



सत्यमेव जयते

**Proceedings of the State Environment Impact Assessment Authority Kerala**

Present: Prof. (Dr.) K.P. Joy, Chairman; Dr. J. Subhashini, Member and Sri. V.S. Senthil, I.A.S., Member Secretary

Sub: Environmental clearance for the P.K Das Institute of Medical Sciences project in Sy. No. 59/3A, 59/3B, 59/4A, 59/4B, 58, 57/1A, 57/1B, 57/3, 60/1, 60/12, 59/1, 57/3, 60/10, 60/11, 60/5, 54/8, 61/5, 55/7, 57/2, 57/ 4, 6/3, 6/1 and 6/6 at Vaniyankulam Village, Vaniyankulam, Palakkad District by Adv. Dr. P. Krishnadas –Violation Proceedings-Ordered.

**STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY**

No. 554/SEIAA/KL/4089/2014

dated, Thiruvananthapuram 30.09.2016

- Ref:-
1. Application dated 19-8-2014 from Adv.Dr P.Krishna das, Chairman & Managing Trustee, Nehru College of Educational and charitable Trust, Nila Gardens, Pampady, Thiruvilwamala, Thrissur, 680597.
  2. Minutes of the 40<sup>th</sup> meeting of SEAC held on 29-5-2015
  3. Minutes of the 42<sup>nd</sup> meeting of SEAC held on 2-7-2015.
  4. Minutes of the 52<sup>nd</sup> meeting of SEAC held on 8/9-2-2016.
  5. Minutes of the 51<sup>st</sup> meeting of SEIAA held on 29-3-2016.
  6. Show cause Notice No.554/EC1/4089/2014/SEIAA dated 1-6-2016.
  7. Letter No. NCT/HOSP/MED/119/16 dated 18-7-2016
  8. Minutes of the 57<sup>th</sup> meeting of SEIAA held on 26-8-2016

**ORDER**

WHEREAS Adv. Dr. P. Krishnadas Chairman and Managing Trustee, Nehru College of Educational and Charitable Trust, Nila Gardens, Pambady, Thiruvilwamala, Trissur (Dist) vide his application received on 22/08/2014 has sought Environmental Clearance under EIA Notification, 2006 for expansion of the existing and proposed Educational Institute- P.K Das Institute of Medical Sciences in Sy. No. 59/3A, 59/3B, 59/4A, 59/4B, 58, 57/1A, 57/1B, 57/3, 60/1, 60/12, 59/1, 57/3, 60/10, 60/11, 60/5, 54/8, 61/5, 55/7, 57/2, 57/4, 6/3, 6/1 and 6/6 at Vaniyankulam Village, Vaniyankulam, Ottappalam taluk, Palakkad District, and the proposal was considered in the 40<sup>th</sup> and 42<sup>nd</sup> meetings SEAC and decided for a site inspection;

AND WHEREAS in the site inspection conducted on 19-12-2015 by a subcommittee of SEAC, it was revealed that the proponent has already started construction, and the expansion of the hospital block, Academic Block, and some of the minor blocks have been completed, and hostels, central lab, apartments, and other facilities are in the construction stage;

AND WHEREAS the proposal was again considered in the 52<sup>nd</sup> meeting of SEAC and recommended to SEIAA for action against the proponent for violation and issuance of environmental clearance on completion of the above proceedings;

AND WHEREAS the 51<sup>st</sup> meeting of SEIAA considered the recommendation and noticed that the proponent has started construction activities without obtaining prior Environmental Clearance and has thus violated the provisions of EIA Notification 2006 and that the Ministry of Environment & Forests have issued clarifications on the activities which can be undertaken without prior Environmental Clearance, vide O.M. No. J-11013/41/2006-IA.II(I) dated 19<sup>th</sup> August 2010, wherein it is stated that: '*No activity relating to any project under this Notification including civil construction, can be undertaken at site without obtaining prior environmental clearance except fencing of the site to protect it from getting encroached and construction of temporary shed(s) for the guard(s)*', and hence the violation has to be proceeded against, and therefore accepted the recommendations of SEAC for initiating violation proceedings ;

AND WHEREAS the show cause notice read as the 6<sup>th</sup> paper was issued to the proponent to reply within 15 days of the date of receipt thereof as to why violation proceedings as per the EIA notification -2006, read with O.M Nos. J-11013/41/2006-IA.II(I) dated 12<sup>th</sup> December 2012 as modified by O.M. No. J-11013/41/2006-IA.II(I) dated 27<sup>th</sup> June 2013 of the Ministry of Environment & Forests , Government of India shall not be initiated against him and not stop further construction; and to place in SEIAA to take a considered decision on the violation proceedings,;

AND WHEREAS the proponent sent the letter read as 7<sup>th</sup> paper, explaining that E.C is unnecessary for the project, it is being an educational institution which is exempted from the purview of the EIA notification

AND WHEREAS as per O.M. No. J-11013/41/2006-IA.II(I) dated 12<sup>th</sup> December 2012 as modified by O.M. No. J-11013/41/2006-IA.II(I) dated 27<sup>th</sup> June 2013 the proceedings to be adopted in cases of carrying and activities of the projects before getting environmental clearance has been prescribed , which interalia stipulate that,

*ii. The State Government concerned will need to initiate credible action on the violation by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under Section 15 of the Act for the period for which the violation has taken place and evidence provided to MoEF of the credible action taken.*

*(iv) (a) In case the project is at construction stage and the violation is on account of carrying out construction without valid EC/CRZ Clearance or in contravention of the conditions stated in the EC/CRZ Clearance, the construction activities will need to be suspended at the existing level till EC/CRZ Clearance is obtained or the required amendment to EC/CRZ Clearance is obtained.*

AND WHEREAS there is no action proposed in respect of the Medical College building but violation proceedings is initiated only in respect of the hospital building which specifically requires E.C as per notification No. S.O. 3252 (E) dated 22.12.2014 of the

MoEF&CC for the hospital building attached to Medical College projects. The project for which E.C is being considered by SEIAA is not exempted from the purview of EIA notification. The explanation furnished by the proponent being irrelevant and it is proved that the proponent has started the construction without obtaining prior Environmental Clearance and has thus violated the provisions of EIA Notification 2006.

AND WHEREAS in this case violation having been proved, the 57<sup>th</sup> meeting of SEIAA held on 26-8-2016 examined the issue in detail and found that the explanation of the proponent is unacceptable and to proceed with the violation proceedings as intimated ;

NOW THEREFORE in due compliance with the instructions for action under the Environment (Protection) Act, the violation having been established; the State Environmental Impact Assessment Authority decide and pursuantly order and direct that in terms of para 5(iv) (a) of the above O.M, credible action be taken against Adv.(Dr) P.Krishna das, Chairman& Managing Trustee, Nehru College of Educational and Charitable Trust, Nila Gardens, Pampady, Thiruvilwamala,Thrissur,680597, by invoking powers under Section 19 of the Environment (Protection) Act, 1986 for taking necessary legal action under Section 15 of the Act for the period for which the violation has taken place and evidence provided to SEIAA of the credible action taken. As the violation is on account of carrying out construction without valid EC, the construction activities of the hospital building component of the P.K Das Institute of Medical Sciences project in Sy. No. 59/3A, 59/3B, 59/4A, 59/4B, 58, 57/1A, 57/1B, 57/3, 60/1, 60/12, 59/1, 57/3, 60/10, 60/11, 60/5, 54/8, 61/5, 55/7, 57/2, 57/ 4, 6/3, 6/1 and 6/6 at Vaniyankulam Village, Vaniyankulam, Palakkad District shall be and is hereby suspended at the existing level till Environmental Clearance is obtained for the hospital component of the project.

The District Collector Palakkad will enforce the above orders.

It is clarified that consideration of the proposal for Environment Clearance in violation cases will not be a matter of right for the project proponent. In cases of serious violations, the State Environmental Impact Assessment Authority reserves the right to out rightly reject the proposal and not consider the same at all.

Sd/  
V. S. Senthil, I.A.S.  
Member Secretary, SEIAA  
&  
Addl. Chief Secretary  
Environment & Forests Department  
Government of Kerala.

To,

1. The District Collector, Palakkad.
2. Village Officer, Vaniyamkulam Village, Ottappalam, Palakkad.
3. Secretary, Vaniyamkulam Grama Panchayat, Palakkad
4. Adv.(Dr) P.Krishna das, Chairman & Managing Trustee, Nehru  
College of Educational and Charitable Trust,, Nila Gardens, Pampady,  
Thiruvilwamala, Thrissur, 680597
5. Managing Director, KITCO .Ltd, P.B.No.1820, Ravipuram, M.G.Road,  
Kochi, 682016.
6. District Town Planner, Palakkad.
7. Principal Secretary, Environment Department, Government of Kerala.
8. Principal Secretary, Government of Kerala.
9. Chairman, SEIAA
- ✓ 10. Website,
11. S/F
12. O/C

Forwarded/ By order



Administrator  
SEIAA