

MINUTES OF THE 82nd MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 15.03.2018 AT 03.00 P.M 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 82nd meeting of SEIAA and the 49th 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 15th March 2018 from 03.00 P.M with the Chairman, Dr.K.P.Joy in the chair. The Chairman Dr.K.P.Joy, welcomed the members.

Item No: 82.01 Confirmation of Minutes of 81st SEIAA Meeting

Confirmed

Item No.82. 02 Environmental Clearance for the Proposed expansion of multistoried Residential- Building Project at Survey Nos. 435/9-1, 435/9-2 435/9, Karakulam Village, Nedumagad Taluk & Thiruvananthapuram District, Kerala of Mr.Muralidharan Nair.V, M/s Sowparnika Projects & Infrastructure Private Ltd. (File No. 1151/EC/SEIAA/KL/2017)

Mr.Muralidharan Nair.V, M/s Sowparnika Projects & Infrastructure Private Ltd. Thiruvananthapuram-695014, vide his application received online on 25.10.2017, has sought Environmental Clearance under EIA Notification, 2006 for the proposed Residential Project in Survey Nos., 435/9-1, 435/9-2 435/9 Karakulam Village, Nedumagad Taluk & Thiruvananthapuram 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 proposal is an expansion of the existing project. The height of the proposed building is 40.05 m and the total plot area of the proposed project is 4,310.44m². The Existing

Building consist of 2 basements + G + 10 floors and the proposed Building consist of 3 basements + G + 13 floors. The total built-up area is about 23,348.76m² with supporting infrastructure facilities. The total project cost is 41.60 crore.

The proposal was placed in the 82nd meeting of SEAC held on 25th November 2017 and decided to defer the item for field inspection. The Committee directed the proponent of submit a revised layout plan.

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. The report is as follows;

In the absence of a responsible person to explain the details of the project, the committee could make only a cursory examination of the site.

Considering its steep to very steep disposition, absence of dependable source of water, limitation in area of plot, inadequate entry/exit, absence of approved waste management system, lack of proper drainage disposal etc; the site would need a detailed evaluation in the presence of the proponent and persons who are capable providing clarification at the site.

The proposal was placed in the 84th meeting of SEAC held on 22nd& 23rd January, 2018. Due to non co-operation of the proponent, the Sub Committee could not inspect the site. Hence the Committee decided to give one more chance to the proponent and defer the proposal.

Accordingly the second site inspection was conducted by a Sub committee consisting of Sri S Ajayakumar and Sri John Mathai on 05.03.2018 and submitted the report.

The proposal was placed in the 87th meeting of SEAC held on 3rd March 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 decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific conditions.

1. *Construct adequate slope stabilising measures.*
2. *The proponents should set back the main gate about 5 m from the edge of the road so that traffic flow in the main road is not affected.*
3. *Mechanical ventilation should be provided to the parking area in the basement.*
4. *The storage capacity of RWH structure should be enhanced to 350 KL.*

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5. *Waste disposal arrangement should be in conformity with the Pollution Control Board guidelines.*

The proponent consented to set apart Rs.25 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.

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. Assurance from Kerala Water Authority for dependable source of water should be obtained. 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.82.03 Environmental clearance for the proposed quarry project in Sy. Nos. 271/1-2, 271/1-3, 271/1-6, 271/1-10, 271/1-11, 271/1-4, 271/8-2, 271/8-1, 271/20 pt., 270/4-1, 270/4, 270/3 and 270/2 at Pallichal Village and Panchayath, Neyyattinkara Taluk, Trivandrum District, Kerala by M/s V.S.C. Hollow Blocks & Crusher Division(File No. 163/SEIAA/KL/3493/2013)

Sri. V. Sudhakaran, Managing Partner of M/s V.S.C. Hollow Blocks & Crusher Division, vide his application received on 09-12-2013, has sought Environmental Clearance under EIA Notification, 2006 for the proposed quarry project in Sy. Nos. 271/1-2, 271/1-3,

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271/1-6, 271/1-10, 271/1-11, 271/1-4, 271/8-2, 271/8-1, 271/20 pt., 270/4-1, 270/4, 270/3 and 270/2 at Pallichal Village and Panchayath, Neyyattinkara Taluk, Trivandrum District, Kerala for an area of 2.7946 hectares. The project comes under Category B2 as per the O.M. No. J-13012/12/2013-IA-II (I) dtd. 24.12.2013 of Ministry of Environment and Forests, since the area of the project is below 25 hectares.

In the basic details the proponent states that the quarry operation started in 2007 and worked with three quarrying lease for total area of 2.4092 ha. (0.7728 ha. valid up to 17-05-2017 + 1.3170 ha. valid up to 18-03-2022 + 0.3194 ha. valid upto 17-05-2015). Presently, the quarry is working with mine lease area of 1.3170 ha. which is valid up to 18-03-2022.

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

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

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

'Field visit to the Quarry project site of M/S V.S.C Hollow Blocks and crusher in Pallichal Village, Neyyattinkara Taluk, TVM District, Kerala was carried out on 22.01.2016 by the sub-committee of SEAC, Kerala, comprising Dr. George Chakkacherry, Sri. Ajaya Kumar and Sri. John Mathai. The Minutes of the 82nd meeting of SEIAA held on 15th March 2018

Proponent with his representatives were present at the site at the time of site visit.

“The project is an active quarry located at about 1.5 km north of Pallichal. This quarry lease area of 2.7946 ha being his own land occupy the eastern lower slopes of Mukkunnimala. Boundary pillars are erected and numbered displaying GPS values. The rock type is a mixture of gneiss and charnockite. Vertical cut slopes are seen on the northern side. The removed OB from the existing quarry is stocked at convenient places based on the place of excavation. RWH structure provided as a small tank is not adequate. A valley is seen close to the quarry on the lower eastern side to which the storm water from the quarry is led through concealed pipes. Rubber plantation is the dominant land-use in the undeveloped part. Floral and faunal biodiversity is not observed as the area is cleared. Dwelling units are seen adjacent to the MLA road but beyond 100 m. A crusher unit is associated with the quarry

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

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

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

In light of that, the matter was placed in the 56th meeting of SEAC held on 6th and 7th June, 2016. The Committee appraised the proposal based on the clarification from the proponent. It is observed that the documents produced before the committee as letter from the District Collector, Trivandrum is only a photocopy addressed to Member Secretary, DoECC. The committee decided to request the Secretary to verify the veracity of the communication and place the details in the next meeting.

In connection to that, Secretary, SEAC had sent a letter to the District Collector vide letter no.163/SEIAA/KL/3493/2013 dtd.22.07.2016 to verify the veracity of the communication. The reply of the same has received regarding the same which is appended to the CF.

The proposal was placed in the 63rd meeting of SEAC held on 04th October 2016. The committee appraised the proposal based on the mining plan (KMMCR-2015), pre-feasibility report and all other documents submitted along with the Form I application and decided to defer the item for the finalization of on-going Survey operations in the Mukkunnimala Region, and completion of all the enquiries by various Govt. Agencies.

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

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

The proposal was placed in the 76th meeting of SEIAA held on 16th November 2017. Authority decided that urgent action may be taken within one month after obtaining report from SEAC. Hence the proposal was returned to SEAC to give a report within two weeks positively to comply with court orders.

The proposal was placed in the 82nd meeting of SEAC held on 25th November 2017. The Committee examined the suggestion communicated by SEIAA. The Committee had earlier deferred the proposal for the completion of ongoing survey operations in the Mukkunnimala Region, and completion of all the enquiries by various Govt. Agencies. Only on receipt of the details it can be conclusively ascertained whether the area proposed for mining does really belong to the proponent, for no clear cut demarcation on the field

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delineating the area belonging to the Government and private individuals is available in Mukkunnimala region. Therefore the Committee decided to recommend to SEIAA to defer the proposal till receipt of the above details. The Committee also decided to request Secretary, SEAC to ascertain the latest position in this regard from the District Collector, Thiruvananthapuram.

The proposal was placed in the 77th meeting of SEIAA held on 28th November 2017. As the boundary of the project is not demarcated and surveyed, the Authority accepted the recommendation of SEAC and decided to defer the item till the completion of ongoing survey operations in the Mukkunnimala Region, and completion of all the enquiries by various Govt. Agencies. The matter should be intimated to the Hon'ble High Court immediately.

The Committee in its 86th meeting held 27th February 2018 observed that the communication from the Special Government Pleader to Additional Advocate General refers both WP(C) 1669/2018 filed by VSC Hollow Bricks & Crusher Division & WP(C) 1719/2018 filed by Metro Aggregates & Sand India Pvt. Ltd. The Committee also observed that on receipt of the above communication Secretary to the Committee has promptly contacted the District Collector, Thiruvananthapuram for making available a copy of Survey report prepared by Vigilance & Anti Corruption Bureau as part of the enquiry into the quarrying in Mukkunnimala area. But the District Collector on 26.02.2018 itself intimated that such a survey report is not available with them and advised to contact Vigilance & Anti Corruption Bureau itself. 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.
 - 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.

Since the period of the Committee in expiring on 18.03.2018, the Committee decided to request the Secretary to pursue action on the above points without delay.

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.

Letter has been sent to the Superintendent of Police, Vigilance & Anti-Corruption Bureau vide letter No. 171/SEIAA/KL/3501/2013 dt. 01/03/2018 requesting to furnish a copy of the Survey Report with respect to the enquiry in Mukkunnimala area, at the earliest, for taking up further actions in compliance with orders of Hon'ble High Court. No reply was received yet.

*Accordingly site visit was carried out in and around the proposed quarry lease area of **M/s Metro aggregates and sand and M/s VSC Hollow blocks and crusher division** on 08.03.2018 by the Sub-Committee of SEAC, Kerala comprising Dr. Oommen V. Oommen, Dr.Harikrishnan. K and Sri. John Mathai. As per the request, Dr. Preeja.N.B (District Geologist), Sri.Selvaraj.D.S (Village Officer, Pallichal) and Sri. Anil Kumar.B (Special Village Officer, Pallichal) joined the Sub-Committee for the site inspection. The proponents of **M/s Metro aggregates and sand and M/s VSC Hollow blocks and crusher division** along with their team were present at the respective sites.*

*The proposed lease site of **M/s VSC Hollow blocks and crusher division** falls in resurvey No270 and 271. The area projected under the approved mine plan and the corresponding land indicated in the FMB plan (copy) were cross checked by the team for its accuracy. Four survey parcels and the boundary of Re.sy no 270 and 271 were also identified in the field. This site is located on the eastern side of Mukkunnimala hill and does not form part of the hill. In addition an old survey sketch prepared in 1916 which demarcates the boundary of Mukkunnimala forest land indicate that the area proposed for quarrying by **M/s VSC Hollow blocks and crusher division** does not form part of Mukkunnimala hill.*

*The proposed lease site of **M/s Metro aggregates and sand** falls in resurvey numbers 203, 204, 205,265, 266,268,267 and 274. Additional land falling in resurvey numbers 202 and 264 are reported to be in the possession of the company. The area projected for quarrying as per the approved mine plan was cross checked with the survey sketch provided by the Village Officer as well as the approved Block map (Cadastral map) in which the survey numbers fall. Several points located on the NW, SW and near to the Edamala temple*

were traced on the ground. Specifically the boundary of synos 70 and 203; 268 and 203; 70, 71 and 203; location of Valiyakulam boundary of 264 and 275 were traced on the ground. However, the boundary of the land with existing lease and the land proposed for lease is not easily traceable as the survey stones along the internal boundary are removed during the quarrying and land development activity. Quarrying is on-going at the site on the strength of a valid lease. This site is located on the south-eastern side of Mukkunnimala hill and does not form part of the hill.

Though both quarry sites are located in Mukkunnimala region, these sites are not physically contiguous to the hill and are separated by a valley in between. The location as per survey plan and approved Mining plan has been established in the presence of the District Geologist and Village Officer. Hence both the sites can be recommended for EC subject to the conditions in the earlier site inspection report and fulfilment of other conditions. A copy of the report prepared at the site in the presence of the above officers is appended.

The sub-committee also tried to identify the precise location of Mukkunnimala on the basis of the survey numbers depicted in the Block map of Block 4 falling under Pallichal village, Neyyattinkara taluk and the topographic map of Survey of India (58H/3 NW). The hill stands out as an elongated conical shaped structure with close contours from about 110 m elevation amsl. The elevation at the peak of the hill is 248 m amsl. Survey numbers 27, 28, 29, 30, 31, 48, 49, 50, 67, 68, 71,72,73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 368, 369, 370, 371 and 372 cover the area under the hill. Considering the presence of defence installations and the need to protect the area falling in the elevated part of the hill, it is better to avoid any kind of land disturbance in the above listed numbers. On a cursory examination it is seen that three quarries with crusher are operating currently in the hill side. This activity needs to be curbed at the earliest.

The proponent has also been intimated vide letter no.163/SEIAA/KL/3493/2013 dt.06.03.2018 for a personal hearing in the 87th SEAC meeting scheduled to be held on 12th March 2018 with documents as sought by SEAC.

The proposal was placed in the 87th meeting of SEAC held on 3rd March 2018. Though the reply from the Superintendent of Police, Vigilance & Anti Corruption Bureau to our request for making available a copy of the survey map prepared in connection with the detailed enquiry into the quarrying operations in Mukkuinnimala is not yet received, the Sub Committee which conducted a second inspection of the site on 08.03.2018 in the presence of

the District Geologist and the Village Officer, Pallichal is convinced about the veracity of the survey numbers and the location of the proposed quarry. After studying the environmental impacts of the proposal and examining the Sub Committee reports and all the available records, the Committee decided to **recommend to issue EC** subject to general conditions in addition to the following specific conditions.

1. *The water draining into the valley on the eastern side need clarification. It should also be provided with low level check dams at least at two places to arrest silt being washed down stream. Periodic desiltation is essential.*
2. *The steep cuttings seen on the northern side must be demarcated with danger signs. A minimum of 10m wide flat zone should be provided at the base of the cutting to arrest the rock fragments from falling down.*
3. *The lower part of the pit can be developed as a RWH tank and also to arrest the silt from being washed down.*
4. *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.*
5. *The District Geologist shall ensure that the quarrying is limited to the area identified by the Sub Committee during its site inspection on 08.03.2018. Though the total area of the proposal is less than 5 ha, since it is a long pending issue the proposal was appraised by the SEAC and placed before the SEIAA.*

The proponent consented to set apart Rs.5 lakh per annum (recurring) for taking up local community welfare activities in consultation with the local Panchayat.

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

Item No.82.04 Environmental clearance for the proposed quarry project in SyNos. 70/4, 203/10, 11-2, 11-3, 11-7, 11-8, 12-1, 2-2, 12-4, 13, 14-1, 14-2, 14, 24. 204/5-1, 5-2, 5-3-1, 7-1-1, 7-1-2, 15-1, 15-2, 17, 18, 19, 22, 205/1-1, 2-1, 2, 22/1, 22-1.265/ 6. 267/3-1, 3-2, 3-3, 3-4, 3- 5-2, 3- 6, 268/2, 274/14, 15, 23-1, 23, 24-1, 24-2 at Pallichal Village, Neyyattinkara Taluk, Thiruvananthapuram District, Kerala by Sri. Thomas Philip for M/s Metro Aggregates and Sand (I) Pvt. Ltd. (File No.171/SEIAA/KL/3501/2013)

Sri. Thomas Philip has applied for Environmental Clearance vide application received on 09.12.2013 for the quarry project of M/s Metro Aggregates and Sand (I) Pvt. Ltd. For an area of 9.8760 hectares of land in Sy. Nos. 70/4, 203/10, 11-2, 11-3, 11-7, 11-8, 12-1, 12-2, 12-4, 13, 14-1, 14-2, 14, 24, 204/5-1, 5-2, 5-3-1, 7-1-1, 7-1-2, 15-1, 15-2, 17, 18, 19, 22, 205/1-1, 2-1, 2, 22-1, 22-1, 265/1, 2, 6, 266/2, 3, 267/3, 3-1, 3-2, 3-3, 3-4, 3-5-2, 3-6, 268/2, 274/14, 15, 23-1, 23, 24-1 and 24-2 at Pallichal Village, Neyyattinkara Taluk, Thiruvananthapuram District, Kerala for the purpose of extraction of minor minerals.

In the basic details the proponent states that the quarry starts working on 01.04.2009 with a lease (No.370/2008-09/8069/M3/2008 dt.20.09.2008) valid upto 21.09.2018

The matter was considered by 25th meeting of SEAC held on 14/15 Feb in view of Form 1, Pre-feasibility cum Environment Management Plan, Questionnaire for mining projects and Location sketch. The project proponent made a brief presentation of the proposal. The Committee observed with concern that Mukkunnimala Reserve Forest is about 240 m from the project site and as stated by the proponent, there are three functional quarries in the Mukkunnimala region. The Committee asked the proponent as to why he has submitted application only for an area of 9.8760 hectares when he owns 62 acres of land. To this end the proponent stated that out of the total area owned by him, under the name of different companies, only 9.8760 hectares have resources and the remaining area is not suitable for extracting resources. However the Committee directed the proponent to provide the ownership details of entire 62 acres of land owned by him.

The Committee asked the proponent as to whether they have conducted any quarrying activities in the site, as seen from the Google image. To this end the proponent stated that quarrying activities was already done by the earlier owner of the land and hence is not a new one. The Committee reminded the proponent that even though the earlier owner has extracted the resources from the site, the responsibility lies with the present owner to restore the site. The proponent is asked to provide Google map specifically marking the total area owned by the proponent demarcating the proposed mining area for which the present application is submitted along with the present land use in the entire area owned by him. The proponent has not provided the depth of water table in the site and is directed to provide the same. Regarding the activities proposed towards CSR, the proponent has stated that they shall continue the same activities this year also has done in the last year. To this end the proponent

is directed to provide documentary evidence regarding the amount already spent towards CSR.

Considering the above, the 25th meeting of SEAC held on 14/15-02-2014, deferred the item for site visit especially to ascertain the quarrying activities in the Mukkunnimala region and directing the proponent to provide the following to SEAC for further processing of the application:

1. Ownership details of entire 62 acres of land owned by the proponent.
2. Google map specifically marking the total area owned by the proponent demarcating the proposed mining area for which the present application is submitted.
3. Present land use in the entire area owned by the proponent.
4. Depth of water table in the site.
5. Documentary evidence regarding the amount already spent towards CSR.

58th meeting of SEAC held on 28/29th June 2016 has considered the matter in other items of Agenda and deferred for presentation. The proponent has submitted revised mining plan as per KMMCR-2015. But other clarifications sought by the 25th meeting of SEAC were not submitted. The submitted mining plan carries 2 parts and a single form-1. So the proponent was requested to submit either composite mining plan or individual applications as per SEAC Agenda item No. 58.03. On discussion with SEIAA proponent submitted 2 form-1 applications without individual PFR.

59th meeting of SEAC held on 11th and 12th July, 2016 appraised the proposal based on the mining plan, pre-feasibility report and all other documents submitted along with the Form I application. While presenting the proposal, the committee observed that the mine closure plan is common to the application for agenda item no. 59.02 (File no.171 (B)/SEIAA/KL/3501/2013). Hence both the proposals were appraised as single unit. The Committee deferred the item for field visit. And the proponent was directed to submit the following additional documents.

1. Document regarding ownership of the proposed land and approach road.
2. Cadastral map marked with boundaries of the lease area, additional area and total area under the ownership of the proponent.

3. Copy of the certificate from village officer regarding nature and ownership of the land.
4. The proponent should submit more realistic CSR

The proponent agreed to set apart Rs 10 lakhs (non-recurring) and 12 lakhs per annum (recurring) for next 5 years for CSR activities for the welfare of the local community. He also agreed to spend this amount in consultation with the local Panchayath.

Field visit to the Quarry project sites of M/s Metro Aggregates and Sand, Pallichal Village, Neyyittinkara taluk, Thiruvananthapuram district, Kerala was carried out on 19.08.2016 by the sub-committee of SEAC, Kerala, comprising Sri. P. Sreekumaran Nair and Sri. John Mathai. The representatives of the Proponent were present at the site at the time of site visit. The original single application for 9.876 ha is now revised and split into two as it covers two separate lease areas. File 171(A) is for an existing lease of 2.2713 ha and File 171(B) is for a new area of 7.6047 ha. This report covers both the areas, considering the fact that the two projects are adjacent to each other under the same management and planned to be worked as a single quarry.

Based on an overall evaluation of the site, following aspects may be considered before it is recommended for EC

- *The certificate that the proposed quarry area is not assigned for any special purposes.*
- *Certificate from DMG regarding details of quarry leases/permits within 500 m vicinity.*
- *The external boundary pillars with GPS values must be permanently placed embedding it properly on the ground.*
- *Working to be in the form of benches with height not exceeding 5 m and width not less than 5 m. Top to bottom approach of quarrying is to be followed. Cliff like faces should be avoided.*
- *Quarrying in survey no 204/5 is to be avoided as it can adversely affect Valiyakulam pond.*
- *Top soil and Over burden stored in the lower slope should be provided with protective support walls. It should not get washed away into the valley.*
- *The present mechanism of disposal of storm water into the valley slopes through the pipes without clarification need modification. A RWH structure in the form of a pond should be in place in this valley into which the*

storm water can be led. Proper mechanism for clarification must be ensured.

- *Assurance that green belt will be provided around the periphery.*
- *The quarry should have sign boards displayed at appropriate places*
- *The CSR activity needs revision addressing the needs of the locality as suggested.*

In light of the inspection report the matter was placed in the 62nd meeting of SEAC held on 6/7-09-2016 without the clarifications sought for by 59th meeting of SEAC held on 11th and 12th July, 2016. In the meantime the proponent has submitted the same.

The proposal was placed before 63rd SEAC meeting held on 04th October 2016. The committee appraised the proposal based on the mining plan (KMMCR-2015), pre-feasibility report and all other documents submitted along with the Form I application and decided to defer the item for the finalization of on-going Survey operations in the Mukkunnimala Region, and completion of all the enquiries by various Govt. Agencies.

In the meantime the proponent has approached the Hon'ble High Court of Kerala and filed a writ petition, WPC no. 24005/2017 where SEIAA is the second respondent. The Judgement direct SEIAA to take a decision on the application for Environmental clearance within two months of the receipt of the copy of the judgment. The Judgment has been received on 25.11.2017.

The proposal was placed in the 78th meeting of SEIAA held on 15th December 2017. Authority noticed that in a similar case (V S C Hollow Bricks) SEAC has already take a decision to defer the item for the completion of ongoing survey operations in the Mukkunnimala Region, and completion of all the enquiries by various Govt. Agencies. Authority decided that urgent action may be taken within one month after obtaining report from SEAC. Hence the proposal was returned to SEAC to give a report within two weeks to comply with court orders.

The proposal was placed in the 83rd meeting of SEAC held on 20th & 21st December 2017. The Committee examined the suggestion communicated by SEIAA. The Committee had earlier deferred the proposal for the completion of ongoing survey operations in the Mukkunnimala Region, and completion of all the enquiries by various Govt. Agencies. Only on receipt of the details it can be conclusively ascertained whether the area proposed for mining does really belong to the proponent, for no clear cut demarcation on the field delineating the area belonging to the Government and private individuals is available in Mukkunnimala region. Therefore the Committee decided to recommend to SEIAA to defer

the proposal till receipt of the above details. The Committee also decided to request Secretary, SEAC to ascertain the latest position in this regard from the District Collector, Thiruvananthapuram.

The proposal was placed in the 79th meeting of SEIAA held on 09th January 2018. As the boundary of the project is not demarcated and surveyed, the Authority accepted the recommendation of SEAC and decided to defer the item till the completion of ongoing survey operations in the Mukkunnimala Region, and completion of all the enquiries by various Govt. Agencies. The matter should be intimated to the Hon'ble High Court immediately.

The Committee in its 86th meeting held 27th February 2018 observed that the communication from the Special Government Pleader to Additional Advocate General refers both WP(C) 1669/2018 filed by VSC Hollow Bricks & Crusher Division & WP(C) 1719/2018 filed by Metro Aggregates & Sand India Pvt. Ltd. The Committee also observed that on receipt of the above communication Secretary to the Committee has promptly contacted the District Collector, Thiruvananthapuram for making available a copy of Survey report prepared by Vigilance & Anti Corruption Bureau as part of the enquiry into the quarrying in Mukkunnimala area. But the District Collector on 26.02.2018 itself intimated that such a survey report is not available with them and advised to contact Vigilance & Anti Corruption Bureau itself. 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.
 - 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.

Since the period of the Committee is expiring on 18.03.2018, the Committee decided to request the Secretary to pursue action on the above points without delay.

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.

Letter has been sent to the Superintendent of Police, Vigilance & Anti-Corruption Bureau vide letter No. 171/SEIAA/KL/3501/2013 dt. 01/03/2018 requesting to furnish a copy of the Survey Report with respect to the enquiry in Mukkunnimala area, at the earliest, for taking up further actions in compliance with orders of Hon'ble High Court. No reply was received yet.

Accordingly site visit was carried out in and around the proposed quarry lease area of M/s Metro aggregates and sand and M/s VSC Hollow blocks and crusher division on 08.03.2018 by the Sub-Committee of SEAC, Kerala comprising Dr. Oommen V. Oommen, Dr.Harikrishnan. K and Sri. John Mathai. As per the request, Dr. Preeja.N.B (District Geologist), Sri.Selvaraj.D.S (Village Officer, Pallichal) and Sri. Anil Kumar.B (Special Village Officer, Pallichal) joined the Sub-Committee for the site inspection. The proponents of M/s Metro aggregates and sand and M/s VSC Hollow blocks and crusher division along with their team were present at the respective sites.

The proposed lease site of M/s VSC Hollow blocks and crusher division falls in resurvey No270 and 271. The area projected under the approved mine plan and the corresponding land indicated in the FMB plan (copy) were cross checked by the team for its accuracy. Four survey parcels and the boundary of Re.sy no 270 and 271 were also identified in the field. This site is located on the eastern side of Mukkunnimala hill and does not form part of the hill. In addition an old survey sketch prepared in 1916 which demarcates the boundary of Mukkunnimala forest land indicate that the area proposed for quarrying by M/s VSC Hollow blocks and crusher division does not form part of Mukkunnimala hill.

The proposed lease site of M/s Metro aggregates and sand falls in resurvey numbers 203, 204, 205,265, 266,268,267 and 274. Additional land falling in resurvey numbers 202 and 264 are reported to be in the possession of the company. The area projected for quarrying as per the approved mine plan was cross checked with the survey sketch provided by the Village Officer as well as the approved Block map (Cadastral map) in which the survey numbers fall. Several points located on the NW, SW and near to the Edamala temple were traced on the ground. Specifically the boundary of synos 70 and 203; 268 and 203; 70, 71 and 203; location of Valiyakulam boundary of 264 and 275 were traced on the ground. However, the boundary of the land with existing lease and the land proposed for lease is not

easily traceable as the survey stones along the internal boundary are removed during the quarrying and land development activity. Quarrying is on-going at the site on the strength of a valid lease. This site is located on the south-eastern side of Mukkunnimala hill and does not form part of the hill.

Though both quarry sites are located in Mukkunnimala region, these sites are not physically contiguous to the hill and are separated by a valley in between. The location as per survey plan and approved Mining plan has been established in the presence of the District Geologist and Village Officer. Hence both the sites can be recommended for EC subject to the conditions in the earlier site inspection report and fulfilment of other conditions. A copy of the report prepared at the site in the presence of the above officers is appended.

The sub-committee also tried to identify the precise location of Mukkunnimala on the basis of the survey numbers depicted in the Block map of Block 4 falling under Pallichal village, Neyyattinkara taluk and the topographic map of Survey of India (58H/3 NW). The hill stands out as an elongated conical shaped structure with close contours from about 110 m elevation amsl. The elevation at the peak of the hill is 248 m amsl. Survey numbers 27, 28, 29, 30, 31, 48, 49, 50, 67, 68, 71,72,73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 368, 369, 370, 371 and 372 cover the area under the hill. Considering the presence of defence installations and the need to protect the area falling in the elevated part of the hill, it is better to avoid any kind of land disturbance in the above listed numbers. On a cursory examination it is seen that three quarries with crusher are operating currently in the hill side. This activity needs to be curbed at the earliest.

The proponent has also been intimated vide letter no.171/SEIAA/KL/3501/2013 dt.06.03.2018 for a personal hearing in the 87th SEAC meeting scheduled to be held on 12th March 2018 with documents as sought by SEAC.

The proposal was placed in the 87th meeting of SEAC held on 3rd March 2018. Though the reply from the Superintendent of Police, Vigilance & Anti Corruption Bureau to our request for making available a copy of the survey map prepared in connection with the detailed enquiry into the quarrying operations in Mukkuinnimala is not yet received, the Sub Committee which conducted a second inspection of the site on 08.03.2018 in the presence of the District Geologist and the Village Officer, Pallichal is convinced about the veracity of the survey numbers and the location of the proposed quarry. After studying the environmental impacts of the proposal and examining the Sub Committee reports and all the available

records, the Committee decided to **Recommend to issuance of EC** for a total area of 9.8760 ha in Sy. Nos. 70/4, 203/10, 11-2, 11-3, 11-7, 11-8, 12-1, 12-2, 12-4, 13, 14-1, 14-2, 14, 24, 204/5-1, 5-2, 5-3-1, 7-1-1, 7-1-2, 15-1, 15-2, 17, 18, 19, 22, 205/1-1, 2-1, 2, 22-1, 22-1, 265/1 pt, 265/2 pt, 265/6, 266/2 pt, 266/3 pt, 267/3, 3-1, 3-2, 3-3, 3-4, 3-5-2, 3-6, 268/2, 274/14, 274/15, 23-1, 23, 24-1 and 24-2 subject to general conditions in addition to the following specific conditions.

1. *Quarrying in survey no 204/5 is to be avoided as it can adversely affect existing Valiyakulam, a public pond.*
2. *Top soil and Over burden stored in the lower slope should be provided with protective support walls. It should not get washed away into the valley.*
3. *The present mechanism of disposal of storm water into the valley slopes through the pipes without clarification need modification. A RWH structure in the form of a pond should be in place in this valley into which the storm water can be led. Proper mechanism for clarification must be ensured.*
4. *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 community welfare activities in consultation with the local body.

Authority accepted the recommendation of SEAC and decided to issue EC for a total area of 9.8760 ha subject to general conditions in addition to the specific conditions as recommended by SEAC on condition that the proponent should submit a copy of the survey report prepared in connection with the detailed enquiry into the quarrying operations in this region for verification. The proponent should set apart Rs.15 lakh per annum (recurring) for community welfare activities in consultation with the local body. 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.82.05 Environmental Clearance for the Proposed Residential Building Project in Sy. Nos. 989/1, 989/1,2, at Kasaba Village, Kozhikode Taluk, Kozhikode District, Kerala by Sri.Viju Varghese , General Manager, M/s. Artech Malabar Hills (File No. 1115/EC/ SEIAA/ KL/2017)

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Mr Viju Varghese, General Manager , PEEVEEKAY Properties and Hotels Pvt. Ltd, 5th Floor, Indux Avenue, Kallayi Road, Calicut – 695 014, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the proposed Residential Project in Sy. Nos.989/1, 989/1,2, at Kasaba Village, Kozhikode Taluk, Kozhikode 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 plot area of the proposed project is 8277 m² and the total built-up area 51,688.57 m². The project consist of G+21 floors with 207 dwelling units. Total cost of the project is 107.48 Crores.

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

1. *Copy of documents showing the nature of the land*
2. *Water yield study of the tube well*
3. *Does the site attracts the provisions of the CRZ notification?*
4. *Adequate provision for material recovery area.*

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

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

1. *NOC from KCZMA.*
2. *Clarification whether the land comes under the purview of the Kerala Paddy and Wetland Act 2008.*
3. *Borewell yield test.*
4. *Rainwater harvesting capacity to be enhanced.*
5. *A drain is passing through the southern side. The rain water from the plot is to be drained to this drain. This drain is to be properly maintained by constructing side walls along the plot side. Topo sheet showing drain to be submitted.*
6. *A setback distance equal to the width of the drain should be provided from the nearby stream*
7. *Level of the finished ground level shall be at least 60 cm above bye pass road*

The proponent has submitted the documents sought by 75th SEAC. The proposal was placed in the 86th meeting of SEAC held on 27th February, 2018. The Committee decided to

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defer the item for personnel clarifications from the proponent.

The proposal was placed in the 87th meeting of SEAC held on 3rd March 2018. The Committee appraised the proposal based on Form 1, Form I A, field inspection report of the Sub Committee and all other documents submitted with the proposal. The Committee verified the additional documents submitted by the proponent and found satisfactory. The Committee decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific conditions.

1. *Rainwater harvesting capacity to be enhanced to 1000 KL.*
2. *A drain is passing through the southern side. The rain water from the plot is to be drained to this drain. This drain is to be properly maintained by constructing side walls along the plot side.*
3. *A setback distance equal to the width of the drain should be provided from the nearby stream*
4. *Level of the finished ground level shall be at least 60 cm above bye pass road*

The proponent consented to set apart Rs.25 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.

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. An assurance should be obtained from Kerala Water Authority regarding the supply of dependable source of water. 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.82.06 Extension of Validity of Environmental Clearance & Amendment in Environmental Clearance for construction of Group Housing & Commercial Complex Project in Sy. Nos. 558 p, 559/1 to 11, 557/2, 560/1, 2, 563/5p, 11p, 12p, 569/1, 2, 569/1 to 11, Kakkanad village, Kanayannur Taluk, Ernakulam District, Kerala by Fr. Jose Cletus Plackal, Provincial- CMI, S.H. Provincial House (File No.1136 (C)/EC/SEIAA/ KL/2017)

Fr. Jose Cletus Plackal, Carmelites of Mary Immaculate, CMI, S.H. Provincial House, Rajagiri P.O, Kalamassery, Ernakulam, Kerala-683104, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the proposed Residential Project in Sy. Nos. 558 p, 559/1 to 11, 557/2, 560/1, 2, 563/5p, 11p, 12p, 569/1, 2, 569/1 to 11, Kakkanad 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. The proposal is for extension of validity of Environment Clearance & amendment in Environmental Clearance for construction of Group Housing & Commercial Complex Project by Provincial–CMI, S.H. Provincial House. The project has accorded with Environment Clearance for construction of the residential cum commercial buildings by Ministry of Environment & Forests (MoEF) vide Order no. 21-290/2008-IA.III dt. 31-07-2009 for a built-up area of 1,26,530.96 sq.m.

The height of the proposed building is 87 m and the total plot area of the proposed project is 2.5142 ha. The total built-up area of about 1,26,530.96 sq.m. with supporting infrastructure facilities. The project consist of Podium 1 +2+3+23 floors (Residential block)The total cost of the project is Rs. 292 Crores

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. The committee also directed the proponent to submit the following additional documents/ clarifications.

- 1) Submit the copy of the documents to prove that the application has been preferred for extension within the stipulated time period.
- 2) The detailed separate parking plan for residential, commercial and hotel facilities.

Accordingly a site inspection was conducted on 28.12.2017 by the sub-committee of SEAC consisting of Sri.John Mathai & Sri.Ajayakumar and submitted the report. They reported that the group housing complex has been completed without any change in height or area but with a change in internal dimension of units. The construction of the Commercial complex is yet to be initiated.

The proposal was placed in the 84th meeting of SEAC held on 22nd & 23rd January 2018 and directed the proponent to submit the following additional documents/clarifications.

1. *Compliance report on the conditions laid down in the EC issued by the MOEF*
2. *Split up of parking with enhancement in the number of vehicles. The parking plan with traffic circulation to be provided.*
3. *At least 6 m distance to be left from the edge of the stream as a no development zone*
4. *RWH facility to be enhanced at least 3200KL*
5. *Six wells are planned as dependable source of water. Two of them are developed. The yield test of the two wells to be provided.*
6. *Designated assembly points, separately for housing and commercial complex, to be marked on the plan clearly indicating the area set apart. It should have free access from the buildings.*
7. *Commercial and residential to have separate STP and indicated in the plan. The disposal of excess treated water to be highlighted. The mechanism of solid waste disposal needs clarification with allocation for material recovery facility.*

The proponent has submitted the documents sought by 84th SEAC. The proposal was placed in the 86th meeting of SEAC held on 27th February, 2018. The Committee observed that the proponent has increased the parking facility for four wheelers from 323 to 458 cars. However, the Committee deferred the item for submission of the results of yield test of two already developed wells.

The proponent has been submitted the documents sought by SEAC. The proposal was placed in the 87th meeting of SEAC held on 3rd March 2018. The Committee appraised the proposal based on Form 1, Form I A, field inspection report of the Sub Committee and all other documents submitted with the proposal. The Committee verified the additional

documents submitted by the proponent and found satisfactory. The Committee decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific conditions.

1. *Parking space for 4 wheelers should be enhanced from 323 to 458.*
2. *At least 6 m distance to be left from the edge of the stream as a no development zone*
3. *RWH facility to be enhanced at least 3200KL*
4. *Designated assembly points, separately for housing and commercial complex, to be provided. It should have free access from the buildings.*
5. *Commercial and residential to have separate STP as assured and should be of zero discharge.*
6. *Material recovery area of 250 sq. m to be provided.*

The proponent consented to set apart Rs.35 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.

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. There should be uninterrupted source of supply of water. 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.82.07 Environmental Clearance for the Proposed Up gradation of Existing District Hospital in Sy Nos. 955/1A, 955/1B2, 955/2, 955/3, 962, 963 at Kannur Block 15 & 20 Village, Kannur Taluk, Kannur District, Kerala by Dr.V.P.Rajesh, Superintendent of the District Hospital Kannur (File No. 1176(A)/ EC/SEIAA/ KL/2018)

Dr.V.P.Rajesh, Superintendent of the District Hospital Kannur, Ayikkara Government Hospital Road, Burnacherry Post, Kannur – 670 017, vide his application received on 23/2/2018, has sought Environmental Clearance under EIA Notification, 2006 for the proposed upgradation of existing District Hospital Project in Sy Nos. 955/1A, 955/1B2, 955/2, 955/3, 962 & 963 at Kannur Block 15 & 20 Village, Kannur Taluk, Kannur 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 existing built-up area of the hospital is 19646 sqmt, and the proposed built-up area of the hospital is 11259.5 sqmt. The total built-up area of the project is 26360.5 sqmt. The height of the building from the ground level - Super Specialty Hospital 24.5 m, Surgical Block 17.97 m, Trauma Block 19.8m, Administrative Block 14.69m, Gynaecology Block 10 - 10m, Peadiatrics Block 6 -0 9m, NICU Block – 6m, New Canteen – 6m. The total project cost is about 83 crores.

The proposal was placed in the 86th meeting of SEAC held on 27th February, 2018. The Committee observed that considering the expected vehicular traffic the parking facility proposed is very inadequate. In this regard, the proponent submitted that a proposal for enhancing the parking facility by exchanging land with the adjoining military cantonment, is under the consideration of the government. Efforts in this regard are ongoing. The Committee requested the proponent to submit the details of the proposal in writing. The Committee also observed that the existing pediatric block and NICU block can be demolished in future and the existing facilities there can be accommodated by the vertical expansion of the surgical block. This will open up space for additional parking facility. The Committee also observed that the recommendations of the KCZMA is yet to be obtained for the proposal. Hence it was decided to defer the item for the same.

The proponent has submitted the details of the proposal in writing for enhancing the parking facility as sought by SEAC. The minutes of the 92nd meeting of KCZMA, approving the proposal is also submitted.

The proposal was placed in the 87th meeting of SEAC held on 3rd March 2018. The Committee appraised the proposal based on Form 1, Form I A, field inspection report of the Sub Committee and all other documents submitted with the proposal. The committee in its earlier meeting had pointed out the inadequacy of the parking facility provided in the proposal. In reply to the above observation the Superintendent of District Hospital, Kannur has submitted, the details of a proposal for exchange of land between the District Hospital, Kannur and Kannur Contonment Board. The District Collector has also submitted a note on 09.03.2018, confirming the above details. The land thus received is proposed to be utilized for providing additional parking facility. After examining all the records, the committee decided to **recommend EC** subject to general conditions over and above the following specific conditions.

1. *The Proponent shall take urgent steps to effect the barter of land between District Hospital, Kannur and Kannur Contonment Board and build suitable parking facility for providing additional parking area for the hospital.*
2. *The conditions stipulated in the Letter No.7801/A2/2017/KCZMA dt.08.03.2018 of KCZMA shall be strictly followed.*

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. Assurance on the supply of dependable source of water should be obtained from Kerala Water Authority. A notarised affidavit agreeing all the above specific and general conditions should be submitted before the issuance of EC.

Item No: 82.08 Environmental clearance for the proposed expansion of Jubilee Mission Medical College & Research Institute in Sy. Nos. 666/1, 666/2, 681, 669/1, 669/2, 669/3, 2245/2, 2245/3, 669/4, 669/4, 671/6, 671/1, 2247/1, 2247/6, 2245/4, at Chembukkavu Village and Trissur Taluk, Thrissur District, Kerala by Sri. Francis (File No. 779/SEIAA/EC1/ 997/2015)

Sri. Francis, Director, Jubilee Mission Medical College & Research Institute, Bishop Alappat Road, Jubilee Mission P.O, Thrissur – 680005, vide his application received on 23/03/2015 (date of application) and has sought environmental clearance under the EIA Notification, 2006 for the Residential cum Commercial project in Sy. Nos. 666/1, 666/2, 681, 669/1, 669/2, 669/3, 2245/2, 2245/3, 669/4, 669/4, 671/6, 671/1, 2247/1, 2247/6, 2245/4 at Chembukkavu Village and Trissur Taluk, Trissur District, Kerala. It is interalia, noted that the

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project comes under the Category B, 8(a) of Schedule of EIA Notification of MoEF dated 19/09/2006. No forest land is involved in the present project.

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

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

“This is a fully functional institute with many blocks dedicated to different activities of a Medical college. The expansion sought for is for one particular block ie Block 4 where area is to be increased from ~14000 sq.m to ~21000 sq.m. The work is in progress. The construction/expansion without EC can be viewed as violation though not in the strict sense. It is clarified that the permit for the construction was obtained earlier

Overall evaluation shows that the Institute has,

- 1. A number of buildings are seen in the campus giving a congested appearance. This is being overcome by demolition/conversion of existing structures into high rise buildings. The present expansion is part of such a strategy.*
- 2. Own source of water with few open wells, bore well and ponds as source. The overall requirement is totally met from own sources. Additional sources are available for further development. Water treatment plant is in place for the last 10 years.*
- 3. Sewage treatment plant is functional in the campus with a capacity to recycle 8 lakh lpd.*
- 4. The biomedical waste is being treated in-sit . The incinerator facility with two units has a capacity of 250 kg/hour. The height of the chimney is 57 m to prevent mixing of air at lower level. Shredding and autoclaving units are also functional.*

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5. *Organic waste is used for generation of biogas. However, feeding of the waste to the biogas plant needs to be mechanised.*
6. *Separate entries are there and space has been provided for internal traffic and parking.*
7. *Considering these factors the EC to the institute may be recommended.”*

However the proponent has not submitted more realistic CSR, on receipt of the Inspectional report, the proposal was considered by SEAC in its 52nd meeting held on 8/9-02-2016. The Subcommittee observed that the construction work is almost over, and to that extent it is a case of violation. The Committee recommended to SEIAA for action against violation and issuance of EC on completion of above proceedings stipulating over and above the general conditions a specific condition to mechanize the feeding to the biogas plant. The proponent should also submit more realistic CSR to SEIAA.

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

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

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

Violation is initiated only in respect of hospital building which requires E.C. There is the O.M. No. S.O. 3252 (E) dated 22.12.2014 of the MoEF specifically requiring prior E.C

for the hospital building attached to Medical College projects. The project for which E.C is being considered by SEIAA is not exceptional for the purview of EIA notification. SEAC has not only not recommended the hospital project for E.C but has recommended to initiate violation proceedings based on which is the show cause notice issued.

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

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

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

1. The total built-up area mentioned in the application is 1,17,901.25 sq.m
2. Their Hospital Complex includes medical college, nursing college, nursing school, hostels, accommodation for doctors & staff etc and the total built-up area of the campus is the total of all these facilities. Also, it is proposes to expand the existing facilities.
3. The existing hospital is in operation since 1951. Therefore, some of the buildings in the camps are constructed and occupied prior to the coming in to effect of EIA Notification , 2006.

4. As per the Gazette Notification dated 22/3/2014 by MoEF, education institution, hostels etc are exempted from the purview of EIA Notification,2006.
5. The total built-up area mentioned in the application includes the built-up area of building constructed prior to 14/09/2006 and is also includes the built –up area of buildings which are exempted from the purview of EIA Notification.

In view of the above submissions⁴, they have requested that they may be given an opportunity for submission of a revised application which will clarify the status of built-up area of all buildings (existing & proposed) within their campus.

In the light of their submission, the Authority may decide to direct the proponent to submit a revised Form1, Form1A, Conceptual Plan and other documents regarding the actual status of construction for reappraisal of the project.

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

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

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

The proposal was placed in the 77th meeting of SEIAA held on 28th November 2017. In the light of the representation stating that the hospital component of the building is below 20,000 m² (ie. only 14,377 m²) Authority decided to return the proposal to SEAC for reconsideration whether violation proceedings recommended by the Committee should be dropped.

The proposal was considered in the 83rd SEAC held on 20th & 21st December 2017. The Committee perused all the records submitted with the proposal along with the 2006 EIA Notification and various other OMs issued by MOEF & CC in this regard. The Committee observed that as per Para 2 (ii) of the EIA Notification 2006, which explicitly says that expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization; will require prior EC.

In the light of the above facts, the existing built up area has to be reckoned while deciding applicability of the above Notification for each project. In this case, even after reducing the built up area for Medical College & Hostels, it crosses the threshold limit of 20,000 m². Hence, the violation already reported by the Committee still stands. The Committee also observed that the violation proceedings against the project proponent has followed all necessary channels, namely stoppage of work, intimation to the District Collector and submission of a resolution by the governing body. Hence violation proceedings against the proponent can be deemed to have been initiated and Environmental Clearance already.

The proposal was placed in the 79th meeting held on 09.01.2018. Authority decided to get a legal opinion from Government as to whether the violators can only be delisted as per the provisions of Environment Protection Act 1986 or whether EC can be given as violation proceedings against the proponent have already been initiated as recommended by SEAC. It was also decided that legal opinion may be made applicable to other violation cases also based on the merit of each case.

In order to take immediate decision on several violation cases, a decision was taken to seek legal opinion from Government vide letter no.779/EC1/997/SEIAA/2015 dated 15.02.2018. Legal opinion has been received from Government on 13.03.2018 in SEIAA in favour of Jubilee Mission Medical College & Research Institute.

Meanwhile S.O No.1030 (E) dt.08th March 2018 has been issued by MoEF for dealing with violation cases. The said Notification has delegated the powers to SEIAA for dealing with violation cases. SEAC has recommended the proposal for issuance of EC, considering the case only as a technical violation.

Hence Authority accepted the recommendation of SEAC in the light of the above Notification and legal opinion and decided to issue EC subject to general conditions in addition to the specific condition as suggested by SEAC. The proponent should provide free medical treatment to BPL patients suffering from serious ailments referred to them by the local body to an amount equivalent to 2% of the total project cost. 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.82.09 Environmental clearance for proposed expansion of existing hospital project in Sy. No. 1486/1-4-3-2, 1486/1-4-3, 1486/1-1, 1486/1-4-2, 1486/3-2, 1486, 1486, 1486/3-1, 1486, 1486/1-4-3-2, 1486/1-4-3-1, 1486/1-4-1, 1486/4-18, 1486/2, 1479/3-5, 1479/3-6, 1479/3-4, 1479/3-3, 1482/1-1, 1482/1-5, 1482/4-30, 1482/4-29, 1482/4-23, 1482/4-27, 1482/1-4-1, 1482/1-4-2, 1482/1-2, 1486/2, 1486/1-4-3-1, 1482/1-1, 1486/2-1, 1482/1-1-2, 1482/4-22, 1482/4-22-7, 1482/4-12, 1482/4-25, 1482/1-8, 1482/1-6, 1482/1-3, 1482/1-4, 1482/1-7, 1482/1-2, 1482/4-24-2, 1482/3-2-1-1-2-1, 1482/3-2-1-2, 1482/3-2-1, 1482/4-22, 1482/3-2-1-1-1, 1482/3-2-1-2, 1482/3-2-1-2-1, 1482/4-18-1, 1482/4-18-1, 1482/3, 1482/3-2-1, 1482/3-1-1, 1482/3-1, 1486/1-4-4, 1486/1-5-1-1, 1482/4-26, 1482/4-27, 1482/4-27, 1482/4-27-1, 1482/4-27, 1482/4-27-1, 1482/1, 1482/1-1-1, 1482/3-3-1, 1482/3-3-2, 1482/3-3, 1485/1, 1485/2, 1485/3, 1485/4, 1485/5, 1485/7, 1485/8, 1485/9, 1485/10 Kadakampally Village, Trivandrum Municipal Corporation, Trivandrum Taluk & District, Kerala State by Mr. E.M. Najeeb, Executive Director, M/s KIMS Healthcare Management Ltd. (File No. 1085/EC1/SEIAA/2016)

Sri.E.M. Najeeb, Executive Director, M/s KIMS Healthcare Management Ltd.P.B. No. # 1, Anayara P.O., Trivandrum, Kerala-695029, vide his application received online on 2nd May 2016 and acceptance letter for online application was given by SEIAA on 4th November 2016, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy. No. 1486/1-4-3-2, 1486/1-4-3, 1486/1-1, 1486/1-4-2, 1486/3-2, 1486, 1486, 1486/3-1, 1486, 1486/1-4-3-2, 1486/1-4-3-1, 1486/1-4-1, 1486/4-18, 1486/2, 1479/3-5, 1479/3-6, 1479/3-4, 1479/3-3, 1482/1-1, 1482/1-5, 1482/4-30, 1482/4-29, 1482/4-23, 1482/4-27, 1482/1-4-1, 1482/1-4-2, 1482/1-2, 1486/2, 1486/1-4-3-1, 1482/1-1, 1486/2-1, 1482/1-1-2, 1482/4-22, 1482/4-22-7, 1482/4-12, 1482/4-25, 1482/1-8, 1482/1-6, 1482/1-3, 1482/1-4, 1482/1-7, 1482/1-2, 1482/4-24-2, 1482/3-2-1-1-2-1, 1482/3-2-1-2, 1482/3-2-1, 1482/4-22, 1482/3-2-1-1-1, 1482/3-2-1-2, 1482/3-2-1-2-1, 1482/4-18-1, 1482/4-18-1, 1482/3, 1482/3-2-1, 1482/3-1-1, 1482/3-1, 1486/1-4-4, 1486/1-5-1-1, 1482/4-26, 1482/4-27, 1482/4-27, 1482/4-27-1, 1482/4-27, 1482/4-27-1, 1482/1, 1482/1-1-1, 1482/3-3-1, 1482/3-3-2, 1482/3-3, 1485/1, 1485/2, 1485/3, 1485/4, 1485/5, 1485/7, 1485/8, 1485/9, 1485/10 Kadakampally Village, Trivandrum Municipal Corporation, Trivandrum Taluk & District, Kerala. It is 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 proposed project site falls within Latitude 8⁰30'52.92" N to 8⁰30'46.64" to Longitude 76⁰54'40.23"E to 76⁰54'30.85" N.

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

The proposal was considered in the 68th meeting of SEAC, Kerala, held on 20th & 21st February 2017 and deferred the item for field visit to examine among other things the following aspects 1) Parking facilities 2) Water Balance 3) Waste Management 4) Alternate parking facility during construction phase.

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

The proposal was again placed in the 71st meeting of SEAC held on 20th & 21st April 2017. The Committee verified the additional documents submitted by the proponent. The Committee was not convinced with the explanations given by the proponent that there was no requirement of Environment Clearance for the existing two buildings. The Committee opined that the combined built up area of both the existing buildings exceed the threshold limit of EIA Notification 2006 and therefore violates the provisions of the notification.

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

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

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

1) The existing two buildings are in two different plots separated by a PWD road . Hence as per the building rules they are to be considered as separate structures and treated accordingly.

Hence combined area cannot be reckoned for considering for the EC. Further, the first building of 25640 sq.m was completed much before the 2006 EIA notification and received completion report on 2.8.2005. Hence there is no violation.

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

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

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

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

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

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

The proposal was placed in the 71st meeting of SEIAA held on 20th July 2017.

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Authority decided to defer the item for detailed examination to ascertain whether there is violation of EIA Notification and place in the next meeting.

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

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

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

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

The proposal was placed in the 80th meeting of SEAC held on 11th October, 2017. The Committee decided to defer the item for seeking further clarification from the proponent. The proponent has been intimated for clarification regarding the decision vide e-mail dt.23.10.2017.

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

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

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

case , where the finding of the Expert Appraisal Committee is negative , closure of the project will be recommended along with other actions under the law”

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

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

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

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

The proposal was placed in the 76th meeting of SEIAA held on 16.11.2017. Authority noticed that the building connectivity is not appraised by any Government agency and it appears to be an unauthorised construction. Any damage to the bridge may affect the person who uses it or the people who pass through the busy public under road beneath. As per the rules the setof 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

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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.

The 79th meeting of SEIAA held on 09.01.2018 decided to get a legal opinion from Government as to whether the violators can only be delisted as per the provisions of Environment Protection Act 1986 or whether EC can be given as violation proceedings against the proponent have already been initiated as recommended by SEAC. The legal opinion may be made applicable to other violation cases also based on the merit of each case.

In order to take immediate decision on several violation cases, a decision was taken to seek legal opinion from Government vide letter no.779/EC1/997/SEIAA/2015 dated 15.02.2018. Legal opinion has been received from Government on 13.03.2018 in SEIAA, which is applicable to this case also as per the decision taken by SEIAA in the 79th meeting held on 09.01.2018

Meanwhile S.O No.1030 (E) dt.08th March 2018 has been issued by MoEF for dealing with violation cases. The said Notification has delegated the powers to SEIAA for dealing with violation cases. SEAC has recommended the proposal for issuance of EC, considering the case only as a technical violation.

Hence Authority accepted the recommendation of SEAC in the light of the above Notification and legal opinion and decided to issue EC subject to general conditions in addition to the specific condition as suggested by SEAC. The proponent should provide free medical treatment to BPL patients suffering from serious ailments referred to them by the local body to an amount equivalent to 2% of the total project cost. 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.82.10 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., Re-survey No. 42 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. 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 2.7275ha. The total built-up area of about 26,038,59sq.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 before 82nd SEAC meeting held on 25th November 2017. The Committee appraised the proposal based on Form 1, Form I A, field inspection report of the Sub Committee and all other documents submitted with the proposal. The Committee decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific conditions.

- a) *Area of the existing building within the campus exceeds the limit fixed for exemption from EC. The proponent shall convincingly explain the reason for the above omission. Otherwise SEIAA may bring the violation to attention of the govt for suitable remedial action.*
- b) *The height of the building is 44.9m. The proponent informed during the presentation as well as during the inspection that hospital use is limited up to 30 m height and the area above that height is used only for residential use only. This should be strictly followed. Moreover, for ease of evacuation in emergency cases, the exits shall be provided exclusive and separated from the exits meant for upper floors above the floors used as hospital.*
- c) *There is a possibility of acquiring additional land for expansion of RCC in addition to some other institutions. This land shall be used for all the parking requirement of the present proposal by constructing new multi-storied parking facility. This will reduce parking and attendant safety issues in the main campus. The land thus available within the campus shall be used for soft*

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landscaping to improve the microenvironment and enhance patient and bystander facilities.

- d) The present practice of parking vehicles in available vacant spaces by the side of roads in and around RCC campus must be done away with. The main drive way proposed on the northern side of the proposed building must be widened to a minimum of 7 m prohibiting any kind of parking in this road.*
- e) The kutcha road of the southern side, though outside the RCC campus, should be made into an all-weather road establishing connectivity to the proposed parking site.*
- f) The storm water from the campus gets collected in the waterlogged site and is let out through a narrow culvert. Once the water logged part is excavated, the storm water lines have to be redesigned. This must form part of the plan.*
- g) MEP (Mechanical, Electrical and Plumbing) design should be compatible with water recycling proposal and STP.*
- h) The junction behind the plot will be intensively used on commissioning of the proposed building. But this junction does not have adequate width, slope and geometric design. This should be improved using land, if necessary, from the plot.*
- i) The waterlogged portion in the extreme south is proposed to be excavated to accommodate two floors for parking. The structure should be adequately water proofed to prevent seepage of water into the basement.*
- j) 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.*
- k) The quantity of earth to be taken out of the site must be assessed and is to be used for levelling the additional parking site recommended in item c.*
- l) RWH facility to be enhanced to 1000 KL ie. Storage of at least 7 days requirement. Efforts to be directed to collect rain water from the roof of existing buildings too.*
- m) Carrying capacity of existing sewer behind building has to be adequately enhanced.*
- n) The existing bio waste collection facility should be shifted to a suitable site*
- o) While demolishing the old buildings, Construction and Demolition Waste Management Rules 2016 shall be strictly followed.*

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.

The proposal was placed in the 81st meeting of SEIAA held on 08th March 2018. Authority decided to defer the item till the reply for the legal opinion on violation is obtained.

The 79th meeting of SEIAA held on 09.01.2018 decided to get a legal opinion from Government as to whether the violators can only be delisted as per the provisions of Environment Protection Act 1986 or whether EC can be given as violation proceedings against the proponent have already been initiated as recommended by SEAC. The legal opinion may be made applicable to other violation cases also based on the merit of each case.

In order to take immediate decision on several violation cases, a decision was taken to seek legal opinion from Government vide letter no.779/EC1/997/SEIAA/2015 dated 15.02.2018. Legal opinion has been received from Government on 13.03.2018 in SEIAA, which is in favour of this case also.

Meanwhile S.O No.1030 (E) dt.08th March 2018 has been issued by MoEF for dealing with violation cases. The said Notification has delegated the powers to SEIAA for dealing with violation cases. SEAC has recommended the proposal for issuance of EC, considering the case only as a technical violation.

Hence Authority accepted the recommendation of SEAC in the light of the above Notification and legal opinion and decided to issue EC subject to general conditions in addition to the specific condition as suggested by SEAC. A notarised affidavit agreeing all the specific and general conditions should be submitted before the issuance of EC.

Item No: 82.11 Environmental clearance for the proposed masonry stone quarry project in Re survey Nos.354/4, 354/5, 355/1pt, 351/1pt, 328/5, 350, 352/1pt, at Manakkad Village, Thodupuzha Taluk, Idukki District, Kerala by Mr. George Kochuparambil (File No. 1137/EC/SEIAA/KL/2017)

Mr. George Kochuparambil, Kochuparambil House, Vazhithala. P.O., Thodupuzha, Idukki- 685583, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Re survey Nos.354/4, 354/5, 355/1pt, , 351/1pt, 328/5, 350, 352/1pt, at Manakkad Village, Thodupuzha Taluk, Idukki District, Kerala for an area of 12.2987 Ha. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (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 12.2987 hectares, which is a private own land. The proposed project is for quarrying of 4,00,000 MTA. The total project cost is Rs. 12 Crore.

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

A mass petition from Pallavi Nagar Residents' Association against the proposed project was received on 19/10/2017.

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

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

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

The proposal was considered in the 76th SEIAA meeting held on 16th November 2017. Authority noticed that there are complaints from ‘Pallavi Nagar Residents’ Association against the quarry. Hence Authority decided to hear the complainants and the proponent in the next SEIAA meeting.

The proposal was placed in the 79th meeting of SEIAA held on 09th January 2018. The proponent and the complainant were heard during the 79th meeting of SEIAA held on 09th January 2018. Authority noticed the grievances of both the petitioner and the proponent. After discussion Authority directed the proponent to keep a minimum buffer distance of 100 m and an additional 20 m where habitation is high and also complete plantation within 6 months. A revised Mining Plan should be submitted to this effect before the issuance of EC.

The proponent has submitted a revised Mining Plan reducing the minable area from 10.3578 ha to 9.8766 ha.

Authority accepted the recommendation of SEAC and decided to issue EC subject to general conditions in addition to the specific conditions as recommended by SEAC. The proponent should set apart Rs.30 lakh per annum (recurring) for CSR activities for the welfare of the local community 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: 82.12 General Items

1. Request from Sri. P.J. Johny for change in earth depositing site [File no. 0593/A2/SEIAA/2018] : Environment Clearance had been issued to Sri. P.J. Johny for removal of Ordinary Earth from 0.46.81 ha land in Sy Nos. 457/1B7,458/1, 458/1-2 of Vellur village, Vaikom Taluk, Kottayam vide **EC No 1031/SEIAA/EC4/219/16** and was extended two times . The proponent has now submitted a representation, which has been forwarded by RDO, Kottayam requesting that the work in the site in which he was to deposit earth earlier as per EC obtained (Alappuzha Kalarkode – Kommadi Bypass Road construction) has now been completed and hence has requested that the above EC may be modified permitting him to deposit earth at the new site - Yard of Industrial Growth Centre,KSIDC, Pallipuram,

Cherthala . He has also furnished a copy of the letter addressed to the Geologist, Kottayam, from AE (Civil), Power Grid Corporation of India Limited, requesting permission to convey soil from Kottayam revenue district to NPTI campus at Pallippuram, Cherthala, Alappuzha.

Authority decided to transfer the file to District Environment Impact Assessment Authority for further action as it is a case relating to removal of ordinary earth which comes under the purview of DEIAA.

2. Height of Buildings [File No. 583/A2/SEIAA/2018] : The Director General, Fire & Rescue Services has intimated vide letter no. F2-9400/2016 dated 06.03.2018 that only 2 categories of buildings , residential and business are permitted beyond 30 metres in height, but it is seen that SEAC & SEIAA are not considering. He has therefore requested that the same may be considered for approving building plans hereafter and if such permission is already granted, they may be recalled and cancelled.

Authority noted the contents of the letter. The matter has no legal consequences to the Environmental Clearance already issued.

3. Request for transfer of Environment Clearance from Sri. A.D. John [File No. 796/SEIAA/EC4/1957/2015]: Environment Clearance has been granted to Sri. A.D. John, vide proceedings no. 796/SEIAA/EC4/1957/2015 dated 01.06.2016 for the quarry project in Sy. Nos. 496/1,496/2-1, 498/11,498/1,498/2,498/9-3,498/9-4 & 498/10 of Mallappally Village & Taluk, Pathanamthitta. Sri. A.D. John has now requested that the above Environment Clearance may be transferred to Sri. Reji P.Joseph, Pullolil House, Punnavelly P.O., Anicadu Village, Mallappally Taluk, Pathanamthitta and has furnished consent from land owner, NOC of transferor and affidavit from transferee.

Authority decided to transfer the Environment Clearance granted to Sri. A.D. John, vide proceedings no. 796/SEIAA/EC4/1957/2015 dated 01.06.2016 to Sri. Reji P.Joseph, Pullolil House, Punnavelly P.O., Anicadu Village, Mallappally Taluk, Pathanamthitta as requested by the proponent after verifying the records.

4. Website updation & maintenance of website of SEIAA : IIC web solutions, a Technopark based IT firm which provided the website in 2012 has reconstructed the web portal of SEIAA, namely seiaakerala.org. The firm is currently updating details and maintaining the site. As staff members of SEIAA are competent to handle updation of details

in the portal, M/s. IIC Web solutions may be requested to impart a one day training to SEIAA staff members for updation of the site and to revise the invoice deducting updation charges for 2018.

Authority decided to release the pending payment to M/s. IIC web solutions in consultation with the firm.

5. Approval of Expenditure Statement of SEIAA:

Authority approved the expenditure Statement of SEIAA for the period upto 28th February 2018.

Sd/-

**Dr.K.P.Joy
Chairman**

Sd/-

**Dr.J.Subhashini
Member**

Sd/-

**Shri.P.H.Kurian I.A.S
Member Secretary**