

Anoop vs M/S Rds Project Pvt. Ltd on 26 February, 2021

Author: K. Ramakrishnan

Bench: K. Ramakrishnan

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Item No.2

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
O.A.No.75 of 2021 (SZ)

IN THE MATTER OF:

Anoop,
26/711C, Mambatta, Kommeri,
Kozhikode, Kerala 673 007.

.. Applicant

Vs.

- 1.State of Kerala,
Through its Principal Secretary,
Thiruvananthapuram.
 2. Department of Mining and Geology,
Through its Director,
Thiruvananthapuram.
 3. Kerala State Environment Impact Assessment Authority,
Through its Chairperson,
Thiruvananthapuram.
 4. District Collector, Kannur.
 5. M/s. RDS Project Pvt Ltd.,
Thro. Its Managing Director,
9, Bhikaji Cama Place,
New Delhi 110066.
- ... Respondent(s)

Date of hearing: 26.2.2021

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

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HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For applicant	:	Mrs. Prerna Venkatesh
For Respondent(s)	:	--
		ORDER

When the matter came up for hearing today through Video Conference in the forenoon at the first stage, there was no representation. So the matter was passed over and it was taken up at 12.50 pm. When the matter came up later, Mrs. Prerna Venkatesh represented the applicant.

2. The grievance of the applicant is regarding violation of the conditions imposed by the authorities who issued Environment Clearance to the fifth respondent unit. It is also alleged in the application that they have done excess mining, causing loss to the exchequer and on account of the illegal activity of the fifth respondent, huge damage has been caused to environment and financial loss to the Government. So the applicant filed this application seeking the following relief:

"Pass an order directing SEIAA to stay the ongoing mining operation in lieu of the EC dt. 23.2.2018 (223/KNR/2017/DEIAA) granted to RDS project Ltd., or mining 55,000 TPA granite at Sy.No.24/1D in Kuttoor Village, Taliparamba Taluka, Kannur District by DEIAA. Pass an order directing SEIAA to revoke the EC dt. 23.2.2018 for non compliance of its conditions.

Pass an order directing SEIAA to set aside EC Application No.1504/EC3/2019/SEIAA on adjacent land at Survey No.74/1D in Kuttoor Village, Payyannur Taluka, Kannur District until violation proceeding under the EP Act is undertaken against the proponent.

Pass an order directing SEIAA to carry out a site inspection to assess the quantity of granite quarried by RDSPL in the area specified in the EC dt.23.2.2018 and to assess the violations and non compliance of conditions of EC dt.23.2.2018. Pass an order directing RDS project Ltd to restore the area and environment over which excess granite has been quarried at S.No.74/1D in Kuttoor Village, Taliparamba Taluka, Kannur District in lieu of EC dt. 23.2.2018 dt. 23.2.2018.

Pass an order directing RDS project Ltd to compensate the State of Kerala for the extra quantity of granite mined in excess of 55,000 tonnes at Survey No.74/1D in Kuttoor Village, Taliparamba Taluka, Kannur District.

Pass an order directing RDS project Ltd to compensate the State of Kerala or the extra quantity of granite mined in excess of 55,000 tonnes at Survey No.74/1D in Kuttoor Village, Taliparamba Taluka, Kannur District in lieu of EC dt. 23.2.2018 dt. 23.2.2018.

Pass an order imposing exemplary cost on RDS project ltd for undertaking large scale illegal mining in violation of EC dt. 23.2.2018 dt. 23.2.2018"

3. The learned counsel appearing for the applicant submitted in support of her case in the application. On going through the allegations, we are satisfied that there arises a substantial question of environment which requires interference of this Tribunal. So the matter is admitted.

4. Issue notice to the respondents by Registered Post with Acknowledgement and also by e-mail and produce proof of service of affidavit before this Tribunal. The applicant is also directed to produce necessary requisite before this Tribunal along with Postal Cover and necessary Postal Stamp so as to enable this Tribunal to send notice to the respondents to ensure their service to proceed against

them if they did not appear in their absence in accordance with law.

5. In the mean time, we feel that in order to ascertain the genuineness of the allegations made regarding the violation and the damage caused to the environment on account of excess mining etc., we feel it appropriate to constitute a Joint Committee. Comprising of (1) Senior Officer of MoEF & CC, Regional Office, Bangalore (2) Senior Officer from SEIAA, State of Kerala (3) Senior Officer from the Department of Mining and (4) the District Collector, Kannur or Senior Officer, not less than the rank of Assistant Collector or Sub-Divisional Magistrate, as designated by the District Collector to inspect the area in question and submit a factual as well as action taken report, if there is any violation found. The Committee is directed to ascertain as to whether there was any violation of Environment Clearance conditions, whether there was any excess mining, assess the environmental compensation apart from the loss of royalty and penalty to be imposed if there is any excess mining done than the permission granted and the cost required for restoration of environment and submit a report to this Tribunal on or before 7.4.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules. The Department of Mining will be the Nodal Agency for coordination and also for providing logistic for this purpose.

6. The applicant is directed to submit a set of papers to the Members of the Committee within a week so as to enable them to inspect and submit the report without delay.

7. The Registry is directed to communicate this order to the Members of the Committee and the official respondents by e-mail immediately so as to enable them to comply with the directions of this Tribunal.

For appearance of parties, filing response and for consideration of report, post on 7.4.2021.

.....J.M. (Justice K. Ramakrishnan)E.M. (Shri. Saibal Dasgupta) O.A.75 of 2021-26/2/2021-kkr