of CSR activities and also agreeing all the general and specific conditions should be submitted before the issuance of EC.

As the project has a height of 92.8 m, sanction from the Airport Authority and Fire Safety Department should be obtained before the issuance of EC.

The Proponent has submitted the proof for having applied for Wild Life Clearance, sanction from the Airport Authority and Fire Safety Department. Authority noticed that the KCZMA has down sized the project with plinth area of 1,04,730,79 m² and the total dwelling units to 384 apartments and FAR : 3.99 in Sy No.492, 492 pt, 493, 495/1, 495/2, 4495/3, 495/4, 496, 497 & 498 of Nadama Village, Thrippunithura Municipality, Ernakulam District subject to the condition that no permanent construction including vehicle parking area be built in the CRZ region of the site. It is noticed that the Form I also needs correction regarding the total plot area, total builtup area, no of apartments etc. The proponent was informed to submit the revised Form I & Form I A and the same was submitted dt.05.12.2017.

The proposal was placed in the 78th meeting of SEIAA 15.12.2017. Since the built up area of the project was downsized by KCZMA as per their letter No.4814/A2/15/KCZMA dt.05.10.2017, Authority decided to return the proposal to SEAC for reappraisal.

The proposal was placed in the 84th meeting of SEAC held on 22nd & 23rd January, 2018. The Committee examined the details and found that the revised Conceptual Plan is not appended with the revised Form I application. Hence the proposal was deferred for the submission of Conceptual Plan and other documents and their presentation before the Committee.

The Authorized signatory of M/s Sobha Developers has been changed to Majo Joseph, Asst.General Manager- Head, Commercial operations, M/s Sobha Ltd. , 5th Floor, Jomer Symphony, Ponnurunni North, Vytilla P.O., Kochi, Ernakulam- 682019. The proponent had submitted revised form-1, Form-1A and conceptual plan dated 25.01.2018.

The proposal was placed in the 85th meeting of SEAC held on 12th February 2018. Further to the intimation of SEAC, the proponent and the Engineer presented the conceptual plan and other details revised in accordance with the recommendation of CZMA. The Committee appraised the proposal based on Form 1, Form I A , conceptual plan and other connected documents. The Committee found that the modification effected are acceptable,

hence decided to **recommended to issue Environmental Clearance** subject to the general conditions in addition to the following specific conditions.

- 1. Since the area is subjected to saline intrusion provision for dependable source of water should be provided.*
- 2. The facilities to be adopted for waste water treatment should be adequate so as not to cause contamination in the nearby water bodies.*
- 3. Should provide sufficient setback from the extra high tension line passing through the proposed area.*
- 4. Adequate precautions for disaster management should be inbuilt in the plan.*
- 5. Carbon foot print of the project should be reduced to the maximum extent possible.*

The proponent also consented to spend Rs.3crores towards the welfare of 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 above specific condition as suggested by SEAC. Before the commencement of operation the proponent should obtain allocation of dependable source of water from Kerala Water Authority.

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. The above direction has to be complied by the Proponent.

2% of the total project cost should be set apart for CSR activities for taking up welfare activities of the local community in consultation with the local body. The CSR amount should be utilized before the completion of the project and should be included in the annual account of the company and the expenditure statement should be submitted to SEIAA along with the compliance report after getting certified by a Chartered Accountant. A notarised affidavit for the commitment of CSR activities and also agreeing all the above specific and general conditions should be submitted before the issuance of EC.

Item No.81.04 Environmental Clearance for the Proposed construction of I.T.Building project in Plot No.77, Re-survey No.66, Pangappara Village, Thiruvananthapuram Taluk & Thiruvananthapuram District, Kerala by Mr.S.Ramnath, Chief Executive Officer, M/s Carnival Info Park Ltd. (File No. 1156/EC/SEIAA/KL/2017)

Mr.S.Ramnath, Chief Executive Officer, M/s Carnival Info Park Ltd, Plot No.2 Next to Nila, Technopark Campus, Thiruvananthapuram – 695 581, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the proposed construction of I.T.Building project in Plot No.77, Re-survey No.66, Pangappara Village, Thiruvananthapuram Taluk & Thiruvananthapuram District, Kerala. It is interalia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006.

The total plot area is about 0.7989 ha and the total built up area of the project is 92,000 sq. m. with Parking level 1, 2, 3 & 4 + Ground + 14 floors. Height of the building from the ground level is 59.85 m. The total project cost is about Rs. 150 Crores

The proposal was placed in the 83rd meeting of SEAC held on 20th & 21st December 2017 and decided to defer the item for field inspection. The committee also directed the proponent to submit the following additional documents/ clarifications.

- 1. Copy of the agreement with the Technopark committing common facilities like water, electricity, waste disposal etc..*
- 2. Parking facility should be enhanced by at least 25%.*
- 3. Doubts regarding the locational details of the plot to be clarified.*
- 4. The details of the plot where the excavated soil is proposed to be dumped to be provided.*
- 5. Revised CSR commitment.*

Accordingly inspection was conducted by a Sub committee consisting of Sri S Ajayakumar, Dr. Oommen V. Oommen, Sri John Mathai and Sri Sreekumaran Nair on 13.01.2018 and submitted their report.

The proposal was placed in the 84th meeting of SEAC held on 22nd & 23rd January, 2018 and directed the proponent to submit the documents as suggested by the inspection team.

The proponent has submitted the document sought by SEAC. The proposal was placed in the 85th meeting of SEAC held on 12th February 2018. 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 with the proposal. The Subcommittee who inspected the site had made some suggestions and sought few clarifications. The proponent has submitted about clarifications and details vide letter dated 24.01.2018. The Committee took the letter on record. The clarifications are found satisfactory. Hence the Committee decided to **recommend to issue EC** subject to the general conditions in addition to the following specific conditions.

- a. *While excavating earth adequate safety measures shall be taken for the protection of adjoining structures.*
- b. *Traffic circulation within the site should be controlled with one way movement. Adequate splay should be provided at the entry/exit point with entry gate constructed with a setback of 5 m from the road to facilitate idling of one car requesting entry to the campus. This will avoid cars coming to the campus, waiting outside, along the road, blocking through traffic along the main road.*
- c. *Excess storm water from the plot to be drained to the pond located adjacent to the plot.*
- d. *Enhance the storage of RWH facilities to 500KL*
- e. *A dedicated material recovery facility to be provided.*
- f. *An open area to be provided as assembly point.*
- g. *Footpath shall be constructed on the proponent's side of the road of at least 1 m width. This can be made in association with the Techno park authorities if there is some agreement condition between Carnival info and techno park. One additional advantage in providing the foot path is that it will give sufficient sight distance for vehicles exiting from the building providing safety from speeding vehicles that drive down negotiating the sharp curve above.*

SEIAA may persuade the proponent to contribute appropriate amount for the welfare measures of the local community during the construction period.

Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the above specific condition as suggested by SEAC.

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. The above direction has to be complied by the Proponent.

2% of the total project cost should be set apart for CSR activities for taking up welfare activities of the local community in consultation with the local body. The CSR amount should be utilized before the completion of the project and should be included in the annual account of the company and the expenditure statement should be submitted to SEIAA along with the compliance report after getting certified by a Chartered Accountant. A notarised affidavit for the commitment of CSR activities and also agreeing all the above specific and general conditions should be submitted before the issuance of EC.

Item No: 81.05 Environmental Clearance for the construction of new Hospital building for Augmentation of Sree Chitra Thirunal Institute for Medical Science and Technology (SCTIMST), Trivandrun under PMSSY scheme in Survey No.44 & 42/1 Part Block No.6, Cheruvackal Village, Thiruvananthapuram Taluk & Thiruvananthapuram District, Kerala by Dr.Asha Kishore, MD, DM, Director, Sree Chitra Thirunal Institute for Medical Science &Technology (File No. 1164/EC/SEIAA/KL/2017)

Dr.Asha Kishore, MD, DM, Director, Sree Chitra Thirunal Institute for Medical Science and Technology, Medical College Campus, Medical College P.O, Thiruvananthapuram Kerala – 695 011 vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the proposed construction of new Hospital building for Augmentation of Sree Chitra Thirunal Institute for Medical Science and Technology (SCTIMST), Trivandrun under PMSSY scheme in Survey No.44 & 42/1 Part Block No.6, Cheruvackal Village, Thiruvananthapuram Taluk & Thiruvananthapuram District, Kerala. It is interalia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006.

The plot area for construction of new hospital building is 1.4 acres (5,500 sq.m). Out of which 1.4 acres 0.834 acres acquired from Govt. of Kerala and remaining 0.56 acres already has been available with the institute. The proposed built up area is 28,478 sq.m and the site is within the Trivandrum Municipal Corporation. The total water requirement for existing and proposed buildings will be 317 KLD. The Power requirement of the project will be 2500 KVA. The estimated cost for the proposed project is 230 crores.

The proposal was placed in the 83rd meeting of SEAC held on 20th & 21st December 2017. The Committee decided to defer the item for field inspection. The Committee also directed the proponent to submit the following additional documents/ clarifications.

1. *A Layout Plan of the total area should be given.*
2. *The permissible FAR for hospital is to be checked.*
3. *The fugitive dust barricade should be raised upto a sufficient height.*
4. *The proposed facility for car parking is only for 200 cars by a new Multilevel parking system. The present proposal will take away a sizeable portion of the existing parking area. Hence parking provision has to be considerably enhanced by increasing the floors of the Multilevel Parking system.*
5. *The relative positions of ETP, STP, Water Treatment Plant & RWH are to be clearly marked in the drawing.*
6. *The Rain water Harvesting facility should have a minimum capacity of 1500 KL.*

Accordingly inspection was conducted by a sub committee consisting of Sri S Ajayakumar, Dr. Oommen V. Oommen, Sri John Mathai and Sri Sreekumaran Nair on 13.01.2018 and submitted their report.

The proposal was placed in the 85th SEAC meeting held on 12th February 2018 and directed the proponent to submit the documents/clarifications suggested by the inspection team.

The proponent has submitted the documents sought by SEAC. A meeting was conducted on 03.02.2018 by a Subcommittee of SEAC consisting of Sri S Ajayakumar & Sri John Mathai. The Construction Engineer & Executive Engineer of Sree Chitra Thirunal Institute for Medical Sciences & Technology attended the meeting. The proponent has been submitted the documents sought by the Sub Committee.

The proposal was placed in the 85th meeting of SEAC held on 12th February 2018. 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 with the proposal. The Sub Committee which inspected the site on 13.01.2018 made few suggestions and sought clarifications on certain points. The representatives of the proponent appeared before the Subcommittee with the clarifications and details on 03.02.2018. After examining the details, the Sub Committee found that the FAR is within the limits. The proponent also submitted satisfactory explanation regarding the demolition of Nurses Hostel. The solar power proposed

to be generated and the earth to be taken out are quantified. The proponent also expressed the difficulty in enhancing the capacity of the multilevel car parking, which was accepted.

After deliberations, the Committee decided to recommend EC subject to the general conditions in addition to the following specific conditions:

- a) *The entry to the building is from the main drive way of 7 m width located between the old block and proposed building. This is a common road used by the OP facility of Medical college and the Dental College necessitating widening at the entry from the main road and stream lining the traffic. Considering a higher level of traffic and movement of pedestrians, the road need to be widened to a minimum width of 10m all along including foot path of minimum 1.5 m on either side and prohibiting any kind of parking in this road. Necessary land for widening is to be surrendered from the proponent.*
- b) *The present proposal for car parking of 200 cars is inadequate for this facility. In addition, a MLCP facility should be planned with at least three additional floors to accommodate the increasing requirements in future.*
- c) *The storm water from the campus appears to be let out through the narrow drains. The storm water lines have to be redesigned so as to dispose the water safely. This must form part of the plan.*
- d) *The rainwater harvesting facility should have a minimum capacity of 1500 KL.*
- e) *Considering the sloping nature of the terrain and the occurrence of laterite clay substrate, excavation should be done with adequate safety to the cut slope. Slumping and failure can affect the stability of existing structures.*
- f) *The material recovery facility (MRF) should be clearly demarcated and should have a capacity of at least a week's storage. Food waste and the like should be used for generation of biogas.*
- g) *A dedicated open space should be designated and left as assembly point*

The proponent has submitted a Letter No.CIVIL/SCTIMST/NHB dt.06.03.2018 requesting that specific mention on the quantity of earth to be removed from the site may be incorporated in the EC to be issued from SEIAA.

Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the above specific condition as suggested by SEAC. Dependable source of water from Keral Water Authority is to be ensured.

Sanction is also given for excavating upto 21000 m³ of earth from the project site. A notarised affidavit for the commitment of CSR activities and also agreeing all the above specific and general conditions should be submitted before the issuance of EC.

Item No.81.06 Environmental Clearance for the Proposed Expansion of existing Residential Complex Project (“GREENCITY ORCHID”) in Survey Nos. 172/3, 172/4, 175/10, 172/5C, 175/5A, 175/5B, 172/2/1, 172/1 and 172/2/1, Edappally South Village, Cochin Corporation, Kanayannoor Taluk, Ernakulam District, Kerala State by M/s Business India Builders & Developers Ltd. 2. M/s Greencity Heritage Pvt. Ltd. 3.Shri.Aswin Laxman patel 4. Shri Nishant Shantubhai Patel (File No. 1082/EC3/SEIAA/2016)

M/s Business India Builders & Developers Ltd. 2. M/s Greencity Heritage Pvt. Ltd. 3.Shri.Aswin Laxman patel 4. Shri Nishant Shantubhai Patel, 48/863A, Mamamgalam-Pottakuzhy Road, Near Abad Oriental Garden, Elamakkara P.O., Cochin, Kerala-682026, vide his application received online and, has sought Environmental Clearance under EIA Notification, 2006 for the proposed expansion of existing Residential Complex Project (“GREENCITY ORCHID”) in Survey Nos. 172/3, 172/4, 175/10, 172/5C, 175/5A, 175/5B, 172/2/1, 172/1 and 172/2/1, Edappally South Village, Cochin Corporation, Kanayannoor Taluk, Ernakulam District, Kerala State. 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 0.8386 ha. (8,386 sq.m.)and total built-up area about 31,830.62 sq.m. (Existing 10,444.34 sq.m. + Proposed 21,386.28 sq.m.). The project consist of Ground + 20 floors with 223 residential units with supporting infrastructure facilities.Height of the building from the ground level is 59.67 m. The total project cost is 11.91 Crores.

The proposal was placed in 70th meeting of SEAC held on 4th& 5th April 2017. The width of the access road towards the project site having a built up area of 31830.62 sq.m. is less than 10m. Therefore the Committee expressed doubts about the environmental feasibility of the project. Nevertheless the Committee decided to defer the item for a field visit.

Field inspection was conducted by a sub committee consisting of Dr E A Jayson and Sri S Ajayakumar on 04/05/2017 and submitted their report.

The proposal was placed in the 74th meeting of SEAC held on 14th& 15th June 2017.The proposal was appraised by SEAC considering Form I, Form IA, Conceptual plan,

field visit report and all other documents and details provided by the proponent. The Sub-Committee during the field visit was informed that the proponent had made changes in the already submitted Conceptual Plan. Hence the Committee directed the proponent to submit a copy of the above revised Conceptual plan and all other connected documents for scrutiny.

The proponent has submitted the documents sought by SEAC. The proposal was placed in the 80th meeting of SEAC held on 11th October 2017. The Committee deferred the item for a personal hearing for further clarifications about the access road to the project site.

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. As per the request of the proponent, the Committee decided to defer the item for production of additional documents.

In Judgment dt.25.01.2018, the Hon'ble High Court in WP(C) No.37447/2018 directed the 2nd and 3rd respondents, SEIAA & SEAC respectively to process the application for grant of EC submitted by M/s Business India Builders & Developers Ltd. ,without reckoning the width of the road giving access to the project property and also directed the respondents to pass orders in the application within an outer time limit of three months from the date of receipt of copy of the Judgment.

The proposal is placed in the 85th meeting of SEAC held on 12th February 2018. 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 with the proposal. **The Committee observed that the width of the access road to the property is inadequate to ensure environmentally advisable traffic circulatory system and connectivity as prescribed in office Memorandum of MoEF & CC dated 10.11.2015.** However, in view of the Judgment of the Hon'ble High Court dated 25th January 2018 in WP(C) No.37447 of 2017, after considering all other aspects, the Committee decided to **recommended to issue EC** subject to general conditions in addition to following specific conditions.

- 1) *Storm water drainage is to be let out into the roadside drains.*
- 2) *No effluent should be discharge to the canal on the eastern side of the plot*
- 3) *Adequate space for assembly point should be provided.*

Authority noticed that the width of the access road is very vital in view of environmental considerations. Hence Authority decided to file an appeal before the Hon'ble High Court against the Judgment dt. 25.01.2018 in WP(C) 37447 of 2017.

Item No.81.07 Environmental clearance for the proposed Hospital Project in Sy. Nos. 27/23, Nilambur Village, Nilambur Municipality, Nilambur Taluk, Malappuram District, Kerala of Mr. Shyju.K. David, Managing Director, M/s Nilambur Hospitals Private Limited, (File No. 1104/EC/SEIAA/KL/2017)

Mr. Shyju.K. David, Managing Director, M/s Nilambur Hospitals Private Limited, Maharani Tower, Nilambur, Malappuram District, Kerala-679329, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the proposed hospital project in survey Nos. 27/23, Nilambur Village, Nilambur Municipality, Nilambur Taluk, Malappuram 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 total built-up area of about 29,095.66 sq.m. with supporting infrastructure facilities. The height of the proposed building is 29.90 m and the total plot area of the proposed project is 1.703 ha. (17,039.21 sq.m.). The total cost of the project is Rs. 127.396 Crores.

The proposal was placed in the 72nd meeting of SEAC held on 08th & 09th May 2017. It was suggested to form a larger rain water harvesting pond. The Committee also decided to defer the item for field inspection. Accordingly the site visit was conducted by the Sub Committee consisting of Shri S. Ajayakumar and Sri. John Mathai on 16.09.2017 and submitted their report.

The proposal was placed in the 79th meeting of SEAC held on 25th & 26th September 2017 and directed the proponent to submit the following additional documents/details;

- 1) Provide details of credible water source and submit yield test for the proposed open and tube wells.*
- 2) Storm water drainage plan should be submitted*
- 3) Location of the STP should be indicated in the Plan.*

- 4) *Submit the quantity of earthwork cutting and filling and clarify whether any earth is taken out of project site.*
- 5) *RWH capacity should be increased to 2000 m³ and the location of the tank should be indicated.*
- 6) *Assurance to widen the front road to a minimum of 10 m width.*

The proponent has submitted the documents sought by 79th SEAC. The proposal was again placed in the 80th meeting of SEAC held on 11th October 2017. The Committee decided to have a personnel hearing for clarification on credible water sources and also adequacy of the width of the access road.

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 decided to defer for further clarification regarding the credible water source and adequacy of the width of the access road to the project site.

The proponent has submitted the document sought by SEAC. The proposal was again placed in the 85th meeting of SEAC held on 12th February, 2018. 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 with the proposal. The Committee observed that the proponent has now committed to provide two separate access road, main road with 8 m and additional access road of more than 5m width.

The Committee also took on record the details and clarifications furnished by the proponent in his letters dated 6/10/2017, 1/02/2018 & 12/2/2018. The Committee decided to **recommend to EC** subject to general condition in addition to the following specific conditions

- 1) *RWH shall be increased to 2000m³*
- 2) *Integrated Water Management Plan submitted by the proponent shall be implemented as such*
- 3) *Widening of the second access road should also be ensured.*

The proponent also agreed to provide free medical treatment to 50 BPL patients suffering from serious ailments referred to them by the local body.

Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the above specific condition as suggested by

SEAC. The proponent should provide free medical treatment to 50 BPL patients per annum suffering from serious ailments. A notarised affidavit for the commitment of CSR activities and also agreeing all the above specific and general conditions should be submitted before the issuance of EC.

Item No.81.08 Environmental clearance for sand mining from the rivers of Malappuram District viz. Bharathapuzha, Chaliyar and Kadalundi, Kerala submitted by District Collector, Malappuram (File No. 238/SEIAA/KL/940/2014)

Sri. K. Biju, IAS, District Collector, Malappuram, vide the application received on 20-11-2014, has sought Environmental Clearance under EIA Notification, 2006 for sand mining from the rivers of Malappuram District viz. Bharathapuzha, Chaliyar and Kadalundi, Kerala. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) 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 categorized 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.

As per the covering letter District Collector reported that the River mapping and sand auditing exercise in respect of Bharathapuzha will be carried out by the Government vide G.O (MS) No. 162/12/RD dtd. 21-04-2012 and GO (MS) No. 188/2012/RD dtd.05-05-2012 by the following Agencies.

1. Centre for Social Resource Development (CSRSD), Thrissur – Chaliyar River
2. Thijssen, Kochi – Kadalundy river
3. Mythri, Palakkad, under District Administration, Palakkad.

It is stated in the application that, environmental clearance to sand mining from the rivers of Malappuram District has already been issued to the District collector (No. 238/SEIAA/KL/940/2014 dtd. 07-05-2014) has been expired on 30-06-2014. The district collector also stated that, the sand auditing report of the same will be produced within three months, as the agencies have completed the field work for the entire length of river entrusted to them. So he requested that the permission may kindly be granted for the removal of sand

from the rivers of Malappuram district on the strength of Government order (G.O. (MS) No. 13/2014/Env. dtd. 15-11-2014.).

The proposal was considered in the 40th meeting of SEAC held on 29th May 2015 as Agenda Item No. 40.23. B. The Committee observed that as per the OM dtd. 24-12-2013 of MoEF sand mining can be allowed only from a minimum area of 5 ha. As per the above OM, the above application cannot be considered. So the Committee recommended to SEIAA to **reject** the application with directions to the District Collector, Malappuram to submit separate application for a minimum area of 5 ha stretch of river with supporting sand audit document prepared by an agency authorised by the Government of Kerala or with the authenticated details of sand removed from the above locations during the last 3 years.

Hence item was considered in the 40th meeting of SEIAA held on 3-4/08/2015 as Agenda Item No.40.17. Authority found that the issue had been examined by the Authority as Item No.39.15 in the 39th meeting held on 18-6-2015, in the matter of grant of Environmental clearance for river sand mining in Bharathapuzha, Chalakudipuzha and KaruvannurPuzha in Thrissur District,. (File No.788 /EC1/2015/SEIAA). Decision of the Authority was as under:

'In the application extent of land is shown as 'Not applicable'. As per the Kerala River Bank Protection and Regulation of Removal of Sand Act 2001, the Kadavu Committee based on sand audit report decide the quantity of sand that could be removed from a particular Kadavu. Kerala Minor Mineral Concession Rules-2015 do not refer to river sand mining. The said rule fixes the minimum lease area for quarrying (Rule -37) not less than one hectre. For renewal of lease, restrictions in minimum area will not apply.

The applications for river sand mining allowed so far was considered under the state Act and as B2 category, under EIA notification, but without pre feasibility report and mining plan as those are adequately covered in the sand audit report. Though such E.Cs have been challenged in the NGT, no adverse observations have been made so far. The length and breadth of stretches for river sand mining as proposed by the D.C have been given in the report of CWRDM. Insistence of minimum mining area, other than that specifically identified by CWRDM would not be advisable; in so far as that could enable excavation from stretches where sand deposit is not enough for removal. When statutory provisions ensuring the ecological restoration are there specifically for river sand, that cannot be ignored. SEAC may appraise the application with reference to the current sand audit report as per the law, and other documents as may be required for appraisal. It is seen that the application contains necessary documents

connected to sand audit report on kadavu wise details as per the Kerala River Bank Protection and Regulation of Removal of Sand Act 2001(pages 39 -113 of file). If it is not the current sand audit report, current sand audit report may be insisted as assured by the applicant. Authority decided to refer the case back to SEAC for reconsideration about the quantity of sand to be removed and not the extent of the stretch, in the light of the above findings.'

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

The District Collector has submitted new application for E.C in respect of sand mining from the Kadalundi and Chaliyar rivers of Malappuram District along with detailed sand audit report. Minerable resources in each panchayat traversed by the rivers in the district have been indicated. Hence the proposal was placed in 47th SEAC as item number 47.01 held on 13-14 December 2015 to appraise the sand audit reports with respect to the quantity estimated to be removed as per the Kerala River Bank Protection and Regulation of Removal of Sand Act-2001, which contains more environmentally benign provisions.

In the 47th committee of SEAC, it was decided to inform the proponent to depute a responsible officer conversant with facts in order to clarify certain points raised by the members in the meeting and therefore decided to defer the matter.

The District Collector, Malappuram has submitted a letter dated 15/12/15 nominating the Revenue Divisional Officer, Dr, Arun J.O., Tirur to appear before SEAC on behalf of him.

The proposal was placed in the 52nd meeting of SEAC held on 8th and 9th February, 2016. The Committee appraised the proposal submitted by the District Collector, Malappuram as follows.

After the issuance of MoEF notification dated 15/12/2015, the process of EC for sand mining shall be in accordance with the production of detailed survey report on availability of sand as per appendix X of the notification. Thereafter, the EC can be given by the SEIAA/DEIAA depending on the extent of the area. Hence the Committee decided to **Recommend to Delist** the proposal and to inform the proponent accordingly.

The proponent has submitted the Sand Audit Report in Chaliyar River from the Revenue Department along with Form 1 application to reconsider the proposal.

The proposal was placed in the 79th meeting of SEIAA held on 09th January 2018. Authority decided to return the proposal to SEAC along with sand auditing report for reconsideration.

The proposal is placed in the 85th meeting of SEAC held on 12th February 2018. The Committee observed that as per the Appendix XI of MoEF Notification dated 15/01/2016, if the individual mine area is less than 5 hectare, it has to be processed at the level of DEIAA. So, also cluster area of sand mine leases between 5 hectare and 25 hectare with no individual lease more than 5 hectares are to be dealt again by DEIAA. It is not clear from Form -1 application whether the proposal is for areas larger than the above.

Most likely, this proposal is eligible to be decided at the district level itself. Hence the Committee decided to get a clarification from the proponent in this regard.

Authority decided to transfer the proposal to District Environment Impact Assessment Authority for further action as per the Appendix XI of MoEF Notification dated 15/01/2016.

Item No.81.09 Environmental clearance for the quarry project in Sy.No.164/1-35,164/1-28, 164/1-45, 164/1-44, 164/1-41 Ayyampuzha village, Aluva (Taluk), Ernakulam district, Kerala by Sri. C. John Kachappilly, Udaya rocks quarry (File No. 761/SEIAA/KL/438/2015)

Sri. C. John Kachappilly, Chully P.O., Thanicode, Ernakulam – 683581 vide his application dated on 9/2/2015 has sought Environmental Clearance under EIA Notification, 2006 for proposed expansion of building stone quarry in an area of 4.62165 Ha at Ayyampuzha Village, Aluva Taluk, Ernakulam District by M/s. Udaya Rock Products in Sy. No. 164/1-35, 164/1-28, 164/1-45, 164/1-44, 164/1-41 Ayyampuzha village, Aluva (taluk), Ernakulam district, Kerala for an area of 4.62165 ha. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) 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 categorized 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 total mine area consists of 4.62165 hectares, which is own land. The proposed project is for quarrying of 96782 m³ per annum of building stone.

The proposal was placed before 53rd SEAC for appraisal. Shri. Davis Kuriakose, Joint Managing Partner appeared before the committee. The RQP made a power point presentation. It was informed that the quarry is in operation and dwellings are more than 150mtrs away and another quarry is functioning beyond 500 mtrs away in the southern side. The committee decided to recommend for issuance of EC after completing action against violation subject to general conditions.

The proposal was considered in the 52nd meeting of SEIAA held on 29-04-2016. As the information given in the minutes of 53rd SEAC is insufficient, Authority decided to get details from SEAC on the recommendation for initiating violation proceedings against the working quarry having mining area less than 5ha. The case was deferred for consideration with the above information and basic details of the project.

The proposal was placed in the 60th meeting of SEAC held on 28/29-07-2016. The committee appraised the proposal based on the mining plan, pre-feasibility report and all other documents submitted along with the Form I application. Committee recommended violation proceedings on the ground that the proponent himself admitted that quarry is in operation.

The proposal was placed in the 66th meeting of SEIAA held on 07th April 2017. The Authority decided to accept the recommendation of SEAC to take action for violation proceedings.

The proponent has submitted a request dt.07.12.2017 for reconsideration. The proponent states that the lease is only for 2 ha and it is granted on 18th August 2008 which is before Deepak Kumar's Case. Besides that, the Hon'ble High Court of Kerala in its Judgments in WP(C) No.31148 of 2014 dt.23.03.2015 and WP(C) No.34463 of 2015 dated.07.12.2015 it is clearly stated in Para 82 that :-

“In view of the forgoing discussion we come to the following conclusion. In case were 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 Govt. of India, Ministry of Environment and Forest with regard to area less than 5 hectares, no environmental clearance to extraction of minor mineral is required. Notification dt.14.09.2006 contemplated obtaining environmental clearance only with regard to new project/new activities.”

Hence he requested to reconsider the application on the basis of the judgment of the Hon'ble High Court of Kerala and also on the basis of the new rules framed by the Govt. of Kerala.

The proposal was placed in the 79th meeting of SEIAA held on 09th January 2018. Authority observed that as per the legal opinion there is no violation in this case. It is also noticed that inspection was not conducted and therefore decided to return the proposal to SEAC to submit the inspection report at the earliest.

The proposal was placed in the 85th meeting of SEAC held on 12th February 2018. The Committee decided to defer the item for site inspection. Meanwhile since the area being less than 5 ha, SEIAA may consider transferring the file to DEIAA, as observed by the Hon'ble High Court in WP(C) No.27363 of 2017.

Since the lease area is below 5 ha and in the light of the judgment of Hon'ble High Court in WP(C) 27363/17, Authority decided to transfer the proposal to District Environment Impact Assessment Authority for further action.

Item No.81.10 Environmental Clearance for the proposed commercial cum retail building project by M/s Pothys in Survey nos. 106/1, 2, 107/2, 3 at Ernakulam Village, Kanayannur Taluk and Ernakulam District, application of Sri. S. Ramesh for M/s Pothys – Request for removal of Ordinary Earth – reg:- (File No. 833/SEIAA/EC3/2711/2015)

The Geologist, Ernakulam vide Letter No.DOE/2822/E2/17 dt.29.12.2017 has informed that a proposal has been received for removal of ordinary earth from Sy.No.106/1, 2, 107/2, 107/3 of Kanyannur Taluk, Ernakulam and a copy of the Environment Clearance issued to them has been submitted along with it. However, Environment Clearance issued vide EC No.85/B/2016 in Proceedings No.833/SEIAA/EC3/2711/15 dt.01.06.2016 does not specify removal of ordinary earth. The Geologist has therefore requested to intimate whether permission may be granted for removal of Ordinary earth at the above site.

The proposal was placed in the 79th meeting of SEIAA held on 09.01.2018. The Authority decided that the application may be returned to SEAC to quantify the earth to be removed from the site.

The proposal is placed in the 85th meeting of SEAC held on 12th February, 2018. The Committee considered the reference made by SEIAA in the 79th meeting. In this regard, the Committee is of the view that issuance of EC for construction of buildings and township are

based on the scrutiny of the conceptual plan. Quantification of earth work involved in cutting and filling is not contemplated. What are submitted by the proponents in their applications and other documents with regards to the quantum of earth work involved in cutting and filling are generally accepted. Whatever earthwork involved with respect to the construction as per the plan sanctioned by the local body on the basis of EC issued by SEIAA is expected to be permitted.

Authority decided to give sanction to remove the earth as quantified by the local body.

Item No.81.11 Environmental clearance for the proposed Establishment of Thrissur Zoological Park, Wildlife Conservation & Research Centre in Puthur Village, Ollukkara Taluk, Thrissur District, Kerala of Sri Rajesh Ravindran, IFS, Chief Conservator of Forests, Thrissur Zoological Park (File No. 1127/EC/SEIAA/KL/2017)

Sri Rajesh Ravindran, IFS, Chief Conservator of Forests,(Central Circle) & Special Officer, Thrissur Zoological Park, Vanapriya Forest Complex, Paravattani, Thrissur District, Kerala-680005, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the proposed Establishment of Thrissur Zoological Park in Puthur Village, Ollukkara Taluk, Thrissur District, Kerala. It is interalia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006. The total forest land involved in the present project is 136.85 ha.

The total plot area of the proposed project is 136.85 ha. The total built-up area of about 1,07,991 sq.m. with supporting infrastructure facilities.. The total cost of the project is Rs. 150 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.The committee also directed the proponent to submit the following additional documents/ details.

1. *Considering the fact that the master plan approved by the Zoo Authority of India is for 65 ha, the Form I application should indicate the above figure*
2. *No Objection Letter from the Irrigation Department for sourcing water from the Manali river.*
3. *The corrected water yield data should submitted.*
4. *Total energy requirement for the project should be quantified.*

Accordingly field visit to the proposed Thrissur Zoological Park, Wildlife Conservation and Research Centre falling in Puthur and Kainoor villages, Thrissur taluk, Thrissur district was carried out on 28.12.2017 by the sub-committee of SEAC, Kerala ns submitted their report.

The proposal was placed in the 84th meeting of SEAC held on 22nd& 23rd January 2018. The Chairman explained that since the Forest Department is well protecting the area by erecting cairns along the forest boundaries, we need not insist on Cadastral Map of the area. The Committee considered the suggestions of the Sub Committee Report and decided to seek the following clarifications/details from the proponent.

- 1) *Survey Co-ordinates of the corners along the boundary indicated in the drawing.*
- 2) *Dependable source of water has been identified as Manalipuzha with the point of extraction near Eravimangalam. The details of the source point, the layout of the pipes, quantity etc along with the permission from Irrigation Dept is to be provided.*
- 3) *The location of STP and other waste management facilities should be indicated in the plan. Considering the different kind of waste generation in a zoo, the details of treatment of different types of waste to be provided.*

The proponent has been submitted the documents sought by SEAC. The proposal was again considered in the 86th SEAC held on 27th February 2018. The Committee appraised the proposal based on Form I, Form I A, Conceptual Plan, field inspection report of the Sub Committee and all other documents submitted with the proposal. The Committee verified the additional documents submitted by the proponent. The Committee decided to **Recommend for issuance of EC** subject to general conditions and the following specific condition.

1. *NOC for drawing water from Manalipuzha to be obtained from Irrigation Department and produced before SEIAA*
2. *The access road running adjacent to the Zoo wall should be widened to a minimum of 12 m to accommodate to and fro vehicular movement.*
3. *Parking bays for coaches should be enhanced to 40 from 15.*

Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the above specific condition as suggested by SEAC. NOC for drawing water from Manalipuzha should be obtained and submitted to

SEIAA before construction. A notarised affidavit agreeing all the general and above specific conditions should be submitted before the issuance of EC.

Item No. 81.12 Environmental Clearance for the proposed Granite building stone quarry project in Survey Nos.272(Pt) at Kizhakkanchery II Village, Alathur Taluk, Palakkad District, Kerala by Shri.K.N.Nandakumar, Proprietor (File No1134/EC/SEIAA/KL/2017)

Shri.K.N.Nandakumar, Proprietor, Granite Building Stone Quarry, Korachadath house, 12th street, Museum cross lane, Chembukkavu, Thrissur District, Kerala-680020, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in survey Nos. 272(Pt) at Kizhakkanchery II Village, Alathur Taluk, Palakkad District, Kerala for an area of 7.6546 Ha. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) 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 categorized 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 lease area consists of 7.6546 Ha. The proposed project is for quarrying of 2,48,736 TPA. The total project cost is Rs.60 lakhs. In the basic details the proponent has recorded that the quarry is not working.

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

Accordingly field visit to the proposed quarry project was carried by Sub Committee consisting of Dr.K.G.Padmakumar & Dr. E.A. Jayson 11.11.2017 and submitted their report.

The proposal was placed in the 82nd meeting of SEAC held on 25th December 2017 and defer the item for clarification from the proponent regarding the proximity of Chimmony Wild Life Sanctuary from the project site. If it is within 10 km the proponent should produce the proof for having applied for Wild Life Clearance.

The proponent vide letter dt.01.01.2018 stated that since the project is outside the ESA boundary of Chimmony Wild Life Sanctuary the NBWL Clearance is not applicable for the project. The proposal was placed in the 84th meeting of SEAC held on 22nd & 23rd January 2018. Since so far the final Notification with regards to the eco-sensitive zone

around the Chimony Wildlife Sanctuary has not yet been issued by the MoEF & CC, any proposal requiring EC to be setup within 10 Kms of the Protected Area will require Wild Life Clearance. Hence, the Committee decided to **defer** the item for production of proof of having applied for Wildlife Clearance.

The proponent has been submitted the documents sought by 84th SEAC. The proposal was placed in the 86th SEAC held on 27th February 2018. 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 verified the additional documents submitted by the proponent and found satisfactory. The Committee decided to **Recommend for issuance of EC** subject to general 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.*

The proponent consented to set apart Rs.15 lakh per annum (recurring) for taking up local community welfare activities 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 above specific condition as suggested by SEAC. The proponent should set apart Rs.15 lakh per annum (recurring) for taking up local community welfare activities in consultation with the local Panchayat. The CSR amount should be included in the annual account of the company and the expenditure statement should be submitted to SEIAA along with the compliance report after getting certified by a Chartered Accountant. A notarised affidavit for the commitment of CSR activities and also agreeing all the general and specific conditions should be submitted before the issuance of EC.

Item No.81.13 Environmental clearance for the Proposed Development of International Exhibition Cum Convention Center at Survey Nos. 574 & 581 Kakkanad Village, Kanayannur Taluk, Ernakulam District, Kerala of Sri.Sunil.G, Manager (Technical) (File No. 1142/EC/SEIAA/KL/2017)

Sri.Sunil.G, Manager (Technical),KINFRA HOUSE, TC 31/2312, Sasthamangalam, Thiruvananthapuram- 695010, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the proposed development of International Exhibition Cum Convention Center in Survey Nos. 574 & 581 Kakkanad Village,

Kanayannur Taluk, Ernakulam District, Kerala. It is inter alia, 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 total plot area of the proposed project is 6.07 ha. The total built-up area of about 45,409 sqm with supporting infrastructure facilities.

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, inspection was conducted by a sub committee consisting of Sri Gopinathan V, Chairman, Sri S Ajayakumar and Sri John Mathai on 07/11/2017 and submitted their report. The report is as follows;

The proposal is for the development of International Exhibition Cum Convention Center. Total site area is 6.07 Ha and proposed built up area is 45409 m². The site is already denoted for the development of Export Promotion Industrial Park by GoK to KINFRA by G.O LRC 6-8934 dated 8.3.2004.

- a. Area of the site is extremely less considering the future needs for the exhibition space. It is difficult to construct yet another exhibition centre in case needs arise in future. It is better to get more land adjacent to the site and have a larger site with more facilities. The proponents may try to get additional land contiguous to this site.*
- b. The footpath in front of the site shall be widened to at least 4 m considering the experience of people movement in similar projects.*
- c. A median opening shall be made directly in front of the proposed exit and present proposal of exit necessitating U turn should be changed. Traffic arrangement shall be checked for better manoeuvrability.*
- d. Finished level of the basement should be reported*
- e. Six Rain Water Harvesting (RWH) tank facilities are provided with a total capacity of 130 KL. Excess water shall be channelled to the pond which is provided as common facility. A map showing these storm water lines connecting water lines to pond shall be submitted. Mean depth of RWH pond is reported as 2.5 m above High Flood Level (HFL) of Kadambayar river which should be followed. If possible this pond which is now about 2500 m² should be enlarged.*
- f. A new site plan incorporating all the changes shall be submitted*

The proposal was placed in the 82nd meeting of SEAC held on 25th November, 2017. The proposal was appraised by SEAC considering Form I, Form IA, Conceptual plan, field visit report and all other documents and details provided by the proponent. Considering the size of the covered area of the proposed convention centre and the activities proposed in the proposal, the space provided for the open exhibition centre and other facilities is

extremely small. Hence the Committee decided to seek clarification from the proponent whether any more additional area can be added for the open exhibition centre.

The proponent has submitted the additional documents sought by 82nd SEAC. The proposal was placed in the 84th meeting of SEAC held on 22nd & 23rd January 2018. Since the proponent has intimated the availability of 5 acres of additional land for the project, the Committee decided to defer the item for the submission of revised conceptual plan and other documents incorporating the proposed additional area.

The proponent has submitted the documents sought by SEAC. The proposal was again placed in the 86th SEAC held on 27th February 2018. The Committee took on record the revised site plan prepared incorporating the additional 2 hectares of area. After deliberation, the Committee decided to **Recommend for issuance of EC** subject to general conditions and the following specific condition.

- a. *The footpath in front of the site shall be widened to at least 4 m considering the experience of people movement in similar projects.*
- b. *A median opening shall be made directly in front of the proposed exit and present proposal of exit necessitating U turn should be changed.*
- c. *Six Rain Water Harvesting (RWH) tank facilities are provided with a total capacity of 130 KL. Excess water shall be channelled to the pond which is provided as common facility. Mean depth of RWH pond is reported as 2.5 m above High Flood Level (HFL) of Kadambayar river which should be followed. If possible this pond which is now about 2500 m² should be enlarged.*

Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the above specific condition as suggested by SEAC.

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. The above direction has to be complied by the Proponent.

A notarised affidavit agreeing all the general and above specific conditions should be submitted before the issuance of EC.

Item No.81.14 Environmental clearance for the proposed building stone quarry project in Re survey Nos.168, 282, at Anakkayam Village, Ernad Taluk, Malappuram District, Kerala Mr. K.Muhammed (File No. 1160/EC/SEIAA/KL/2017)

Mr. K. Muhammed, Kalodi House, Kallarmangalam P.O, Malappuram – 676553, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Re survey Nos.168, 282, at Anakkayam Village, Ernad Taluk, Malappuram District, Kerala for an area of 5.2675 Ha. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) 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 categorized 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 lease area consists of 5.2675 hectares. The proposed project is for quarrying of 1,00,000 tonnes. The total project cost is Rs. 1.5 Core

The proposal was placed in the 83rd meeting of SEAC held on 20th & 21st December, 2017 and decided to defer the item for field inspection.

Accordingly site visit to the quarry was carried out on 13 Feb 2018 by Dr P S Harikumar and Dr Khaleel Chovva. The report is as follows;

The proponent was present at the site. The proposed project site falls within Latitude 11°05' 37.94" N to 11°05' 45.37" N to Longitude 76° 08' 17.36" E to 76° 08' 31.49" E. The lease area consists of 5.2675 hectares, which is a private own land. The nearest habitation is more than 100 m towards South. The topography of the lease area is hilly. The total water requirement for the proposed project has been estimated to be around 2.4 KLD. About 0.4 KLD is required for domestic consumption, 1KLD is required for dust suppression and 1KLD is required for green belt development. No benches have been formed at the site. There is no proper drainage available at the site. A large quantity of top soil ie. 60,000 tonnes and 1,36,000 tonnes of over burden is likely to be generated. Marked stone pillar and fencing is provided.

Recommendations

Proper drains should be provided at the site, The water should be collected properly, silted in a retention pond and after clarification should be permitted to discharge to nearby water bodies

A plan should be developed to collect and store the large quantity of top soil and overburden likely to be generated

Any plant species endemic to Western Ghats are available shall be protected in situ or transplanted to an appropriate place

It is recommended to give EC for the application after implementing the above mentioned conditions and stipulating general conditions for a quarry project

The proposal was placed in the 86th meeting of SEAC held on 27th February 2018. 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 **Recommend for issuance of EC** subject to general conditions and 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 consented to set apart Rs.6 lakh per annum (recurring) for community welfare activities 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 above specific condition as suggested by SEAC and the inspection team. The inspection team recorded that the EC can be given after implementing the conditions suggested by them. The proponent should set apart Rs. 6 lakh per annum (recurring) for community welfare activities. The CSR amount should be included in the annual account of the company and the expenditure statement should be submitted to SEIAA along with the compliance report after getting certified by a Chartered Accountant. A notarised affidavit for the commitment of CSR activities and also agreeing all the general and specific conditions should be submitted before the issuance of EC.

Item No.81.15 Environmental clearance for the proposed building stone quarry project in survey No.1/1, at Valambur Village, Perinthahlmanna Taluk, Malappuram District, Kerala by Mr.N. Abdul Rasheed, Managing Partner, M/s Nalakath Granites (File No.1161/EC/SEIAA/KL/2017)

Mr.N. Abdul Rasheed, Managing Partner, M/s Nalakath Granites, Valambur (P.O) Pattikad, Malappuram- 679325, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in survey No.1/1, at Valambur Village, Perinthahlmanna Taluk, Malappuram District, Kerala for an area of 6.250 Ha. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) 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 categorized 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 1,50,000 tonnes.

The proposal was placed in the 83rd meeting of SEAC held on 20th & 21st December, 2017 and decided to defer the item for field inspection.

Accordingly site visit to the quarry was carried out on 13 Feb 2018 by Dr P S Harikumar and Dr Khaleel Chovva. The report is as follows; *The proponent was present at the site. The proposed project site falls within Latitude 11°00' 11.44" N to 11°00' 22.61" N to Longitude 76° 13' 37.39" E to 76° 13' 48.24" E.*

The lease area consists of 6.250 hectares, which is a private own land. The proposed project is for quarrying of 1,50,000 tonnes. There is no any human settlement within 100 m of the quarry area. The water requirement is met from a well in the quarry. Near the quarry are operating a crusher. The access road is maintained properly. Lat and longitudes are not marked in the boundary pillars. No fencing provided around the site. The area surrounding the quarry has rubber plantation. Top soil of 84,100 tonnes and overburden of 95,702 tonnes is likely to be generated from the site. Presently the quarry site is badly managed and top soil and overburden is deposited haphazardly. The topography of the area is hilly,

Recommendations

Fencing should be provided around the quarry area

The stone pillar should be properly marked with geo-coordinates

The provision should be provided to collect storm water. After collecting the storm water, it should be properly desilted before discharge

Any plant species endemic to Western Ghats are available shall be protected in situ or transplanted to an appropriate place

The top soil and overburden should be packed at a designated place so as to prevent any leaching

It is recommended to give EC for the application after implementing the above mentioned conditions and stipulating general conditions for a quarry project

The proposal was placed in the 86th meeting of SEAC held on 27th February 2018. 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 **Recommend for issuance of EC** subject to general conditions and 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 consented to set apart Rs.10 lakh per annum (recurring) for community welfare activities 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 above specific condition as suggested by SEAC and the report of the inspection team. The inspection team recorded that the EC can be given after implementing the conditions suggested by them. The proponent should set apart Rs. 10 lakh per annum (recurring) for community welfare activities. The CSR amount should be included in the annual account of the company and the expenditure statement should be submitted to SEIAA along with the compliance report after getting certified by a Chartered Accountant. A notarised affidavit for the commitment of CSR activities and also agreeing all the general and specific conditions should be submitted before the issuance of EC.

Item No.81.16 Environmental Clearance for the proposed building stone quarry project in Re survey Nos.25/2, 37/3, 38/3, 38/4, 38/11at Muthuthala Village, Pattambi Taluk, Palakkad District, Kerala by Mr. Najeeb Hassan.N (File No. 1167/EC/SEIAA/KL/2017)

Mr. Najeeb Hassan.N, Nambrath House, Valacheri P.O, Malappuram – 680652, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Re survey Nos.25/2, 37/3, 38/3, 38/4, 38/11 at Muthuthala Village, Pattambi Taluk, Palakkad District, Kerala for an area of 5.0878 Ha. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) 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 categorized 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 lease area consists of 5.0878 hectares, which is a private own land. The proposed project is for quarrying of 1,83,299 tonnes. The total project cost is Rs. 75 Lakh. It is a new quarry.

The proposal was placed in the 84th meeting of SEAC held on 22nd & 23rd January 2018 and decided to defer the item for field inspection. Accordingly site visit to the proposed quarry site was conducted by a sub committee of SEAC consisting of Dr.K.G.Padmakumar & Dr.E.A.Jayson on 24th February 2018 and submitted their report.

The proposal was placed in the 86th SEAC held on 27th February 2018. 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 proponent produced a map from Village Officer indicating that the distance of water tank from the lease boundary is 120 m. The Committee decided to **Recommend for issuance of EC** subject to general conditions and 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 consented to set apart Rs.10 lakh per annum (recurring) for community welfare activities 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 above specific condition as suggested by SEAC. The proponent should set apart Rs. 10 lakh per annum (recurring) for community welfare activities. The CSR amount should be included in the annual

account of the company and the expenditure statement should be submitted to SEIAA along with the compliance report after getting certified by a Chartered Accountant. A notarised affidavit for the commitment of CSR activities and also agreeing all the general and specific conditions should be submitted before the issuance of EC.

Item No.81.17 Environmental clearance for the proposed masonry stone quarry project in survey Nos.79/2, 80/1A-02, 80/1A-03, 80/1A-04, 80/1A-05, 80/1A-06, 80/1A-07, 80/1A-08, 80/1A-09, 80/1A-10, 80/1A-11, 80/1A-12, 80/1A-13, 80/1A-14, 80/1A-15, 80/1A-16, 80/1A-17, 80/1A-18, 80/1A-19, 80/1A-20, 80/1A-21, at Arakuzha Village, Muvattupuzha Taluk, Ernakulam District, Kerala by Mr.Shans Paul, Managing Director, M/s Hanna Rock Products (P) Ltd. (File No.1168/EC/SEIAA/KL/2017)

Mr.Shans Paul, Managing Director, M/s Hanna Rock Products (P) Ltd., South Marady P.O., Muvattupuzha, Ernakulam- 686673, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in survey Nos. 79/2, 80/1A-02, 80/1A-03, 80/1A-04, 80/1A-05, 80/1A-06, 80/1A-07, 80/1A-08, 80/1A-09, 80/1A-10, 80/1A-11, 80/1A-12, 80/1A-13, 80/1A-14, 80/1A-15, 80/1A-16, 80/1A-17, 80/1A-18, 80/1A-19, 80/1A-20, 80/1A-21, at Arakuzha Village, Muvattupuzha Taluk, Ernakulam District, Kerala for an area of 7.2855 Ha. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) 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 categorized 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 lease area consists of 7.2855 hectares, which is a private own land. The proposed project is for quarrying of 4,00,000 MTA. The total project cost is Rs. 6.65 Crores.

The proposal was placed in the 84th meeting of SEAC held on 22nd & 23rd January 2018 and decided to defer the item for field inspection. Accordingly site visit to the proposed quarry site was conducted by a sub committee of SEAC consisting of Dr.K.G.Padmakumar & Dr.E.A.Jayson on 24th February 2018. The report says that;

This is an expansion project of an existing quarry now working with EC issued by SEIAA, Kerala vide E.C. No. 42/SEIAA/KL/7159/2012 dt. 15/03/2013 for mining in an area

of 1.9061 ha. The proponent want to expand operation to 7.2855 hectares, for existing area of 1.9061 ha, for which lease is valid up to September, 2025. The project is run in a private own land.

The proposal was placed in the 86th SEAC held on 27th February 2018. 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 **Recommend for issuance of EC** subject to general conditions and 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 consented to set apart Rs.20 lakh per annum (recurring) for community welfare activities 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 above specific condition as suggested by SEAC. The proponent should set apart Rs. 20 lakh per annum (recurring) for community welfare activities. The CSR amount should be included in the annual account of the company and the expenditure statement should be submitted to SEIAA along with the compliance report after getting certified by a Chartered Accountant. A notarised affidavit for the commitment of CSR activities and also agreeing all the general and specific conditions should be submitted before the issuance of EC.

Item No.81.18 Environmental clearance for the proposed building stone quarry project in Re.survey Nos.174/1pt, 186/1, 186/1 pt, 190/1, 186/2, 187/pt, at Pulikkal Village, Kondotty Taluk, Malappuram District, Kerala by Mr. P.V. Ajesh (File No1173/EC/SEIAA/KL/2018)

Mr. P.V. Ajesh, Dwaraka House, Cheruppa (PO) , Mavoor, Kerala- 673661, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Re.survey Nos.174/1pt, 186/1, 186/1 pt, 190/1, 186/2, 187/pt, at Pulikkal Village, Kondotty Taluk, Malappuram District, Kerala for an area of 5.9168 Ha. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) 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 categorized 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 lease area consists of 5.9168 hectares. The proposed project is for quarrying of 2,25,360 tonnes/ Annum . The total project cost is Rs. 90 Lakh.

The proposal was placed in the 84th meeting of SEAC held on 22nd & 23rd January, 2018 and decided to defer the item for field inspection.

Accordingly site visit to the quarry was carried out on 13 Feb 2018 by Dr P S Harikumar and Dr Khaleel Chovva. The report says that;

Drains should be provided at the site and the water should be desilted and clarified before discharge

The top soil and overburden should be deposited at a designated place at lower elevation inside the project area

Fencing should be provided around the quarry area.

The quarry should be operated only through bench formation

Any plant species endemic to Western Ghats are available shall be protected in situ or transplanted to an appropriate place

It is recommended to give EC for the application after implementing the above mentioned conditions and stipulating general conditions for a quarry project

The proposal was placed in the 86th SEAC held on 27th February 2018. 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 **Recommend for issuance of EC** subject to general conditions and 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.*

SEIAA may persuade the proponent to contribute appropriate amount for the community welfare activities of the local community.

Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the above specific condition as suggested by SEAC and the inspection team. The inspection team recorded that the EC can be given

after implementing the conditions suggested by them. The proponent should set apart Rs. 12 lakh per annum (recurring) for community welfare activities. The CSR amount should be included in the annual account of the company and the expenditure statement should be submitted to SEIAA along with the compliance report after getting certified by a Chartered Accountant. A notarised affidavit for the commitment of CSR activities and also agreeing all the general and specific conditions should be submitted before the issuance of EC.

Item No:81.19 **Environmental clearance for the quarry project in Sy. No. 164/1-1 (1), 164/1-1(2), 164/1-20, 164/1-21, 164/1-22, 164/1-23, 164/1-24, 197/1, 197/2-1, 197/2-2, 197/2-3, 200/1-1, 200/1-2, 200/1-3, 200/3-2, 200/4-2, 200/5 and 200/12 of Block – 19 Ayyampuzha Village, Aluva Taluk, Ernakulam district, Kerala by Sri. Joji P.L., M/s. Star Granites (File No. 759/SEIAA/KL/436/2015)**

Sri. Joji P.L., Partner, M/s. Star Granites, Angamaly, Ernakulam District vide his application dated nil received on 09/02/2015 has sought Environmental Clearance under EIA Notification, 2006 for proposed expansion of building stone quarry in an area of 4.4796 Hectares and the proponent also submitted mining plan for 6.2375 Ha. of Block - 19 at Ayyampuzha Village, Aluva Taluk, Ernakulam District by Sri. Joji P. L., Partner, M/s. Star Granites in Sy. No. 164/1-1 (1), 164/1-1(2), 164/1-20, 164/1-21, 164/1-22, 164/1-23, 164/1-24, 197/1, 197/2-1, 197/2-2, 197/2-3, 200/1-1, 200/1-2, 200/1-3, 200/3-2, 200/4-2, 200/5 and 200/12 of Block – 19 Ayyampuzha village, Aluva Taluk, Ernakulam district, Kerala. The proposed project is for quarrying of 37036 m³ per annum of building stone. The project comes under 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 37036 m³ per annum of building stone.

The proposal was placed in the 54th meeting of SEAC held on 6th and 7th April, 2016. The Committee examined the proposal and decided to inform that the proponent to submit a realistic CSR and also the details of existing flora and fauna especially the status of the endangered species if any. The proponent should submit the contour map and storm water drainage management plan of the area for further appraisal. Hence the item was deferred.

A letter has been sent to the proponent for the production of above details/documents by return. Subsequently, the proponent has submitted the additional details/documents sought

by the 54th SEAC. Meanwhile, the proponent was also submitted revised application form, Form I, PFR and EMP report.

The proposal was placed in the 62nd meeting of SEAC held on 6th & 7th September 2016 and decided to defer the item for field visit.

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 and submitted their report.

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.*

A commitment may be obtained from the proponent to set apart Rs.5 lakh (non-recurring) and Rs.5 lakh per annum (recurring) for CSR activities for the welfare of the local community in consultation with the local body.

Authority considered the proposal in the 72nd meeting of SEIAA held on 01st August 2017 and found that the proponent has not submitted the basic information inspite of repeated reminders. Authority decided to defer the proposal for receipt of basic information asker for. Meanwhile the proponent has submitted the basic information.

Authority accepted the recommendation of SEAC and decided to issue ECsubject to obtaining legal opinion as decided in the 66th SEIAA meeting whether quarrying on lease areas without Environmental Clearance also come under the scope of violation.

EC is recommended subject to the general condition in addition to the following specific conditions.

1. *Fencing should be properly done.*
2. *Mandatory sign boards are to be in place.*
3. *More numbers of sprinklers is to be provided around the crusher unit to suppress dust.*
4. *Worker facilities, resting area are poor.So the general conditions are to be strictly*

adhered to immediately.

5. *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 an amount of Rs.5 lakh (non-recurring) and Rs.5 lakh per annum (recurring) for CSR activities for the welfare of the local community in consultation with the local Panchayat. **EC will be issued only after fulfilling all the pre-mining conditions in the project site.** A notarised affidavit stating that all the above conditions have been fulfilled should be submitted and also agreeing to all the general and specific conditions.

Decision on legal opinion was taken in the 76th meeting of SEIAA held on 16th November 2017. The proposal was placed in the 79th meeting of SEIAA held on 09th January 2018. As the lease area is above 5 ha and accorded lease after EIA Notification, in the light of the legal opinion Authority noted that this is a case of violation.

The proponent submitted a request dt.16.02.2018 stating that the mineable area is less than 5 ha after deducting the area utilized for infrastructure like crusher, road area, plantation area etc. He also requested to kindly issue EC to the project at the earliest.

Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the above specific condition as suggested by SEAC as above. The proponent should set apart Rs.5 lakh (non-recurring) and Rs.5 lakh per annum (recurring) for CSR activities for the welfare of the local community. The CSR amount should be included in the annual account of the company and the expenditure statement should be submitted to SEIAA along with the compliance report after getting certified by a Chartered Accountant. A notarised affidavit for the commitment of CSR activities and also agreeing all the general and specific conditions should be submitted before the issuance of EC.

Item No:81.20 Environmental clearances for the quarry project in Sy. No. 380/3-2, 164/1-26, 164/1-151, 164/1-93, 164/1-31, 164/1-80, 164/1-32, 164/1-29, 164/1-79, 164/1-38, 164/1-101, 164/1-91, 164/1-92, 164/1-19, 164/1-90, 368/3, 368/4, 164/1-95, 164/1-108, 164/1-148, 164/1-156, 164/1-157, 164/1-158, 164/1-159, 164/1-160, 164/1-161, 379/1-2, 379/6, 379/7-2, 164/1-39, 164/1-149, 164/1-30 and 380/3, Ayyampuzha Village, Ayyampuzha Panchayat, Aluva Taluk, Ernakulam District, Kerala

State by Mr. Joseph Jacob, Managing Director M/s Poabs Granite Products Pvt. Ltd. (File No. 961/SEIAA/EC3/4471/2015)

Sri. Joseph Jacob, Managing Director M/s Poabs Granite Products Pvt. Ltd. Kuttoor P.O., Thiruvalla, Kottayam District, Kerala-689106., vide his application received on 27/10/2015, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy. No. 380/3-2, 164/1-26, 164/1-151, 164/1-93, 164/1-31, 164/1-80, 164/1-32, 164/1-29, 164/1-79, 164/1-38, 164/1-101, 164/1-91, 164/1-92, 164/1-19, 164/1-90, 368/3, 368/4, 164/1-95, 164/1-108, 164/1-148, 164/1-156, 164/1-157, 164/1-158, 164/1-159, 164/1-160, 164/1-161, 379/1-2, 379/6, 379/7-2, 164/1-39, 164/1-149, 164/1-30 and 380/3, Ayyampuzha Village, Ayyampuzha Panchayat, Aluva Taluk, Ernakulam District, Kerala State for an area of 15.0589 hectares. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) 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 categorized 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 lease area consists of 15.0589 hectares, which is private own land. The proposed project is for quarrying of 3,00,000 MTA of building stone. Distance of the mining area from the nearest human settlement is recorded as more than 218 m.

The proposal was placed in the 58th Meeting of SEAC, Kerala, held on 28th & 29th June, 2016 and deferred for field visit. The site visit was conducted by Subcommittee of SEAC on 15.07.2016, comprising Dr. K.G. Padmakumar and Sri. John Mathai and recommended for the issuance of EC. According to the report the proposed project is an extension of an existing quarry for which EC has been granted.

The proposal was again considered in the 61st SEAC meeting held on 11th August 2016. The Committee after examining the mining plan, prefeasibility report, Field Inspection Report and the other documents and details provided by the proponent decided to recommend for issuance of EC subject to the general conditions.

The proposal was placed in the 60th meeting of SEIAA, held on 27th October 2016. The Authority noted the recommendation of 61st meeting of SEAC to issue Environmental Clearance subject to general conditions. The Authority decided to return the proposal back to

SEAC for suggesting specific conditions also. It has also been resolved to verify by SEAC whether this is a cluster quarry. Since there are two other quarries working within 500m³ received 'No cluster' Certificate should also be provided.

The proposal was placed in the 68th meeting SEAC held on 20th & 21st February 2017. The Committee Member Sri. John Mathai who is familiar with the area informed that the proposal does not attract the "cluster" criterion and hence the Committee decided to inform the SEIAA accordingly and also to add 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 was also agreed to set apart Rs 12 lakhs (non-recurring) and 11 lakhs (recurring) per year for next 5 years for the welfare of the local community. The proponent also agreed to spend this amount in consultation with the local panchayath.

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.

Decision on legal opinion was taken in the 76th meeting of SEIAA held on 16th November 2017. The proposal was placed in the 79th meeting of SEIAA held on 09th January 2018. In the light of the legal opinion Authority noted that this is a case of violation.

Now the proponent has submitted a request dt.12.02.2018 and stated that there are two mine leases for the project. One lease is for an area of 5.3528 ha granted on 30.05.2006. Since the lease is taken before 2006, this is not a case of violation. The other lease is for 7.3619 ha which was issued on 17.07.2002. The said lease is renewed on 24.02.2010. Since the area was more than 5 ha, this mine lease required to have EC during the renewal. The proponent submit that he had not carried out any mining activity in the area within the mine lease after the renewal on 24.10.2010. A Certificate from Village Officer, Ayyampuzha is submitted in this regard in which the Village Officer has stated that the proponent has mined 0.3625 ha from the lease area. As the mine lease is undisturbed the proponent has surrendered the said mine lease to the Mining & Geology Department. The copy of the acknowledgement

is also submitted. In view of the above, the proponent has requested to accord EC to the project.

In the light of the explanation of the proponent, Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the above specific condition as suggested by SEAC. The proponent should set apart Rs 12 lakhs (non-recurring) and 11 lakhs (recurring) per year for next 5 years for the welfare of the local community. The CSR amount should be included in the annual account of the company and the expenditure statement should be submitted to SEIAA along with the compliance report after getting certified by a Chartered Accountant. A notarised affidavit for the commitment of CSR activities and also agreeing all the general and specific conditions should be submitted before the issuance of EC.

Item No: 81.21 Environmental clearance for the proposed building stone quarry project in Survey No. 169/4, 169/1, 169/2, 169/3, 168/13, 168/2, 168/3, 171/8, 171/8, 171/8 & 171/3 of Village Pulikkal, Kondoty Taluk, Malappuram District, Kerala State by Mr. O. Muhammed Shareef (Managing Director), M/s Port Land Granites Pvt. Ltd. (File No. 1071/EC1/2016/SEIAA)

Mr. O. Muhammed Shareef (Managing Director) M/s Port Land Granites Pvt. Ltd. Olavattor P.O., Pulikkal, Kondoty, Malapuram District, Kerala-673638, vide his application received online and, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy. No. 169/4, 169/1, 169/2, 169/3, 168/13, 168/2, 168/3, 171/8, 171/8, 171/8 & 171/3 of Village Pulikkal, Kondoty Taluk, Malappuram District, Kerala State for an area of 5.8528 hectares. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) 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 categorized 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 11°11'32.07" to 11°11'44.34" N to Longitude 75°56'05.65" to 75°56'19.01" E. The lease area consists of 5.8528 hectares, which is Private own land. The proposed project is for quarrying of 1,20,000 MTA of building stone. Distance of the mining area from the nearest human settlement is recorded as 134m towards E side. The total project cost is 3 Crores. The part of proposed quarry is in operation

with mine lease vide Order No. 548/2010-2011/9135/M3/2010 Dt. 2/11/2010. The mining was started at site on 06/12/2010 and the validity of lease is up to December, 2020.

The proposal was placed in the 69th meeting of SEAC held on 9th & 10th March 2017 and deferred the item for field inspection. Accordingly a site inspection was conducted by the Sub Committee consisting of Dr P S Harikumar and Dr Khaleel Chovva on 21st May 2017.

The proposal was considered in the 74th meeting of SEAC held on 14th and 15th June 2017. 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. *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 72nd meeting of SEIAA held on 01.08.2017. 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 also come under the scope of violation.

Decision on legal opinion was taken in the 76th meeting of SEIAA held on 16th November 2017. The proposal was placed in the 79th meeting of SEIAA held on 09th January 2018. In the light of the legal opinion Authority noted that this is a case of violation.

The proponent has submitted a request dt.06.03.2018 and stated that the mining lease was accorded by Mining and Geology Department on 06.12.2010 for an area of 5.8528 hectors. Though the lease area is more than 5 hectares, he carried out mining only for an area of 1.51757 hectares (3.75 acres). The Hon'le High Court of Kerala vide judgement dated 22.12.2015 states that the petitioner can be permitted to conduct quarrying operation limiting to 2 hectares based on Exts. P12 and P13. The respondents are directed to issue movement permit to the petitioner for quarrying operations in respect of the confining to 2 hectors. The proponent has also submitted certificate from Village Officer and Geologist. In view of the above, the proponent has requested to accord EC to the project at the earliest.

Authority accepted the recommendation of SEAC and also in the light of the judgment referred above decided to issue EC subject to general conditions in addition to the above specific condition as suggested by SEAC. The proponent should set apart Rs 10 lakh (non-recurring) and 10 lakh (recurring) per year for next 5 years for the welfare of the local community. The CSR amount should be included in the annual account of the company and the expenditure statement should be submitted to SEIAA along with the compliance report after getting certified by a Chartered Accountant. A notarised affidavit for the commitment of CSR activities and also agreeing all the general and specific conditions should be submitted before the issuance of EC.

Item No:81.22 Environmental clearance for the proposed building stone quarry project in Survey No. 172, Kodyathoor Village, Kodyathoor Panchayat, Kozhikode Taluk & District, Kerala State by Sri. Binu K. Mathew, Managing Director M/s Poabs Rock Products Pvt. Ltd. (File No. 1074/EC4/2016/SEIAA)

Sri.Binu K. Mathew, Managing Director M/s Poabs Rock Products Pvt. Ltd., Poabs Group, Kuttoor P.O., Thiruvalla, Kerala-689106., vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Survey No. 172, Kodyathoor Village, Kodyathoor Panchayat, Kozhikode Taluk & District, Kerala State for an area of 17.0334 hectares. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) 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 categorized 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 total project cost is Rs. 20 Crores.

The proposal was placed in the 70th meeting of SEAC held on 04th & 05th April 2015 and decided to defer the item for field inspection. Accordingly the site visit was conducted by the Sub Committee consisting of Shri S. Ajayakumar and Sri. John Mathai on 16.09.2017 and submitted the report.

The proposal was placed in the 79th meeting of SEAC held on 25th & 26th September, 2017. 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 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.

The proposal was placed in the 75th meeting of SEIAA held on 28.10.2017. As the Project proponent has recorded that the quarry is operational for an area of 6.437 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.

The proponent has submitted an explanation dt.22.01.2018, which states that the project was accorded the mine lease from Department of Mining and Geology for an area of 6.437 ha on 25.03.2006 that is prior to EIA Notification 2006, which was published on 14.09.2006. Therefore the current mine lease which is above 5 ha does not fall within the scope of violation. The copy of the mine lease is also submitted. The proponent has also requested for a personal hearing to convince the Authority.

Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the above specific condition as suggested by SEAC. The proponent should set apart Rs 20 lakhs (non-recurring) and 20 lakhs (recurring) per year for next 5 years for the welfare of the local community. The CSR amount should be included in the annual account of the company and the expenditure statement should be submitted to SEIAA along with the compliance report after getting certified by a Chartered Accountant. A notarised affidavit for the commitment of CSR activities and also agreeing all the general and specific conditions should be submitted before the issuance of EC.

Item No.81.23 Environmental Clearance for the proposed construction of New Building project within existing campus of Regional Cancer Centre in Sy.Nos., Re-survey No. 42 Cheruvackal Village, Thiruvananthapuram Taluk, Thiruvananthapuram District, Kerala, by Dr. Paul Sebastian, Director, Regional Cancer Centre (File No. 1153/EC/SEIAA/KL/2017)

Dr. Paul Sebastian, Director, Regional Cancer Centre, P.O Box No.2417, Medical College Campus, Thiruvananthapuram – 695011, vide his application received online, has

sought Environmental Clearance under EIA Notification, 2006 for the proposed construction of new building project within existing campus of Regional Cancer Centre in Sy. Nos., Resurvey No. 42 Cheruvackal Village, Thiruvananthapuram Taluk, Thiruvananthapuram District, Kerala. It is inter alia, 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 height of the proposed building is 44.9 m and the total plot area of the proposed project is 2.7275 ha. The total built-up area of about 26,038.59 sq.m. with supporting infrastructure facilities. The total cost of the project is Rs. 187 Crores.

The proposal was placed in the 81st meeting of SEAC held on 30th & 31st October 2017 and decided to defer the item for field inspection.

Accordingly inspection was conducted by a sub committee consisting of Sri Gopinathan V, Chairman, Sri S Ajayakumar, Sri John Mathai and Sri Sreekumaran Nair on 4/11/2017 and the report was submitted

The proposal was placed in the 78th meeting of SEIAA held on 15.12.2017. As SEAC has brought violation to the attention of SEIAA, the Authority decided to get an explanation from the proponent with proof regarding the constructions already carried out without EC within the project site. The proponent has submitted an explanation dated 14.02.2018 regarding the details of building constructions.

A built up area of 27289.63 sq.m was constructed prior to 2006 EIA Notification, hence EC was not required for these buildings. A built up area of 13014.36 sq.m was constructed after 2006 which is less than 20,000 sq.m. The newly proposed construction is a horizontal expansion with a built up area of 26038.59 sq.m.

That the cumulative area of constructions after 2006 (Existing 13014.36 sq.m + 26038.59 sq.m) is 39052.95 sq.m and which is more than 20,000 sq.m and hence submitted application for prior Environment Clearance before commencement of constructions. In view of the above submission the proponent requested to accord EC at the earliest.

Authority decided to defer the item till the reply for the legal opinion on violation is obtained.

Item No.81.24 General Items

1. Request from Sri. K.P. Joy for issuing Physical form of Environment Clearance [File No.747/SEIAA/KL/180/15] :

i) Sri K.P. Joy of Muthalamada Village, Chittoor Taluk, Palakkad, had submitted an application before SEIAA for Environment Clearance for his proposed quarry project in Sy Nos. 435 P, 441/1(P) and 442(P) in an area of 4.0009 Ha on 16.01.2015. The proposal was placed in various meetings of SEAC and SEIAA and was finally considered in the 52nd meeting of SEIAA held on 05.02.2016. As there was no indication that ESAs proposed by the State Government have been accepted by Government of India, the direction under Section 5 of the draft notification has no relevance and the final notification is still waited, the Authority decided to delist the above proposal. The proposal was therefore delisted vide proceedings no. 723/SEIAA/KL/6073/2014 dated 01.06.2016.

Authority decided to transfer the file to District Environment Impact Assessment Authority with an explanation of the Authority stand on ESA as several court cases are pending with reference to Judgment in WP(C) 2950/18 filed by Sri.Sunil Kumar.

ii) Another proponent Sri.A.R.Sulfikar, Sedeer Granites has also requested for physical form of EC for conducting quarrying in 9.4997 ha in ESA Village of Kozhikkode which was also delisted along with the above case.

The decision regarding follow up action in the judgment relating to ESA villages will be applicable in this case also as per the item no.1 of general item.

2. Request for extension of validity of period of Environment Clearance issued : [File No.67/SEIAA/KL/7904/2012 & 3700/A2/2017/SEIAA] :

Environment Clearance has been issued for the quarry project at survey nos.1/3, 1/4 1/5,1/7,8/2, 8/4, 9/1, 9/2, 9/3, 9/7,8/3, 8/2-1 of Ramapuram Village, Meenachal Taluk, Kottayam for an area of 4.8910 Ha, to Sri. Mohammed Iqbal, Director, Cochin Blue Metal

Industries vide EC No. 67/SEIAA/KL/7904/2012 dated 23.05.2013. The proponent has now requested that the validity of the EC granted which is upto 22.05.2018 may be extended.

Meanwhile the petitioner has submitted that the present quarry of 4.891 ha is adjacent to another quarry having extent of 1.3898 ha but since it involves district boundary, the composite Mining Plan could not be produced. Hence he has requested to consider the whole area as a single unit, since fees has already been remitted.

Authority decided to extend the validity for another period of five years.

3. Request for extension of Environment Clearance issued to M/s. Hitech Metals :

M/s. Hitech metals was issued Environment Clearance vide proceedings no. 70/SEIAA/KL/165/2013 dated 22.06.2013, for the quarry project of 4.186 ha in Sy nos. 1/1, 165/2, 278(P) of Oorakam village & panchayath, Morayur & Nediyruppu taluk, Tirurangadi & Ernad, Malappuram. The proponent had requested for extension of validity of the EC issued to him since the validity period expires on 21.06.2018. as five years have elapsed after issuance. The matter was placed in the 77th meeting of SEIAA and it was decided to issue extension of validity of environment clearance after scrutiny of the application, remitting fee and conducting site visit. Rs. 1 lakh has been remitted as fee. The site visit was conducted by the Member, SEIAA on 13th January 2018.

On scrutiny it is noted that the proponent was granted EC for 4.186 ha. Now the proponent has submitted a Mining Plan in which the lease area is shown as 6.166 ha. The Life of mine was mentioned as 5.5 years in the proceedings issued earlier.

Authority decided to extent the validity of EC subject to the production of a certificate from a Geologist indicating the life of mine.

4. Request for 2 days training for staff of DEIAA [File No. 0489/A1/SEIAA/2018]:

The RDO, DEIAA , Malappuram vide letter no. G-9978 / 2016 dated 22.02.2018 has informed that staff of DEIAA have a number of doubts regarding issuing Environment Clearance, uploading details etc. He has stated that though they interact with staff of DIEAA of other districts for clarifications, several staff member of various DEIAA & DEAC are

ignorant about the same. He has hence requested that a two day training may be arranged for clerks / project assistants of DEIAA & DEAC of all districts.

Authority decided to conduct a two day training programme. Experts of SEIAA/SEAC may be requested to be the resource persons.

5. Judgment dt.20.02.2018 in WP(C) No. 2950/18 filed by Sri. Sunilkumar [File No. 211/SEIAA/KL/250/2014]

Sri. Sunil Kumar, Proprietor, S.K.G.Granites, Aruvappulam Village, Konni Taluk, (now) Pathanamthitta district, had applied for Environment Clearance for his proposed quarry project in Sy No.540/1 of Aruvappulam Village , Kozhenchery Taluk(then), Pathanamthitta on 16.01.2014 and has filed WP(C) No. 2950/18 before the Hon. High Court, aggrieved by the alleged inaction of respondents in considering the same. SEIAA and SEAC are the third and fourth respondents respectively in the above case. The petitioner claims that as he had submitted the complete application on 16.01.2014, he has attained deemed EC since 105 days have elapsed after submission of the same. Though the application was taken up in several meetings of SEAC and SEIAA and several Writ Petitions were filed by the petitioner, SEIAA could not grant EC since Aruvappulam Village was included in the Kasturirangan report on ESAs and in accordance with a Direction dated 13-11-2013 of the MoEF under Section 5 of the Environment (Protection) Act 1986, categorically directing SEIAA not to grant E.C for quarrying in the ESA villages listed out in the said Direction. The application has been delisted and the matter intimated to the applicant. Writ Appeal No 1946/2016 filed by SEIAA against the judgment dated 2-3-2016 in W/P No 6040/2016 of the Hon: High Court directing to consider the application as not falling in the ESAs in the light of a subsequent draft notification of MoEF re-determining the extent of the ESAs of the state and calling for objections if any thereon has been allowed holding that ‘we cannot act on a draft notification which is subject to change and which can be displaced by the original notification soon to be issued by the Central Government’..

The petitioner has now produced another judgment dated 20.02.2018 of the Hon. High Court in WP(C)Nos. 31959/2017T, 2950/2018(P) and 3644 /2018(E) holding that :

“...I am of the view that the writ petitions must necessarily succeed and be allowed to the limited extent of directing the Environment Impact Assessment Authorities concerned to

consider the applications for Environmental Clearance submitted by the petitioners herein, in accordance with the 2006 EIA notification as amended from time to time and by treating the area, where the petitioners are carrying on their quarrying operations, as not falling under the ambit of ESA for the purposes of the draft notification referred above. The EIA Authorities concerned shall bear in mind that, the starting point of limitation for the purposes of deeming provisions under the 2006 notification, in case of the applications submitted by the petitioners herein, will commence from the date of production of a copy of this judgment before the said authorities.’’

The Authority examined the whole issue in detail especially in the light of the earlier decisions of SEIAA in the same subject, the final judgment dt.04.01.2018 in Writ Appeal No.1946/2016 filed by Sri.Sunil Kumar, the petition in Writ Petition No 2950/18 and the two other petitions disposed of therewith and the common Judgment thereon:

The general issue is the ban imposed by MoEF on quarrying in ESAs vide Direction No. F1.4/2012– RE(Pt) dated 13-11-2013 which is subsisting. It is a distinct and categorical direction to the SEIAAs of the six Western Ghat States not to grant ECs in the ESA villages listed out therein until further orders. SEIAA in the 40th, 47th and 49th meetings examined these issues and decided to delist the applications or E.Cs in those ESA villages . This decision was conveyed as per proceedings No.784/SEIAA/EC4/1218/2015 dt.02.04.2016 which stands unchallenged. All the facts stated therein remains; so that SEIAA cannot consider the applications as long as the direction dated 13.11.2013 remains unaltered, and also for the following reasons:

1. The SEIAA in its 40th meeting held on 29.05.2015 examined the issue in detail and recommended to defer the proposal of the instant petitioner M/s SKG Granites till the issuance of final Notification on ESA by MoEF. Hence the question of deemed clearance does not arise.
2. The Judgment dt.20.02.2018 is primarily based on the statement of the Bio diversity Board that the mining areas are outside the ESAs as now approved by the State Government. It is seen that in para 13 of the affidavit filed by the additional 7th respondent in W.P No 31959/2017, it is averred that, *'The Kerala State Biodiversity Board has no direct involvement in the identifying the ESA. The Convenor of the High Level Expert Group constituted by Ext R7(b) was the then Chairman of the Kerala State Biodiversity Board'*. The said affidavit of the 7th respondent was filed after Dr.Oommen.V.Oommen the Convenor of the expert Committee on ESAs (Chairman-

KSBB) has remitted office. Nevertheless it is relying on the report of KSBB, while he was the Chairman of the KSBB, that 'grant of EC for mining/quarrying may be considered only after the final notification of ESA areas of the state with the Geo-coordinates of the boundary except where there are specific court directions in the matter', that SEIAA had taken the earlier general decision and successfully defended it in Writ Appeal No.1946/16.

3. In the Judgment dt.04.01.2018 in Writ Appeal No.1946/2016 filed by SEIAA against a similar judgment (in WP 6040/16 by SKG Granites, the same petitioner), it has been held that "*we cannot act on a draft notification which is subject to change and which can be displaced by the original soon to be issued by Central Government*". The same finding applies here also.
4. The NGT (SZ) in application 415/418 of 2015 has dismissed the challenge against the direction dt.13.11.2013. It has not been challenged in the Kerala High Court with SEIAA as respondent. It is seen that the earlier decision based on which a set of such applications were delisted is still subjudice as Writ Appeals filed by SEIAA and also in CC 699/16 filed by Delta Granites, Pathanamthitta which are pending. These facts have not been brought to the notice of the Hon'ble High Court in the subsequent Writ Petition filed by the petitioner in WP No.2950/18.
5. No relief can be claimed or allowed based on the draft notification which is more in the nature of a public notice under Sub Rule 3 of Rule 5 of the Environment (Protection) Rules 1986. The Section 5 direction is specifically to SEIAA which has not been superseded or rescinded. It is to ensure ecological safeguards till the ESAs are finally declared by MoEF. That is why the interim Direction under Section 5 is given to SEIAA categorically to be looked into in the case of applications for prior Environmental Clearance in areas notified as ESAs as per the Directions dated 13.11.2013.

In the light of the earlier decisions of SEIAA in this issue which remains unchallenged, the Direction dated 13.11.2013 of MoEF under Section 5 of Environment (Protection) Act 1986 to the six Western Ghat States that applications for E.C or quarrying in the ESAs in the ESA villages listed out therein, the stand of the KSBB communicated to SEIAA vide letter no.2993/A3/2015/KSBB dt. 18.12.2015 and the Judgment dt.04.01.2018 in Writ Appeal No.1946/18 filed by SEIAA (in Writ Petition No.6040/16, filed by Sri.Sunil Kumar) the Authority decided to appeal against the

Judgment dt.20.01.2018 in Writ Petition No.2950/18 (and in Writ Petitions 31959/17 and 3644/18) ,as well as MoEF may be addressed to clarify whether the Direction dt.13.11.2013 under Section 5 of the E(P) Act needs review/reconsideration in the light of the draft Notification on ESA dt.27.02.2017.

6. Quarrying in Mukkunnimala Region -compliance with directions in judgements :
[Files No. : No.163/SEIAA/KL/3493/2013 & 171/EC1/SEIAA/KL/3501/2013] :

A letter has been received from the Office of the Advocate General vide No.AAG-RT/WPC 1669 & 1719 of 2018 dt. 22nd February 2018 in WPC No.1669/2018 filed by VSC Hollow Bricks & Crusher Division and Metro Aggregates. The court has observed that “The Special Survey team constituted for surveying the Mukkunnimala area has already completed the survey and demarcation and has submitted a report to the competent authority. The aforesaid report was produced by the office of the Advocate General before the Hon’ble High Court in many cases. Therefore, the SEAC/SEIAA cannot defer the application on the basis of the aforesaid survey. If the SEAC is of the considered opinion that the land pointed out by the applicant is not identifiable, the same shall be brought to the notice of the applicant to give an opportunity to the applicant to cure the defect. Therefore, the SEAC and SEIAA may take suitable decisions after giving urgent notice to the applicants. Decision on merits has to be taken urgently in view of the time stipulated in the Cental Government Notification for completing the proceedings before SEAC and SEIAA. The learned single Judge has orally observed that the Court will be compelled to allow the request for deemed Environmental Clearance if SEAC and SEIAA fail to take decision in a time bound manner as directed in theNotification. The case will be taken up after two weeks to report the further steps taken by the SEAC and SEIAA in the above matter”.

The Secretary, SEAC vide Letter No.163/SEIAA/KL/3493/2013 dt.24.02.2018 has requested the District Collector, Thiruvananthapuram to furnish a copy of the report of the survey conducted by Vigilance & Anti Corruption Bureau inorder to comply with the court order. The District Collector in Letter No.B7-19207/17 dt.26.02.2018 informed that the survey is conducted by the Vigilance & Anti Corruption Bureau as per the direction of the Hon’ble High Court and the report is not yet submitted. Hence they have directed to get the report from the Vigilance & Anti Corruption Bureau.

In order to take a considered view in the matter a copy of the survey report is a must. Hence the Committee decided to request the Secretary to take the following urgent steps.

1. Contact office of Superintendent of Police, Vigilance & Anti Corruption Bureau, Special Investigation Unit -2, Kunchalummoodu, Karama P.O, Tvpm for a copy of the Survey report with respect to the enquiry in Mukkunnimala area.
2. To request the proponents to :
 - a). Clearly demarcate the property on the ground with pillars.
 - b). Also to produce a certificate from the District Geologist to the effect that the survey numbers mentioned in their proposals are free from any irregularities and are fit to be leased by Government for quarrying.
3. To request the District Geologist to accompany the Sub Committee to conduct a second site visit in the presence of the proponents, so as to verify the authenticity of the area demarcated in the field.

A Sub Committee consisting Sri. John Mathai, Dr. Oommen V. Oommen, Dr. Harikrishnan & Dr. Keshav Mohan will conduct the second site visit of the above proposals on 08.03.2018 along with District Geologist, Thiruvananthapuram. The proponents are also being offered an opportunity of personal hearing on 12.03.2018 during the next SEAC meeting.

Authority decided that to take further action on receipt of the report of SEAC. Meanwhile action taken may be intimated to the Hon'ble High Court at the earliest.

7. Request from KIMS Health Care Management Ltd [File No. 1085/EC1/SEIAA/16]

Application for Environmental clearance for proposed expansion of existing hospital project in Kadakampally Village, Trivandrum Municipal Corporation, Trivandrum Taluk & District, Kerala State has been submitted by Sri. 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.

The 76th meeting of SEIAA held on 16th November 2017 observed 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 aspects 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.

Meanwhile legal opinion had been called for from Government vide letter no. 779/EC1/997/SEIAA/2015 dated 15.02.2018 in a similar case and reply to the same is awaited for taking a decision in this case.

The proponent Sri. E.M.Najeeb vide letter no. nil dated 01.03.2018 has requested that his request may also be considered and legal opinion may be obtained.

Authority noted that SEIAA has already taken a decision in its 79th meeting held on 09-01-2018 to make legal opinion applicable to other violation case also depending on the merit of each case. Hence Authority decided to defer the item till the reply for the legal opinion on violation is obtained.

8. Request from Sri. Viju Varghese, Dy. General Manager, M/s. Artech [File No. 1139/EC/SEIAA/KL/2017]:

Mr.Felix Babu & Mr.John A Ferns, Green Land, Sakthikulangara, Kollam District, Kerala vide their application received on 19.07.2017 has sought Environmental Clearance

under EIA Notification, 2006 for the proposed Residential cum Commercial building Project 'Artech Ferns' in Survey Nos. 238/11, 238/11-2 in Kollam West Village, Kollam Taluk & District, Kerala. EC has been issued for the same vide proceedings no. No. 1139/EC/SEIAA/KL/201 dated 05.02.2018

Sri. Viju Varghese, Dy. General Manager, M/s. Artech has now requested that the actual plot area is 9342m², whereas the area mentioned in the EC is 9227.16 m² and hence has requested that a Erratum may be issued correcting the same.

Authrity decided to issue erratum after verifying the application.

9. Request from CREDAI :

The Confederation of Real Estate Developers Association of India, Kerala has informed that the current practice of SEIAA to impose CSR funds of 2% of project cost is highly arbitrary, irrational and disastrous to construction business and hence it may be fixed as a percentage of net profits as per basic rules governing CSR. The request has been forwarded vide Govt letter no. ENVT-B2/229/2017/-ENVT dated 16.12.2017 for report.

The SEAC in its 85th meeting has pointe out that the decision of SEIAA to insist on 2% of project cost towards CSR activity is not legally tenable because the quantum of CSR provision is automatically regulated by the provisions of the Companies Act. However, if the proponent is voluntarily agreeing to set apart funds for the welfare of activities of the local community then that can be specifically noted in the EC.

Authority decided to defer the item for detailed examination.

10. Application in ESA Villages (File No.349/A2 /SEIAA/2018):

The District Geologist, Palakkad has informed that an applicant for quarry has submitted a Certificate from the Village Officer to the effect that the proposed survey no is not included in the list of ESA land published by Bio Diversity Board and the geologist has sought clarification whether the application can be considered.

The decision regarding follow up action in the judgment relating to ESA villages will be applicable in this case also.

11. Continuing Services of Office Attendant :

Due to shortage of staff and heavy work load in SEIAA, an Office Attendant was engaged on daily wages since December 2017 for office duties and stacking up of files in chronological order, as many files could not be traced out in time of urgency. As one Project Assistant has proceeded on leave, the routine work of SEIAA is also being done by the above Office Attendant, along with other staff members. The above candidate may therefore be allowed to continue in order to assist in the smooth functioning of SEIAA.

Authority decided to give sanction to continue the Office Attendant in SEIAA Office.

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

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

**Sd/-
Shri.P.H.Kurian I.A.S
Member Secretary**