

**MINUTES OF THE 109th MEETING OF THE STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)
KERALA, HELD ON 26th & 27th April 2021 THROUGH VIDEO
CONFERENCING.**

Present:

- 1. Dr.H.NageshPrabhu IFS (Retd), Chairman, SEIAA, Kerala**
- 2. Dr.V.Venu IAS
Member Secretary, SEIAA**
- 3. Dr.Jayachandran.K, Member, SEIAA**

PARIVESH FILES

CONSIDERATION/RECONSIDERATION OF ENVIRONMENTAL CLEARANCE

Item No.109.01 **Application for Environmental Clearance for Ordinary Earth Quarry of Shri.K. H. ShajahanRawather over an extent of 2.4517 Ha. Block No. 2, Sy. Nos. 394/1, 1-2, 1-3, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15-2, 397/1, 3, 4, 14, , 15, 16, 19, 20, 398/5 & 398/9 in Kidangannur Village, Kozhenchery Taluk, Pathanamthitta District, Kerala (SIA/KL/MIN/125574/2019, 1584/EC4/2019/SEIAA)**

Shri. K. H ShajahanRawather, ValiyaKaringattilVeedu, Erumakkadu Post, Vallana, Pathanamthitta District., Kerala-689532, submitted application for Environmental Clearance via PARIVESH on 16.11.2019, for Ordinary Earth Quarry over an extent of 2.4517 Ha. Block No. 2, Sy. Nos. 394/1, 1-2, 1-3, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15-2, 397/1, 3, 4, 14, 15, 16, 19, 20, 398/5 & 398/9 in Kidangannur Village, Kozhenchery Taluk, Pathanamthitta District, Kerala.

The proposal was placed in the 112th SEAC meeting held on 12th to 14th August 2020. A field inspection was also carried out on 20th September 2020 by a team of experts of SEAC and certain observations were made by the team.

The proposal was placed in the 116th SEAC Meeting held on 3 – 5, November 2020. The Committee decided to direct the proponent to submit certain additional documents/detail.

The proposal was placed in the 116th SEAC meeting held on 2nd, 3rd and 7th December, 2020. The Committee scrutinized the ADS submitted by the proponent and decided to recommend for issuance of EC for one year from the date of issuance of necessary permit from Mining & Geology department with general conditions.

The proposal was placed in the 106th SEIAA meeting held on 19th, 20th & 21st January 2021. Authority noticed that Project Proponent had earlier obtained an EC in 2016 for mining 50000 m³ of ordinary earth from the same locality. Authority decided to ascertain from the proponent whether he has carried out mine closure activities as per the approved mining plan if not the reasons thereby. Authority also directed the proponent to submit certain additional documents/details. The proponent submitted the documents via PARIVESH on 17.04.2021.

Authority decided to issue EC for one year from the date of issue of permit from the Department of Mining & Geology for a quantity mentioned in the approved Mining Plan subject to the following specific conditions in addition to general conditions.

- 1. The excavated soil shall not be used for filling the paddy fields or wetlands.*
- 2. As per OM no F.No.22-65/2017-IA.III dated 30th September 2020, under Corporate Environmental Responsibility (CER) the project Proponent shall prepare an Environment Management Plan (EMP) as directed by SEAC during appraisal , covering the issues to address the environmental problems in the project region, indicating both physical and financial targets year wise. The EMP shall be implemented in consultation with District Collector. The indicated cost for CER shall be 2% of the project cost depending upon the nature of activities proposed. The follow up action on implementation of CER shall be included in the half yearly compliance report which will be subjected to field inspection at regular intervals.*
- 3. Considering the seriousness of COVID Pandemic in the state, the project Proponent shall carry out certain activities under Corporate Environmental responsibility (CER) leading to creation of temporary Covid care facilities and other related activities connected with managing the Covid pandemic in the state. This will be done in consultation with local self-governments and as per an action plan approved by District Collector and SEAC. The indicated cost for this purpose will be 50% of the CER cost estimated as above. The EMP may be modified to accommodate these*

activities in consultation with SEAC. The activities so implemented shall be shown in the half yearly completion report.

- 4. The proponent shall carry out quarrying as per the approved Mining Plan and the proponent should strictly follow the Kerala Minor Mineral Concession Rules 2015 and amendments thereby.*
- 5. As per the directions contained in the OM F.No.22-34/2018-IA.III dated 16th January 2020 issued by MoEF&CC, in obedience to the directions of the Honourable Supreme Court the Project Proponent shall, undertake re-grassing the mining area and any other area which may have been disturbed due to his mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. The compliance of this direction shall be included in the half yearly compliance report which will be monitored by SEAC at regular intervals.*

Item No. 109.02

Granite Building Stone Quarry of M/s MSL Granite (P) Limited.(Conversion- ToR to EC) in Re Survey Nos. 83/12,96/1,96/12,96/12- 1,96/13-1 of Nellanad Village, Nedumangad Taluk, Thiruvananthapuram District by Shri. Nizamudeen. (For disposal - Rejected in 106th SEIAA meeting) SIA/KL/MIN/169552/2020 , 1497/EC1/2019/SEIAA

Application was received on 28.10.2019 through PARIVESH from Mr.Nizamudeen.SNissamManzil, KottarakariVeiloor, Murukkumpuzha, Thiruvananthapuram-695302, for ToRin Re Survey Nos. 83/12,96/1,96/12,96/12- 1,96/13-1 of Nellanad Village, Nedumangad Taluk, Thiruvananthapuram District for an extent of 0.9275Ha (Proposal No. SIA/KL/MIN/45589/2019, File No.1497/EC1/2019/SEIAA) .In the initial stage of PARIVESH, the proponents applied for EC through ToR window, as there was a technical issue. However the proposal was considered by SEAC as EC proposal itself and further processed.Subsequently, the Committee asked the proponent to submit the application for EC and he submitted the same on 02/10/2020. (Proposal No. SIA/KL/MIN/169552/2020,File No. 1497/EC1/2019/SEIAA).

The 116th meeting of SEAC held on 2nd, 3rd and 7th December discussed the field inspection report and recommended rejection of the proposal as the area was prone to rock

falls and the side slopes were very steep in nature. There are big boulders located in different Sy. Nos. owned by different individuals which would be very difficult to manage safely.

In the 106th SEIAA meeting held on 19th, 20th & 21st January 2021, as per the above recommendation of SEAC, SEIAA rejected the former proposal (Proposal No. SIA/KL/MIN/45589/2019, File No.1497/EC1/2019/SEIAA) applied through ToR window and rejection proceedings was issued to the proponent on 19.02.2021.

Now the EC application(SIA/KL/MIN/169552/2020, File 1497/EC1/2019/SEIAA) submitted by the proponent has been considered in the 120th SEAC meeting held on 24th - 26th March, 2021 and the decision is as follows.

“The Committee discussed the Field Inspection Report. The area is prone to rock falls and the side slopes are very steep in nature. There are big boulders located in different Sy. Nos. owned by different individuals. It will be very difficult to safely manage the boulders in this area. Hence, the Committee decided to recommend the rejection of the proposal”.

Authority accepted the recommendation of SEAC to reject the proposal and decided to inform the same to Project Proponent quoting reasons for rejection.

Item No. 109.03 Environmental Clearance for the proposed MLCP building project within the existing Hotel to be developed by M/s Lulu Hospitality Limited in Sy.No.84/5, 84/10 of Thycaud Village, Thiruvananthapuram Taluk, Thiruvananthapuram District by S.R Joy, Director, M/s Lulu Hospitality Limited. SIA/KL/MIS/153098/2020, 1662/EC1/2020/SEIAA

S.R.Joy, Director, M/s Lulu Hospitality Limited. T.C No. 28/2225, C.V. Raman Pillai Road, Thycaud, Thiruvananthapuram, Kerala-695014, submitted application for Environmental Clearance via PARIVESH on 13/05/2020 for the proposed MLCP building project within the existing Hotel to be developed by M/s Lulu Hospitality Limited in Sy.No.84/5, 84/10 of Thycaud Village, Thiruvananthapuram Taluk, Thiruvananthapuram District.

The project comes under the schedule 8(a) of EIA Notification 2006. Total plot area is 0.8925 ha and the total Built-up area is 29,711.63 sqm (existing hotel 19,665.37 sqm + proposed MLCP building 10,046.26 sqm). The Expected project cost is Rs. 300 Crores (Existing + Proposed). The proposal was placed in the 114th SEAC meeting held on 6th – 8th October 2020. The Committee decided to invite the proponent for presentation.

The proposal was placed in the 116th SEAC meeting held on 2nd, 3rd and 7th December, 2020. The proponent and consultant were present. The consultant made the presentation. The Committee entrusted Shri.M.Dileep Kumar and Shri.K.KrishnaPanicker for the field inspection. The field inspection was conducted on 18th December 2020 and certain field observations were made.

The proposal was placed in the 117th SEAC meeting held on 28th, 29th and 30th December, 2020. The Committee discussed the Field Inspection Report and decided to direct the proponent to submit certain additional documents/details and proponent submitted the same

The proposal was placed in the 118th SEAC meeting held on 1st, 2nd & 3rd February, 2021. The Committee scrutinized the additional details submitted by the proponent. Total Built-up area of the hotel complex is 29,711.63 sq. m. (existing hotel 19,665.37 sqm + proposed MLCP building 10,046.26 sq m.). The Committee decided to recommend the issuance of EC subject to certain specific conditions in addition to general conditions:

The proposal was placed in the 107th SEIAA meeting held on 18th & 19th February 2021. Authority noticed that the existing Hotel built up area is 19,665.37 sqm which is below the prescribed limit of 20000 sqm for EC and hence the building construction might have been carried out without EC. The proposed MLCP building the built up area is 10,046.26 sq m which is also much below the prescribed limit of 20000 sqm and hence for the construction of which no EC is required. Generally all building plans invariably include a provision for parking also in which case the total initial built up area could have been 29,711.63 for the construction of which prior EC was mandatory. Authority decided to post the case back to SEAC to seek clarifications on the above observations and report. .

Then the proposal was placed in the 120th SEAC meeting held on 24-26, MARCH, 2021. The decision of SEAC is as follows:

“ The proposed project is for the construction of MLCP (Multi Level Car Parking) facility, within the existing Hotel Complex. The existing hotel complex has got a built up area of 19665.37 sq.m and obtaining of prior EC was not mandatory for that much

built up area (as the built-up area was < 20,000 sq. m), at the time of construction of that Hotel Building. The present owner of the Hotel Unit has a proposal for adding an MLCP system, having a floor area of 10,046.26 sq. m. thereby, the total floor area will exceed 20,000 sq. m. As the present proposal is for adding MLCP unit, having a floor area of 10,046.26 sq. m. finally it will result in exceeding the total built up area limit of 20,000 sq. m. and thus the project now comes under 8(a) Building and Construction projects of EIA notification 2006. The project proponent has, therefore, done EIA study and EMP considering the whole project and considered the cumulative pollution load, cumulative environmental impact assessment and cumulative EMP for the whole project. Therefore, it warrants a prior EC and the present application was considered on these lines, as it is intended only for adding the MLCP unit in the existing hotel and hence SEAC recommended to SEIAA for issuance of EC”

Authority observed that the Project Proponent has specified the project as expansion project in Form 1 and the built up area of existing Hotel component is 19,665.37 sqm which was built without EC long back as it was less than the prescribed limit of 20000 sq. m and started functioning way back in 2008. Now the proposal is for adding an MLCP system, having a floor area of 10,046.26 sq. m. The Project Proponent could have built this building also without EC as it is below the prescribed limit. Generally at this distant date there is no need to consider the present project as an expansion of the existing project for which EC was not given by SEIAA. The terms and conditions under which the existing building was built is not known to SEIAA.

However an EIA report and EMP were prepared combining both the projects and EC is sought for a total area of 29,711.63 sq. m. as it exceeds prescribed limit of 20000 sq. SEAC has recommended for issue of EC for the total area of 29,711.63 sq. m.

Under the circumstances narrated above SEIAA decided to Issue EC only for MLCP building, having a floor area of 10,046.26 sq. m. for 5 years subject to the following specific conditions and general conditions.

- 1. The activities proposed in the EMP shall be implemented as per the schedule. The follow up action on implementation of EMP activities shall be included in the half yearly compliance report which will be subjected to field inspection at regular intervals.*

2. *The Killiyar rejuvenation as part of CER submitted should be implemented within 3years in consultation with Thiruvananthapuram Municipal Corporation.*
3. *Planting trees in the available land/ boundary/ green belt area, with local species of trees.*
4. *Ensure preventing idle emissions from the ramp portion of the MLCP, for avoiding air pollution due to upward vehicle driving through the Ramp.*
5. *Considering the seriousness of COVID Pandemic in the state, the project Proponent shall carry out certain activities under Corporate Environmental responsibility (CER) leading to creation of temporary Covid care facilities and other related activities connected with managing the Covid pandemic in the state. This will be done in consultation with local self-governments and as per an action plan approved by District Collector and SEAC. The indicated cost for this component will be one percent of total project cost for which the present EC is given.*
6. *Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project (Circular No.J-11013/41/2006-IA.II(I) of GoI, MoEF dt.22.09.2008).*

CONSIDERATION/RECONSIDERATION OF ENVIRONMENTAL CLEARANCE

(Extension/Amendment/Corrigendum)

<u>Item No. 109.01</u>	Application for Consent Variation Order of Commercial complex by M/s Narmada Builders and Traders Pvt Ltd at Sy. No. 127/5, 128/3-1, Edapally South Village, Kanayannoor, Ernakulam (Proposal No: SIA/KL/MIS/163041/2020 File No: 16/SEIAA/KL/629/2012)
-------------------------------	--

Environmental Clearance was issued to Shri. K.P. Kunhabdullah, Director, M/s Narmada Builders & Traders Pvt. Ltd for the construction of Commercial complex at Edapally South Village, Corporation of Kochi, Kanayannor Taluk, Ernakulam in Survey Nos. 127/5 &

128/3-1 for a total built area of 23996 Sq.mas per order dated 27-10-2012 File No. 16/SEIAA/KL/629/2012.

The application for the Consent Variation Order of Commercial complex Project of M/s Narmada Builders& Traders Pvt. Ltd was submitted online on 25-08-2020. The project site is located in Ernakulam town. The Built-up area of the project is 24667.10Sq.m. [0.7119Ha (71.19Ares)] and it comes under serial No.8(a) of Schedule, EIA Notification 2006. Addition of one more floor of area 671.1sqm to the B+G+4 floor commercial building of area 23996 Sq.m. has been carried out and the total built area becomes 24667.10Sq.m. They have extended one more floor with the approval from the Cochin Corporation. Hence they require consent variation order for the additional area constructed.

The file was placed in the 117th SEAC meeting held on 28th, 29th and 30th December, 2020 and 118th SEAC meeting held on 1st, 2nd & 3rd February, 2021 for appraisal. The Committee decided to invite the proponent for presentation.

The file was placed in the 120th SEAC meeting held on 24-26, March, 2021. The proponent and consultant were present. The consultant made the presentation. The application was filed after the window period stipulated by the MoEF&CC for consideration of violation cases. Hence, appropriate action may be taken at the end of the project proponent.

Now the proponent submitted a request through email on 20-04-2021 for Re-consideration.

Authority decided inform the Project Proponent that that the Consent variation Order cannot be considered without initiating violation proceedings as per S.O.1030 (E) dated 8.3.2018 of MoEF&CC, as the additional construction done without EC violating EIA Notification 2006.

Item No.109.02 Application for Extension of EC for the Granite Building Stone Quarry project in Sy. Nos. 182/1, 184/1, 185/2 and 186/5 at Nediirippu Village & Panchayat, Kondotty Taluk, Malappuram District, Kerala by Shri.K.M. Koyamu, Managing Partner, M/s.Chirayil Granite Industries (SIA/KL/MIN/169216/2020, 814/SEIAA/EC1/2485/2015)

Environmental Clearance was issued by SEIAA to the quarry project in Sy. Nos. 182/1, 184/1, 185/2 and 186/5 at Nediirippu Village & Panchayat, Kondotty Taluk,

Malappuram District, Kerala by Shri.K.M. Koyamu, Managing Partner, M/s.Chirayil Granite Industries on 01.06.2016 for a period of five years. The validity of EC will be expiring on 31.05.2021. The Proponent submitted Online application in PARIVESH for extension of EC vide Proposal No.SIA/KL/MIN/169216/2020.

The Proposal was placed in the 118th meeting of SEAC held on 01st to 03rd February 2021. The Committee directed the proponent to submit the following documents

The proposal was again placed in the 120th meeting of SEAC held on 24th to 26th March 2021. The Committee decided that, since the proposal has been taken up as EC revalidation case, the proponent has to be directed to withdraw the file.

The Proponent filed a WP(C) No.2793 of 2021 before the Hon'ble High Court, seeking identical relief issued by the Court in Judgment dated 02.11.2020 in WP(C) No. 17533/2020 and connected cases, where by the Court directed SEIAA to consider the applications for enhancement of validity of the EC certificate, by estimating the project life of the particular project, and complete the exercise within an outer limit of four months from the date of receipt of the application. The physical file for revalidation is being processed by SEAC.

Authority agreed t for the withdrawal online application and decided to inform SEAC to expedite the report to adhere to the time limit fixed by Hon'ble High Court. JS Administration to follow up the case.

CONSIDERATION OF TOR PROPOSALS

Item No.109.01 **Application for ToR (Terms of References) for the Granite Building Stone Quarry of Shri. N. Ramachandran in Re-Survey No: 269/1-1, 269/1-2, 269/1-3, 269/1-4, 269/8, 269/2-1 of Anavoor Village, Neyyattinkara Taluk, Thiruvananthapuram District, Kerala (SIA/KL/MIN/60123/2021 , 1872/EC1/2021/SEIAA)**

Authority approved the ToR proposal.

Dr.H.NageshPrabhu IFS (Retd)
Chairman, SEIAA

Dr.V.Venu IAS
Member Secretary, SEIAA

Dr.Jayachandran.K
Member, SEIAA