



KERALA REAL ESTATE REGULATORY AUTHORITY
Trinity Centre, Opposite Chaithanya Eye Hospital,
Kesavadasapuram, Thiruvananthapuram. Pin- 695 004

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Phone: 94976 80600

Present: Sri. P H Kurian
Chairman

Smt. Preetha P. Menon.
Member I

Dr. B Sandhya
Member II

Order No. K-RERA/T1/1026/2020

Dated 2nd April, 2024.

Promoter: M/s. Calicut Landmark Builders and Developers
(India) Private Limited,
Landmark World,
NH-17 Bypass
Kozhikode, Kerala- 673014

ORDER
(Under Section 37)

1. The Kerala Real Estate Regulatory Authority issued project registration to the real estate project '**LANDMARK MILLENNIA CENTRE, LANDMARK LEON CENTRE and LANDMARK BUSINESS CENTRE**' located at Pantheerankavu (Olavanna Grama Panchayat) in Kozhikode District, promoted by '**M/s. Calicut Landmark Builders and Developers (India) Private Limited**' vide Registration Certificate No. **K-RERA/PRJ/273/2020** dated 21.11.2020 under Section 5 of the Real Estate (Regulation & Development) Act, 2016.
2. Later the Authority noticed that the National Green Tribunal, South Zone, Chennai had set aside the Environment Clearance (EC) granted to the project by the State Environmental Impact Assessment Authority (SEIAA) Kerala in Appeal Nos.05 of 2022 (sz) & I.A.Nos.194 to 196 of 2022 (sz) dated 11.09.2023.

3. Accordingly, the Authority vide order No. K-RERA/T1/1026/2020 dated 12.09.2023 directed the promoter of the project 'Landmark Millennia Centre, Landmark Leon Centre and Landmark Business Centre' not to book, sell, offer for sale, or invite persons to purchase in any manner any of the units in the real estate project. It was also directed that the existing allottees shall be informed immediately of the cancellation of the Environmental Clearance and to halt the execution of all sale agreements in respect of the project.
4. Now, the Honourable High Court of Kerala, vide its Judgment dated 8th February 2024 in WP(C) No: 30399/2023 dated, has set aside the decision of the National Green Tribunal South Zone, Chennai in Appeal No. 05 of 2022 (sz) & I.A. No. 194 to 196 of 2022 (sz) dated 11th September, 2023. As per the above decision the Environmental Clearance issued to the project by the SEIAA-Kerala, has revived.
5. In the above circumstances, the Authority hereby cancels the directions issued vide Order No. K-RERA/T1/1026/2020 dated 12.09.2023. The Authority directs the IT Section of the Authority to upload this order in the webpage of the project in the web portal of the Authority. IT Section shall also upload the above said Order of Honourable High court of Kerala in the web webpage of the project. The PRO of the Authority shall also issue a press release about the Order.

Sd/-
P H Kurian
Chairman

Sd/-
Preetha P. Menon.
Member I

Sd/-
Dr. B Sandhya
Member II

True Copy/Forwarded by/Order

Secretary (Technical & Administration)
Kerala Real Estate Regulatory Authority





2024:KER:18436

CR

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 8TH DAY OF FEBRUARY 2024 / 19TH MAGHA, 1945

WP(C) NO. 30399 OF 2023

PETITIONER:

M/S.CALICUT LANDMARK BUILDERS AND DEVELOPERS OF INDIA
[P] LTD, REPRESENTED BY ITS DIRECTOR
ANVAR SADATH C., AGED 41 YEARS,
LANDMARK WORLD, N H 17 BYPASS, OLAVANNA,
KOZHIKODE, KERALA, PIN - 673014
BY ADV BIJU ABRAHAM

RESPONDENTS:

- 1 SHAJI A.K
AGED 51 YEARS
S/O. KURYAKOSE, ARAKKAL HOUSE, PERINKARI PO,
KANNUR DISTRICT, PIN - 670706
- 2 MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
INDIRA PARYAVARAN BHAWAN, JOR BAGH, ALI GANJ, NEW
DELHI. REPRESENTED BY ITS SECRETARY, PIN - 110003
- 3 STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY,
KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOUR,
THIRUVANANTHAPURAM, KERALA, REPRESENTED BY ITS MEMBER
SECRETARY, PIN - 695001
- 4 STATE LEVEL EXPERT APPRAISAL COMMITTEE
KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOUR,
THIRUVANANTHAPURAM, KERALA REPRESENTED BY ITS MEMBER
SECRETARY, PIN - 695001
- 5 THE ADMINISTRATOR,
STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY
KSRTC BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOUR,
THIRUVANANTHAPURAM, KERALA, PIN - 695001
BY ADVS.
V.HARISH
RAJAN VISHNURAJ(K/653/2010)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08.02.2024, ALONG WITH WP(C).32797/2023, 35871/2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 8TH DAY OF FEBRUARY 2024 / 19TH MAGHA, 1945WP(C) NO. 32797 OF 2023PETITIONER/S:

- 1 THE STATE LEVEL ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY - KERALA, REPRESENTED BY ITS MEMBER SECRETARY, 4TH FLOOR, KSRTC BUS TERMINAL COMPLEX, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
- 2 THE STATE LEVEL EXPERT APPRAISAL COMMITTEE - KERALA REPRESENTED BY ITS MEMBER SECRETARY, 4TH FLOOR, KSRTC BUS TERMINAL COMPLEX, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
- 3 THE ADMINISTRATOR,
STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY - KERALA, 4TH FLOOR, KSRTC BUS TERMINAL COMPLEX, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
BY ADV M.P.SREEKRISHNAN

RESPONDENTS:

- 1 SHAJI A.K
AGED 50 YEARS
S/O. KURYAKOSE, ARAKKAL HOUSE, PERINKARI P.O.,
KANNUR DISTRICT, PIN - 670706
- 2 MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
REPRESENTED BY ITS SECRETARY, INDIARA PARYAVARAN
BHAWAN, JOR BAGH, ALI GANJ, NEW DELHI, PIN - 110003
- 3 M/S. CALICUT LAND MARK BUILDERS AND DEVELOPERS OF
INDIA (P) LTD., REPRESENTED BY ITS DIRECTOR,
ANWAR SADATH C, AGED 41 YEARS, LAND MARK WORLD,
NH - 17 BYE PASS, OALAVANNA, KOZHIKODE, KERALA,
PIN - 673014
- 4 THE STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT
SECRETARIATE, THIRUVANANTHAPURAM, PIN - 695001
BY ADVS.
V.HARISH
BIJU ABRAHAM
B.G.BHASKAR(B-248)



2024:KER:18436

WP(C)NO.30399/2023 & Con. Cases

3

RAJAN VISHNURAJ(K/653/2010)
JUHI JAYAPALAN(K/572/2017)
ASWATHY CHANDRAN(K/000782/2019)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08.02.2024, ALONG WITH WP(C).30399/2023 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C)NO.30399/2023 & Con. Cases

4

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 8TH DAY OF FEBRUARY 2024 / 19TH MAGHA, 1945WP(C) NO. 35871 OF 2023PETITIONER:

- 1 DR.VINEETH K.ADIYODI
AGED 37 YEARS
S/O.V.KAMALAKSHAN ADIYODI, ADIYODI HOUSE,
KOKKINISSERY, PAYYANUR P.O., KANNUR, KERALA,
PIN - 670307
- 2 MR.ANJALOSE A.P.
AGED 46 YEARS
S/O.PETER, ALUMPARAMBIL, CHERIYAKADAVU, KANNAMALI,
KOCHI, PIN - 682008
- 3 MR.NAJEEB V.A.
AGED 61 YEARS
S/O.V.K.ABU, VAVM VILLA, PAYYOLI, KOZHIKODE,
PIN - 673522
- 4 MR.MUHAMMED THAHIR K.
AGED 35 YEARS
S/O.MUHAMMED, KUNNUMMAL, KODUVALLI, AVILORA,
KOZHIKODE, PIN - 673572
- 5 SREEJITH S
AGED 40 YEARS
S/O. SREEDHARANNAIR V., VALASSERY, KARA LINK ROAD,
KARAPARAMBA POST, KOZHIKODE, PIN - 673010
BY ADVS.
PHILIP J.VETTICKATTU
NEENU BERNATH
SAJU S. DOMINIC
RENJITH THAMPAN (SR.)(K/276/1990)

RESPONDENTS:

- 1 STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
(SEIAA)KERALA
4TH FLOOR, KSRTC BUS TERMINAL COMPLEX, THAMPANOR
THIRUVANANTHAPURAM , REPRESENTED BY ITS MEMBER
SECRETARY, PIN - 695001



- 2 STATE LEVEL EXPERT APPRAISAL COMMITTEE (SEAC), KERALA
4TH FLOOR, FKSRTC BUS TERMINAL COMPLEX, THAMPANOR
THIRUVANANTHAPURAM REPRESENTED BY ITS
MEMBERSECRETARY, PIN - 695001
- 3 THE ADMINISTRATOR
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
(SEIAA), KERALA, 4 TH FLOOR, KSRTC BUS TERMINAL
COMPLEX, THAMPANOR, THIRUVANANTHAPURAM, PIN - 695001
- 4 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE (MOEF AND CC),
INDIRA PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI,
PIN - 110003
- 5 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 6 SHAJI A.K.
S/O.KURYAKOSE, ARAKKAL HOUSE, PERINKARY P.O.,
KANNUR, PIN - 670706
- 7 M/S.CALICUT LAND MARK BUILDERS AND
DEVELOPERS(INDIA)PVT. LTD.
REPRESENTED BY ITS MANAGING DIRECTOR, ANWAR SADATH
C., LAND MARK WORLD, NH - 17 BYE PASS, OLAVANNA,
KOZHIKODE, KERALA, PIN - 673014
BY ADVS.
VISHNU JAYAPALAN
ADVOCATE GENERAL OFFICE KERALA
V.HARISH
BIJU ABRAHAM
SHRI.S.KANNAN, SENIOR G.P.(GP-49)
RAJAN VISHNURAJ(K/653/2010)
B.G.BHASKAR(B-248)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08.02.2024, ALONG WITH WP(C).30399/2023 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The universally accepted and endorsed principles and doctrines of environmental protection are not a mere claptrap, or a matter of mere verbal expression; but are, in fact, an inviolable component of social engineering, with an imperative requirement for it to be enforced and implemented to its fullest warrant, in intent and spirit.

2. The Environment (Protection) Act, 1986 (for short 'the EP Act') begins stating its unexpendable tenet, that it is intended to provide for the protection and improvement of the environment; and that it is imbued by the decisions taken at the United Nations Conference on Human Environment, held at Stockholm in June, 1972, to which India is a signatory.

3. The world is rapidly changing, with the behaviour and designs of nature increasingly becoming difficult for humans to comprehend or to plan. Laws have generally been anthropocentric; but it is now increasingly recognised that it has to pave for "Earth Jurisprudence" or "Greater Jurisprudence". The essential balance between the various components, which includes humans as merely one of it, is something that is now absolutely essential and unavoidable — lest it befall even the deracination of our race. Any developmental activity has to be



accepted as being subservient to the larger interest of the survival of the planet; with the thought that this generation holds the treasures of nature for the next one.

4. This Court has thought it essential to start this judgment with the afore exordium because, among the facts presented in these cases, is virtually conceded that, while the statutory Regulators have acted, many of the essential attributes of the imperative Regulatory scheme have been either violated or not complied with — either inadvertently or otherwise.

5. First, a backdrop of the essential facts.

6. The controversy in these cases revolves around a large construction made by Calicut Landmark Builders and Developers of India Private Limited (for short, "Project Proponent"). It discerns from the pleadings and materials on record that the "Project Proponent" obtained a statutory Environmental Clearance (EC), dated 12.03.2020, from the State Environment Impact Assessment Authority (SEIAA) and was continuing with the construction, when Sri.Shaji A.K., who is stated to be a committed environmental conservationist, filed Appeal No.3/2019 before the National Green Tribunal (Southern Zone) (for short, 'NGT') on 28.12.2021. He singularly alleged that the "EC" was illegal, producing it as Annexure A1; with an adscititious plea for

a declaration that the "Project Proponent" did not obtain any right to obtain *ex post facto* Environmental Clearance in violation of the Environmental Impact Assessment Notification, 2006 (for short 'EIA Notification').

7. It was also pleaded and argued by him that the Administrator of the 'SEIAA' had no authority to issue the 'Environmental Clearance' pointing out that it was so done; thus finally requesting that the "Project Proponent" be declared to be bound by the "Polluter Pays Principle" and resultantly ordered to pay Environmental Compensation for damage and pollution, to be assessed by the said Tribunal.

8. Pertinently, even though Sri.Shaji filed his appeal before the 'NGT' on 28.12.2021, no interim orders were issued; and his learned counsel - Sri.Harish Vasudevan, concedes that the records do not indicate whether the matter was moved for such purpose.

9. That being so, on 11.09.2023, the 'NGT' issued its final order, allowing the appeal of Sri.Shaji A.K.; thus setting aside the 'Environmental Clearance', and then went on to issue a slew of directions. Since the pivot of case is on the merits of such directions, I deem it necessary to extract the same *ut infra*, for a full reading:

53. In view of the detailed discussions made above, we

I. Set aside the Environmental Clearance dated



12.03.2020 granted by the SEIAA - Kerala

II. The SEIAA - Kerala is directed to stop the project with immediate effect and we direct the project proponent to make an application within 2 (Two) months which shall be examined by the SEIAA or MoEF&CC, as the case may be, on merits and as per rules in force.

III. When the application is considered, it can be considered only after assessing the damage that might have been caused to the environment due to the construction and also assessing the mitigation / remediation measures that will have to be undertaken prior to consideration of the application. The amount required for remediation and mitigation measures shall be recovered from the Project proponent. In view of Para (52), the environmental compensation to be imposed on the Project Proponent will be considered by the Kerala SPCB appropriately within a period of 3 (Three) months which will be subject to the approval of this Tribunal.

IV. The environmental compensation shall be paid to the Kerala SPCB for being deposited in an interest bearing account in a Nationalized Bank and the interest shall be utilized for restoration of wetlands and removal of water hyacinths from the major waterways and water bodies of Kerala State and for utilization of the removed water hyacinth for energy generation/ composting or producing a value added product.

V. A Committee comprising of the **(i)** Additional Chief Secretary - Department of Environment - Directorate of Environment and Climate Change (DoECC), **(ii)** Additional Chief Secretary - Irrigation Department, **(iii)** Principal Chief Conservator of Forests (Head of Forest Force)/Chief Conservator (Wetlands), and **(iv)** Chairman - Kerala State Pollution Control Board headed by the Chief Secretary - State of Kerala shall consider the projects received for sanction of funds from the interest income.

VI. In view of the gross violations made out, we recommend the Secretary - MoEF&CC to initiate action after due enquiry against all the members of SEIAA who were party to the decision.

VII. In case the same members are continuing as members of SEIAA, pending enquiry all the proposals for prior Environmental Clearance may be referred to a new set of members.

VIII. The Additional Chief Secretary Department of Environment, Directorate of Environment and Climate

Change (DOECC), State of Kerala shall report compliance in 6 (Six) months to this Tribunal.

10. The afore order of the 'NGT' triggered the above litigations before this Court.

11. Among the three writ petitions, which are being considered together and disposed of in this judgment - on account of the analogous nature of the circumstances pleaded and the opposing nature of the reliefs prayed for - W.P.(C).No.30399/2023 has been filed by the "Project Proponent", challenging the order of the 'NGT'; while W.P.(C).No.35871/2023 has been filed by certain persons who claim to have purchased apartments in the complex constructed by the "Project Proponent" and who are awaiting occupancy certificates from the Local Self Government Institutions. Interestingly, W.P.(C).No.32797/2023 has been filed by the 'SEIAA', being aggrieved by direction Nos.VI - VIII of the order of the 'NGT' afore extracted, but virtually conceding that they had made certain mistakes in issuing the 'Environmental Clearance'; however, arguing that they were not material enough for the 'NGT' to have enjoined them from continuing in such capacity.

12. Sri.Harish Vasudevan - learned counsel for the petitioner before the 'NGT', namely Sri.Shaji A.K., argued that, even going by the



documents produced by the petitioners in these cases, particularly, the minutes of the various meetings of the 'SEIAA', the 'Environmental Clearance' issued by it becomes indefensible. He showed me that the application of the "Project Proponent" was considered by the 'SEAC' for the first time in their 89th meeting, dated 04.12.2018, as item No.89.06, when a decision was taken to defer it; followed by its consideration on the 95th meeting, held on 27.03.2019, as item No.95.17, when a field inspection of the site of the proposed construction was ordered. He then showed me from the materials produced by the petitioners themselves that, in the 97th meeting of the 'SEAC' held on 21.05.2019, a decision was taken, as item No.97.76, that action for violation be initiated against the Project Proponent because even before obtaining the 'Environmental Clearance', they had commenced construction of the project. He proceeded to then say that, in the 93rd meeting of the 'SEIAA' dated 30.05.2019, vide item No.93.16, it is recorded to have accepted the recommendations of the 'SEAC', *qua* the aforesaid violation noticed by them; and consequently, the District Collector and the Corporation of Calicut, was directed to issue a Stop Memo, thus initiating "violation procedure".

13. Sri.Harish Vasudevan argued that, therefore, in the afore scenario, it was implausible and improbable for the 'SEIAA' to have

made any attempt to grant 'Environmental Clearance' to the "Project Proponent"; but that, in their 97th meeting on 24.09.2019, they decided to verify whether the alleged violation was in the "window periods" as mandated by the office Memorandum of the Ministry of Environment and Forests, Government of India, (MoEF) dated 09.09.2019, and that this is indited as item No.97.24 in the minutes of the said date. He then pointed out that, in the 100th meeting of the 'SEIAA', held on 23.12.2019, a decision was taken to await the afore clarification from the "MoEF", as item No.100.70; but that everything changed in their 101st meeting on 18.01.2020, where, under item No.101.43, they adopted a *volte face* and allowed the 'Environmental Clearance' to the "Project Proponent".

14. Sri.Harish Vasudevan, thereafter, showed me that the 'SEAC', faced with the 'Environmental Clearance', met on 11th and 12th of February 2020 - which was their 110th meeting - and, as item No.110.21, a sub-committee was constituted to monitor the said clearance, leading to further decisions being taken in their 116th meeting on the 2nd and 3rd of December, 2020, to cause a further field inspection, as indited in agenda No.116.09.

15. The learned counsel then predicated that the 'SEAC', in their 119th meeting on 25.02.2021, as item No.119.11, accepted the field



inspection report, but thought it fit to impose certain additional conditions and recommended the same to the 'SEIAA'; which the latter Authority then considered in their 108th meeting, on the 22nd and 23rd of March 2021, and which were incorporated in their decision recorded as item No.108.15 .

16. Sri.Harish Vasudevan, in the afore factual scenario, vehemently argued that the grant of 'Environmental Clearance' by the 'SEIAA', without any recommendation having been made for such purpose by the 'SEAC', and in fact, when the observations of the latter - that the "Project Proponent" had commenced the project even before any such clearance had been obtained, thus being exposed to attract penal and violation procedures - having been accepted by them earlier, could have never then proceeded to grant the 'Environmental Clearance'. He added that the 'Environmental Clearance' can, therefore, only be construed to have been issued in blatant disregard to the provisions of the "EIA Notification", as also the 'EP Act' in its totality; and contended that, if the 'SEIAA' is allowed to act in such manner, then it would create situations where it would have unbridled powers to deal with applications as per its whims, rather than under the rigour of law.

17. Sri.Harish Vasudevan, then moved on to his further

submissions, by the "Project Proponent" being allowed to construct in such manner, with the 'SEAC' being reduced to a mere spectator, or at the best, a monitoring agency, the deleterious consequences of environmental depredation, pollution, and havoc to nature, have been virtually swept under the carpet; and, therefore, that the 'NGT' was without any error in having issued the impugned order, not only setting aside the 'Environmental Clearance', but castigating the members of the 'SEIAA' - they having admittedly failed in their duties cast upon them by a very important legislation. He thus prayed that these writ petitions be dismissed.

18. Sri.B.G.Bhasker, learned counsel, instructed by Sri.Biju Abraham, appearing for the petitioners in W.P.(C).No.30399/2023, refuted the afore submissions of Sri.Harish Vasudevan, pointing out that the impressions gathered by the 'NGT', that his client had commenced construction even before the 'Environmental Clearance' had been obtained, his facile and based on incorrect factual assertions; and clarified that, in fact, what his client did was that, they had initially started a construction based on a building permit issued by the Local Self Government Institution, which was below 20,000 Sq.M., and thus without requirement of any 'Environmental Clearance'; but to then stop it midway after having constructed a mere 508.84 Sq.M., because



they wanted to then substitute it with a "Mixed Use Township" project. He submitted that, therefore, when the earlier project commenced by his client had been stopped and given up, nothing stopped them from proposing a new "Mixed Use Township" project, under the provisions of the "EIA Notification"; and that they, therefore, applied - even though it was not necessary, the total proposed area being only 81,589 Sq.M., but in fairness - to approach the 'SEIAA' with a fresh application for 'Environmental Clearance'. He conceded that there was a small mistake in the said application because, even though his client had clearly proposed a new "Mixed Use Township" project, while indicating the serial number as per the "NIA notification", it was incorrectly shown as '8a' instead of '8b'. He argued that, this is immaterial and irrelevant because, eventually, the 'SEIAA' was to consider whether the proposed "Mixed Use Township" project was viable from the environmental point of view, which they did assess, thus leading to the grant of the 'Environmental Clearance'.

19. Sri.B.G.Bhasker then answered the further contentions of Sri.Harish Vasudevan, saying that the 'SEIAA' did not act incorrectly at all; and that, on the contrary, they approached the application of his client with great caution and rigour because, as it would be seen from the very narration offered by Sri.Harish Vasudevan, it took them

several meetings, to finally decide upon the grant of the clearance. He reiterated that, in fact, no 'Environmental Clearance' was necessary for his client to have obtained, when they were proposing a "Mixed Use Township" project, with a total build up area of 81,589 Sq.M. only; but that it was only by way of abundant caution that they did so and in furtherance of their intent not to do anything which is contrary to law or in violation of the applicable Regulations. He thus prayed that W.P. (C).No.30399/2023 be allowed.

20. Sri.Renjith Thamban, learned Senior Counsel, instructed by Sri.Philip J.Vettikad - appearing for the petitioners in W.P. (C).No.35871/2023, adopted the afore submissions of Sri.B.G.Bhasker; supplementing it, saying that his clients were never made parties before the 'NGT' and were completely kept in the dark, until its impugned Final Order was issued, cancelling the 'Environmental Clearance'. He interestingly added that the cancellation of the 'Environmental Clearance' impacts the "Project Proponent" much lesser, than what it impacts his client because, they are people who have invested their life savings in the apartments therein, to be now told that they cannot use it, or put it to any other productive purpose. The learned Senior Counsel vehemently argued that, even assuming without admitting, that the 'SEIAA' had made a mistake in granting the



'Environmental Clearance', the 'NGT' could not have issued any orders to the detriment of his clients, without hearing them and without assessing their version because, as has already been recorded by this Court, the original petitioner - Sri.Shaji A.K., approached it only on 28.12.2021, but to have been granted no interim order; thus virtually allowing the "Project Proponent" to complete the construction by the time it issued its impugned order on 11.09.2023.

21. Sri.Renjith Thamban concluded, explaining that the "Project Proponent" had, in the meanwhile, acted without error, in having obtained approvals from the competent Regulatory Authority, namely the Real Estate Regulatory Authority; and had also made publications in newspapers, which had been relied upon by its clients to make their investments, which now face cataclysm, if the order of the 'NGT' is to stand. He also thus prayed that the impugned order be set aside and W.P.(C).No.35871/2023 be allowed.

22. Pertinently, Sri.M.P.Sreekrishnan - learned Standing Counsel for the 'SEIAA', did not challenge the findings of the 'NGT' in the impugned order, but argued that, even if they were found to be true, a drastic direction against his client's members, from continuing in such office; and in further ordering an enquiry into all pending proposals dealt with by them, is too harsh and beyond any proportion. In its

crux, the argument of Sri.M.P.Sreekrishnan was that his clients may have erred, but that it was too much for the 'NGT' to have mulcted them with the castigation, as has been done in the impugned order.

23. Sri.M.P.Sreekrishnan, thereafter tried to impress upon that the allegations of the original complainant before the 'NGT', namely Sri.Shaji A.K., that there was large scale environmental depredation on account of the construction, is wholly untenable, because the 'SEIAA' had been very careful in allowing the 'Environmental Clearance', with very specific conditions, including that the 'SEAC' must virtually supervise the construction, through constant inspections, so as to ensure that there was no environmental impact at all. He submitted that this had been done, as evident from the subsequent meetings of the 'SEIAA'; which is further fortified by the fact that the "MoEF" had also issued a "Certified Compliance Report" (CCR) on 20.01.2022, certifying that the "Project Proponent" had complied with all necessary requirements under the 'Environmental Clearance' and that there was no pollution or environmental depredation, even when the stage of construction was at 44%. He thus prayed that the directions VI to VIII in the impugned order be vacated, as against his client and their members.

24. Sri.Harish Vasudevan replied to the afore submissions of the



various petitioners, saying that, in fact, the 'NGT' has also considered another aspect, namely that there was large scale conversion of paddy lands by the "Project Proponent" without authority and without disclosing the same in the application before the 'SEIAA'; and further that, even going by the 'CCR', the "MoEF" has only found the compliance of the conditions in the 'Environmental Clearance' to be satisfactory. He, however, conceded, to a pointed question from this Court, that his client has not sought for demolition of the buildings already constructed; and then made an alternative plea that, if, in the event this Court is inclined to accept any of the contentions of the petitioners, then the directions of the 'NGT' with respect to the assessment of damage, Environmental Compensation and the proper management of the amounts found by the 'SEIAA' under the head "Corporate Environmental Responsibility", be maintained and ordered to be effectively implemented. He asserted that, for this purpose, the involvement of the "MoEF" is essential and indispensable; and, therefore, prayed that the further directions of the 'NGT' allowing the said Authority to conduct constant inspections and maintain vigil be confirmed; further praying that, as regards the Environmental Compensation to be so assessed, it be allowed to be done by a competent officer of the "MoEF" itself, rather than by the Kerala State

Pollution Control Board.

25. The facts being so recorded and the rival submissions at the Bar being noticed, I must say that this Court begins its analysis with a prodding forbearance because, am left with doubt that the views and conclusions of the learned Tribunal are justified to most part; and that any interference from this Court will only be required to modulate its impact.

26. As manifest from the afore narrative, on the fundamental question whether the 'SEIAA' had acted in terms of the statutory Scheme, as mandated under the "EIA Notification" - which takes into its ambit the crucial query whether they could have granted an "Environmental Clearance", without the recommendation of the 'SEAC' - this Court certainly is compelled to an opinion that their actions are not beyond question.

27. I say so because, as has already been indited supra, the first of the meetings of the 'SEIAA', where the application of the "project proponent" was effectively considered was its 97th one, on 21.05.2019, when it decided to defer it, leading to several other meetings being held thereafter. Interestingly, except in its last meeting, namely the 101st one on 18.01.2020, no decision was ever taken by the 'SEIAA' to



grant 'EC' to the "Project Proponent". Since I have already recorded the essential facts earlier, I do not propose to restate them, but it is evident that, initially, proceedings for violation were proposed; thereupon progressing to a question whether the notification of the "MoEF" would grant any leverage to the "Project Proponent"; but, when it came to its 101st meeting, a *volte face* appear to have been adopted by the 'SEIAA', taking a decision on that day itself, to grant "EC" to the "Project Proponent".

28. When one reads the minutes of the 101st meeting of the 'SEIAA' dated 18.01.2020, listed as item No.101.43 therein, the change of opinion appears to have been triggered, when the Secretary of the Panchayat concerned was heard, who submitted before them that the earlier construction made by the "Project Proponent" was on the basis of an independent and separate Building Permit; consequently, leading them to an opinion that what the "Project Proponent" has sought was actually an 'expansion', and not a new construction. It is on such mentation that the 'SEIAA' decided to grant the "EC"; and, as could be seen from the further proceedings, particularly that of the 'SEAC', the said Authority met thereafter, on their 116th and 119th meetings, and initially decided to constitute a sub-

committee to monitor the "EC" as required therein, leading to a field inspection being conducted; and thus accepting it with certain conditions and placing it before the 'SEIAA' for its approval. This is evident from the minutes of the 119th meeting of the 'SEAC' dated 25.02.2021; and the factum of it having been placed before the 'SEIAA', is available from Ext.P21, which is the minutes of that Authority of its 108th meeting held on 22.03.2021 and 23.03.2021.

29. It is, therefore, perspicuous and luculent - without requirement for further expatiation - that, admittedly, and being expressly conceded by the 'SEIAA' themselves in their writ petition, the "EC" was granted to the "Project Proponent" without any recommendation having been obtained from the 'SEAC'. This court does not think it necessary to say anything further because, none of the parties have any contention to the contrary, that, in every sense, the 'SEIAA' violated the applicable "EIA Notification" in having acted in such manner.

30. Of course, I am cognizant of the explanation that has been sought to be impelled by Sri.M.P.Sreekrishnan to this, namely, that the original opinion of the 'SEIAA' was tempered by the factum of the "Project Proponent" having begun a construction initially and being



under the impression that it was done anticipating expansion in future; but that, when the Secretary of the Panchayat made it clear, through valid documents, that the said construction was based on a separate Building Permit and that the "Project Proponent" had constructed only about 584 sq.mts. Thereunder, it was found warranted - perhaps in error - that an "EC" be granted, especially because a specific condition was imposed therein to the effect that the 'SEAC' would monitor its conditions scrupulously.

31. Whatever be the explanation that the 'SEIAA' may offer with respect to the "EC" granted by them, it is without doubt that it should not have been normally done, without the specific recommendations of the 'SEAC' being on record, particularly when, as is limpid from the narrative of facts recorded above, that the latter Authority had, in fact, refused to make any such; but had, on the contrary, recommended to the 'SEIAA' to initiate violation proceedings against the "Project Proponent". Whether the 'SEAC' was right or wrong in having said so and whether the "Project Proponent" had started construction, which was covered by the eventual "EC", are not really relevant at this stage because, had the 'SEIAA' found that the 'SEAC' did not understand the position correctly, then they ought to have referred the matter back to

them for their recommendation on the grant of "EC", rather than have brushed aside their opinion and to proceed to favour the "Project Proponent" with such benefit.

32. I must say, therefore, that, in such perspective, the 'NGT' was without error in having held that the 'SEIAA' did not act as per their statutory requirements and obligations under the various notifications under the "EP Act".

33. Before I proceed, I must record that the 'NGT' has also found against the "EC" for another reason, namely that the "Project Proponent" had converted paddy lands unauthorizedly; but, in my view, this is not relevant in this case because, Ext.P30 would establish, at least to some certainty, that such conversion was done with the permission of the competent Authorities, under the applicable statutes. The condition in such permission that adjacent paddy lands or streams, if any, are to be protected is only a general one incorporated in every such permission and is not a specific one *qua* the property in question. In any event, this by itself would not be a reason to find against "EC"; more so, since the 'NGT' itself has found in sure terms that the site in question is not an environmentally sensitive area; and consequently the demolition of the already constructed structure is not necessary



and Sri.Harish Vasudevan also does not press it vehemently, presumably on account of Ext.P30.

34. That said, the corollary issue which the 'NGT' found against the "EC", was that it has been issued by the Administrator of 'SEIAA', rather than by the said Authority themselves. Here again, I cannot blame the 'NGT' in any manner because, even a cursory look through the "EC" would render it without any doubt that it has, in fact, been issued by the Administrator in his own hand. This is sought to be explained by the parties, referring to a order issued by the Government of Kerala bearing No.G.O.(Rt)No.29/2019/Envt. dated 12.04.2019, wherein, the competence to issue the "EC" had been delegated to the Administrator of the 'SEIAA'. I am afraid that, even in such circumstances, the 'SEIAA' could not have acted contrary to law; and one can only wonder why they felt that they must slavishly confer to the dictates of the Government, when it obtains no authority to intervene to any of the processes under the "EIA Notifications" or the "EP Act".

35. This is a rather grave situation because - as is expressly admitted by all sides; and therefore, an aspect which can be taken judicial notice by this Court there are several hundreds of "ECs" issued

by the 'SEIAA' in the same manner, as has been reflected in this case, namely under the hand of the Administrator. In fact, the petitioner in W.P(C)No.35871 of 2023 had produced various such "ECs" before this Court, along with I.A.No.2 of 2023.

36. Of course, a mistake of the 'SEIAA' cannot be justified by the other mistakes committed in the past; but the cataclysmic consequences of this Court concluding affirmatively that such "ECs" will have to be set aside, would lead to consequences which are beyond comprehension.

37. This is not to mean that this Court justifies the "EC" since, it clearly has been issued by the Administrator, who was not authorized to do so. It must be at this time, fully borne in mind that, even going by the "EP Act" or the notifications under it, the competent Authority to issue the "EC" is only the 'SEIAA' and no one else. It is in this context that Sri.B.G.Bhaskar - learned counsel, made a fervent plea that, what this Court should do and what the 'NGT' ought to have done, was to examine the "EC" and verify which Authority actually issued it, *de hors* the fact that it has been signed by the Administrator. To put it in other words, what the learned counsel attempted to impress upon this Court is that, though the "EC" begins by saying it is the proceedings of the



Administrator, it can only mean that the said Authority was only conveying the decision of the 'SEIAA' and condition imposed by it, as part of the "EC" approved by them in favour of the "Project Proponent".

38. The afore submissions of Sri.B.G.Bhaskar would obtain any force only if, as stated by him, the stated "EC" does not have any independent opinion of the Administrator, but it is a mere and true reflection of the decisions taken by the 'SEIAA'. In this context, I must say that there is some force in the submissions of Sri.B.G.Bhaskar because, when one takes note of all the meetings of the 'SEIAA' - which I have already discussed serially - it is evident that, throughout, the 'SEIAA' took decisions one way or the other as regards the application of the "Project Proponent", to finally decide to issue the "EC" in their 101st meeting held on 18.01.2020 as is evident from Ext.P11. The conditions for the grant of "EC" were specified therein; and it is the same which has been reproduced by the Administrator in his proceedings, which is then styled as the "EC".

39. In such perspective, certainly, Sri.B.G.Bhaskar has made a point that, though the stated "EC" appears to have been signed by the Administrator, it only contain the decision taken by the 'SEIAA' to

grant it to the "Project Proponent", as also the specific conditions, which it alone had approved and imposed.

40. Though, by the afore reasoning, perhaps the "EC" can be saved; but the fact remains that the 'SEIAA' ought not to have allowed its Administrator to issue the proceedings, as has been done. This is because, when the "EP Act" and the "EIA Notification" specifies that only the 'SEIAA' can issue the "EC", it ought to have done so, without delegating it to any other Authority, including the Administrator, for whatever be the reason, including the Government Order referred above.

41. No doubt, the 'SEIAA' has made vital mistakes; but the larger issue arises whether this would be fatal to the "Project Proponent", or to the other petitioners, whose interests had been created in the interregnum.

42. The afore being so concluded, as I have said above, it is certainly possible for this Courts to find against the "EC" and set it aside, but then, it has to be answered, what would be the consequence.

43. For this, one will surely have to see the complaint preferred by Sri.Shaji before the 'NGT', which contains the following prayers:

"i. Set aside Annexure A1 Environment Clearance



No.1193/EC2/2018/SEIAA dated 12.03.2020;

ii. Declare that the 5th respondent has no right to obtain post facto Environmental Clearance under the Environment (Protection) Act, 1986 for the project in Sy. Nos.27/1, 30/4C, 31/4, 7/, 8, 9, 32/4, 351 B of Panthirankavu village of Kozhikode Taluk, as it is a case of violation of the provisions of EIA Notification, 2006 and violative of the Precautionary Principle.

iii. Declare that the 4th respondent has no authority to exercise the power conferred to the 2nd respondent for the grant of prior Environmental Clearance under the EIA Notification, 2006.

iv. Declare that the 5th respondent is duty bound to follow Polluter Pays Principle and to pay the entire Environmental Compensation for the damages and pollution made by them as assessed by the Hon'ble Tribunal.

v. Issue any order or orders, as may be fit proper and necessary in the facts and circumstances of the case.”

44. Even Sri.Harish Vasudevan, appearing for Sri.Shaji, expressly conceded that his client never wanted the construction to be demolished; but that his intent was that it be declared that the 'SEIAA' could not have deviated from the "EP Act" or the "EIA Notification", and that they be subjected to all necessary consequences, for having done so, as is manifestly exhibited in this case.

45. I am, also cognizant of the submissions of the petitioners that, Sri.Shaji had approached the 'NGT', through his Appeal, only on 28.12.2021 and that no interim order been issued by the said Tribunal, thus the construction having been allowed to continue. They thus argue that there is some fault in the part of the 'NGT' in having allowed the Appeal of Sri.Shaji, nearly two years later, on 11.09.2023

setting aside the "EC" as it has done.

46. It is here that the alternative submissions of Sri.Harish Vasudevan assumes some importance.

47. As noticed above, Sri.Shaji - the appellant before the 'NGT', apart from seeking a declaration that an *expo facto* clearance by the 'SEIAA' was impermissible, also relied upon the "Polluter Pays Principle" to seek that environmental compensation for damages and pollution be assessed by the 'NGT', or such other competent Authority. This Court also keeps in mind the request of Sri.Harish Vasudevan that, such an evaluation be permitted to be done, not by the Kerala Pollution Control Board - as has been ordered by the 'NGT' in its impugned final order - but by a competent Authority of the "MoEF" itself.

48. Before dealing with the afore issues, this Court notices that, after 'NGT' took umbrage to the actions of the 'SEIAA', as this court has also done in this judgment, it went on to impose certain very stringent restrictions on its members, as indited in paragraph 53 (VI) & (VII) of its impugned final order; with a further direction to the Additional Chief Secretary, Department of Environment - Directorate of Environment and Climate Change (DoECC), to report to it, the



compliance of the same.

49. As said earlier, the afore restrictions and orders are impugned by the members of the 'SEIAA' in W.P(C)No.32797 of 2023, wherein, as perhaps expected, they do not justify their actions; but say that, even if they have made mistakes, they could not have been mulcted with the rigour of the same, since it casts stigma on their credibility and competence.

50. In fact, Sri.M.P.Sreekrishnan, appearing for the petitioners in W.P(C)No.32797 of 2023 - the members of the 'SEIAA' argued that, even Sri.Shaji - the appellant before the 'NGT', has not even impelled a whispering allegation against his clients, that they have acted in malice, or for confutative or questionable reasons. He went on to assert that the integrity of the members of the 'SEIAA' have never been called into question even before the 'NGT'; and hence that the impugned directions in its final order, to initiate action against them and injuncting them from continuing as members, is too harsh and disproportionate, because even assuming that they may have committed mistakes in their decision making process, they being quasi judicial functionaries, cannot be subjected to such prejudice or detriment.

51. As I have already said above, the actions of the 'SEIAA' can never be normally countenanced or justified. The members of the said Authority ought to have been much more circumspect and careful, particularly because they are expected to act with crucial responsibility cast upon them, under the statutory scheme. However, many of their actions appear to have been done in a rather casual manner, at least in part because, though they were aware and ought to have been aware, that a final decision on the application of the "Project Proponent" to grant an "EC", could have been taken only on the recommendations of the 'SEAC'; and that the applicable environmental notifications do not permit any deviation therefrom, they went on to favour them with the same in their 101st meeting. Obviously, therefore, the argument of Sri.Harish Vasudevan that, an *expo facto* appraisal by the 'SEAC', after the 'SEIAA' had issued "EC" cannot suffice, is certainly on *terra firma*.

52. Now, what is thus the sum total of the observations of this Court as afore.

53. Without doubt, the 'NGT' was justified in holding that the "EC" was issued irregularly for both the reasons it relied upon, namely: that it was issued by the 'SEIAA' without consultation with the



'SEAC'; and because it has been issued by the Administrator as his own proceedings. However, in the context of the fact that Sri.Shaji does not seek the demolition of the building already constructed, coupled by the factum of such construction having been made possible to have continued by the "Project Proponent" solely because the 'NGT' did not pass any interim orders from 28.12.2021 to 11.09.2023, juxtaposed by the further factum of the petitioners in W.P(C)No.35871 of 2023 having invested in the project guided by the subsequent orders of the Real Estate Regulatory Authority (RERA) and the mandatory notifications caused to be done by the "Project Proponent", I am certain that an exercise of cancellation of "EC", thus rendering the entire building without any worth in future, would be to nobody's benefit.

54. To paraphrase, if this Court is to confirm the findings of the directions of the 'NGT' and affirm that the "EC" stands cancelled, it would create an unavoidable predicament, whereby, the building having already been constructed, would be worthless and would remain thus for eternity, unless it is ordered to be demolished - which, in my view, would be counterproductive since it would only create larger environmental issues and impact, than if it is allowed to



continue.

55. This is more so because the law or the applicable Rules and Regulations do not permit and, in fact, virtually proscribes an *ex post facto* Environmental Clearance; and hence the further directions of the 'NGT' that the "Project Proponent" can apply again for it becomes tenuous, if not untenable, when it is expressly admitted before this Court by both sides that the construction question is almost fully complete with only finishing touches to be completed - which stands presently interdicted on account of the Stop Memo issued by the Panchayat and the Pollution Control Board under the orders of the 'SEAC'.

56. My opinion on afore is also tempered by Ext.P23 proceedings of the "MoEF" - which is the Certified Compliance Report (CCR) conducted by it as early as on 20.01.2022, which fairly indicates that when the work of the construction was ongoing - at a stage of 44% as noticed by it, the conditions imposed by the 'SEIAA' in the "EC" had been substantially complied with.

57. Axiomatically and in my firm view, the demolition of the constructed building cannot aid environmental protection; but it would be more apposite that the "Project Proponent" be subjected



scrupulously to the requirement under law *qua* the Environmental Compensation Assessment (ECR) under the "Polluter Pays Principles", as ordered by the 'NGT'; in addition to the Corporate Environment Responsibility (CER) as mandated by the 'SELAA' in the "EC". In fact if, as ordered by the 'NGT', the "EC" is set aside as a whole it may only help the "Project Proponent" to escape from the inviolable condition therein imposing a duty upon them to complete the activities requisite under the 'CER'.

58. In fact, going by the terms of the "EC", an amount of Rs.7 Crores has been ordered to be earmarked as "CER"; while Environmental Compensation has been ordered to be considered by the 'NGT'. That said, *quad hoc* Environmental Compensation, it must be evaluated, assessed and adjudged through proper enquiry by a competent Authority; and this Court finds favour with Sri.Harish Vasudevan when he makes the plea for such to be done by an impartial Authority, if possible, by the "MoEF" itself.

59. The further plea of Sri.Harish Vasudevan that, the "ECR" also must be ordered to be overseen by an Authority, other than the Kerala Pollution Control Board, also finds my favour because, it is imperative that it is implemented in its letter and spirit, without any deviation.



60. Coming back to the actions of the 'SEIAA', as unmistakable from my observations above, this Court finds strongly against them and deem it necessary to hold that they ought not to have acted in the manner as has been imputed against them, and which remains uncontested. But, the question whether they ought to be injuncted from continuing as members of the 'SEIAA', and whether an enquiry ought to be done by the Secretary, "MoEF" as ordered by the 'NGT', impels me to an opinion to the contrary.

61. This is because, as argued by Sri.M.P.Sreekrishnan - learned counsel for the petitioners in W.P(C)No.32797 of 2023, his clients were acting as members of a quasi judicial entity and were certainly expected to act in terms of law. However, as long as there is no imputations of malice, or charges of corruption impelled against them, their actions can only be seem to be irregular, committed in error of judgment; and thus in violation of the imperative procedural mandate by the petitioners - and no such having been established before the 'NGT' or even before this Court.

62. It is certainly possible to err, but what is the consequence to be meted out to the members of an entity like the 'SEIAA', if they have done so inadvertently and without malice, is something that requires to



be thought of intently. Had this been a case whether this Court had even a whiff of suspicion that the members of the 'SEIAA' had acted for confutative reasons, or in furtherance of a complot to help the "Project Proponent", I would have not merely allowed the impugned directions of the 'NGT' to remain, but would have perhaps even made it more stronger, by corollary orders. But, when I am left without much of a doubt that the members of the 'SEIAA' did not act in such manner, but perhaps being innocent of the consequences of full compliance of the "EIA Notifications", I am of the view that it will be sufficient that they be told of their mistakes and sufficiently warned, rather than being injuncted from acting as members in future or in having to face an enquiry by the "MoEF", which will certainly be demeaning to them and would cast a stigma on their future irretrievably.

In the afore circumstances, I allow these writ petitions in part with the following directions:

(a) The order of the 'NGT', to the extent to which it set aside the "EC" dated 12.03.2020 grated by the 'SEIAA', is hereby vacated.

(b) Consequently, the corollary directions of the 'NGT', in paragraph 53 (II) and that part of 53 (III) of its order dated



11.09.2023, which mandates the 'SEIAA' to consider the fresh application to be made by the "Project Proponent" is set aside. However, the latter part of the directions in paragraph 53(III) of the order of the 'NGT', requiring an assessment of the mitigation/remediation measures with respect to the construction completed and that it be recovered from the "Project Proponent", leading to Environmental Compensation to be imposed on them, is left intact; and this shall be done by the competent Authority of the "MoEF", assisted by the Kerala Pollution Control Board as may be requisitioned by the former, within a period of three months from the date of receipt of copy of this judgment.

(c) In continuation of the afore directions, the orders of the 'NGT', in paragraph 53 (IV) and (V) of its order dated 11.09.2023, will remain; however, modifying 53(IV) in part - to the effect that such compensation shall be used for restoration of wetlands - since, as I have already said above, this Court finds material to the effect that the conversion of land had happened on the basis of valid permissions. The compensation, therefore, will be used for all other necessary components, including environmental mitigation and remediation, to be recommended by the "MoEF" in terms of direction (b) above.



(d) As regards the "CER" of the "Project Proponent", it shall abide by the conditions in the "EC" scrupulously and will file mandatory half yearly returns before the 'SEIAA' and the Regional Office of the "MoEF" without fail. The 'SEIAA' will monitor the actions of the "Project Proponent" in this regard, through appropriate agencies including the 'SEAC', as the case may be; and will ensure that the amounts are expended for the purposes as has been stipulated by them in the "EC". I make it clear that any violation in this regard will not be countenanced by this Court, should it be brought to my notice in future.

(e) In view of the afore, the directions in paragraph No.53 (VI), (VII) and (VIII) of the impugned order of the 'NGT' dated 11.09.2023 will stand set aside; however, placing on record the displeasure of this Court on the members of the 'SEIAA', for the manner in which they issued the "EC" dated 12.03.2020. However, since it is not proved to have been done deliberately or for questionable reasons, this Court deem it prudent to leave it there.

(f) Needless to say, all conditions of the "EC" shall be enforced, and ensured to be complied with by the "Project Proponent" by the



'SEIAA' and the 'SEAC'; and I leave liberty to the petitioners to bring to the notice of this Court any violation in future, through appropriate application.

Before I close, I must, however, record that this judgment is not intended to be used as a precedent in any case, even where analogous factual circumstances may be projected or involved; and that the directions herein have been issued solely taking note of two fundamental facets, namely: for the first, that the 'NGT' did not injunct the construction of the building when Sri.Shaji approached it through an Appeal on 28.12.2021, thus allowing it to be completed by the time it finally passed its impugned order on 11.09.2023, consequent to which the petitioners in W.P(C)No.35871 of 2023 had invested in the construction, on the strength of subsequent orders that can to be obtained by the "Project Proponent" from the RERA; and for the second, that the liberty reserved by the 'NGT' to the "Project Proponent" to apply for a fresh "EC" and the corollary direction to the 'SEIAA' to consider it, would be effectively authorizing an *ex post facto* action, which is not shown to be permitted by the "EP Act" or the "EIA Notification".

The afore, added to the fact, that the appellant before the 'NGT' -



Sri.Shaji, never sought and is not seeking demolition of the building, guides me to the afore course.

Axiomatically all necessary consequences of the declarations of this judgment shall flow, thus allowing the completion of the building and issuance of Occupancy Certificate, subject to all other requirements in law being satisfied; but in strict compliance of the Building Permit and such other.

Sd/-

DEVAN RAMACHANDRAN
JUDGE

stu/anm/MC

APPENDIX OF WP(C) 30399/2023

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE OLAVANNA GRMA PANCHAYATH IN FAVOUR OF PETITIONER DATED 29-12-2017
- Exhibit P2 A TRUE COPY OF THE SANCTIONED PLAN ISSUED BY THE OLAVANNA GRAMA PANCHAYATH IN FAVOUR OF PETITIONER DATED 27-12-2017
- Exhibit P3 A TRUE COPY OF THE PHOTOGRAPH SHOWING THE STAGE OF CONSTRUCTION AS ON 16-12-2019
- Exhibit P4 A TRUE COPY OF THE CERTIFICATE ISSUED BY THE ASSISTANT ENGINEER OLAVANNA GRMA PANCHAYATH DATED 16-12-2019
- Exhibit P5 A TRUE COPY OF GOOGLE MAP OF MARCH 2017
- Exhibit P6 A TRUE COPY OF GOOGLE MAP OF DECEMBER 2018
- Exhibit P7 A TRUE COPY OF GOOGLE MAP OF MARCH 2019
- Exhibit P8 TRUE COPY OF THE ENLARGED INSET SHOWING THE PARTLY ERECTED BUILDING OF THE GOOGLE MAP TAKEN IN MARCH 2019
- Exhibit P9 A TRUE COPY OF THE BUILDING PERMIT AND PLAN ISSUED BY OLAVANNA GRAMA PANCHAYATH TO THE PETITIONER DATED 29-05-2020
- Exhibit P10 A TRUE COPY OF THE EC REPORT DATED 20-10-2018 WITH APPLICATION OF THE PETITIONER BEFORE THE 3RD RESPONDENT
- Exhibit P11 A TRUE COPY OF THE ENVIRONMENT CLEARANCE GRANTED TO THE PETITIONER DATED 12-03-2020 BY THE 3RD RESPONDENT
- Exhibit P12 A TRUE COPY OF THE REPORT OF THE 2ND RESPONDENT DATED 20.01.2022
- Exhibit P13 A TRUE COPY OF THE APPEAL MEMORANDUM OF APPEAL NO. 5 OF 2022 BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), CHENNAI DATED 28-12-2021
- Exhibit P14 A TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE PETITIONER AS 5TH RESPONDENT IN APPEAL NO. 5 OF 2022 BEFORE THE NASTIONAL GREEN TRIBUNAL SOUTHERN ZONE CHENNAI
- Exhibit P15 A TRUE COPY OF THE ORDER OF THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI (NGT) IN APPEAL NO. 5 OF 2022 (SZ) & I.A. NO. 194 TO 196 OF 2022 (SZ) DATED 11.09.2023
- EXHIBIT P16 A TRUE COPY OF THE OM DATED 30-09-2020 OF



THE MINISTRY OF ENVIRONMENT, FOREST AND
CLIMATE CHANGE (MoEF)

RESPONDENT EXHIBITS

Exhibit R1(a)

A true photocopy of the relevant pages of the application dated 27.11.2018 preferred by the petitioner for obtaining Exhibit P11 EC

Annexure R3(a)

A true copy of the CER proposal submitted by the project proponent in terms of the OM dated 01.05.2018

APPENDIX OF WP(C) 32797/2023

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE EIA NOTIFICATION - SO 1533(E), DATED 14.09.2006 ISSUED BY MOEFCC
- Exhibit P2 A TRUE COPY OF THE APPEDIX - VI TO EIA NOTIFICATION, 2006
- Exhibit P3 A TRUE COPY OF THE NOTIFICATION ISSUED BY THE CENTRAL GOVERNMENT RECONSTITUTING STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DATED 03.03.2022
- Exhibit P4 A TRUE COPY OF THE EC REPORT, DATED 20.10.2018 ALONG WITH FORM NO. 1 SUBMITTED BY THE 3RD RESPONDENT
- Exhibit P5 A TRUE COPY OF THE ENVIRONMENTAL CLEARNCE, DATED 12.03.2020 ISSUED BY THE 1ST PETITIONER
- Exhibit P6 A TRUE COPY OF THE APPEAL NO. 5/22, DATED 28.12.2021 ON THE FILES OF NATIONAL GREEN TRIBUNAL (SZ), CHENNAI
- Exhibit P7 A TRUE COPY OF THE JUDGMENT, DATED 11.09.2023 IN APPEAL NO. 5/22 ON THE FILES OF NGT(SZ)
- Exhibit P8 A TRUE COPY OF THE NOTIFICATION SO 1030(E), DATED 08.03.2018 ISSUED BY THE MOEFCC
- Exhibit P9 A TRUE COPY OF THE OFFICE MEMORANDUM, DATED 07.07.2021 ISSUED BY THE MOEFCC

APPENDIX OF WP(C) 35871/2023

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE SECRETARY TO THE OLAVANNA GRAMA PANCHAYAT DATED 29-12-2017
- Exhibit P2 TRUE COPY OF THE RELEVANT PAGES OF THE APPLICATION DATED 12-10-2018 SUBMITTED BY THE PROJECT PROPONENT FOR OBTAINING ENVIRONMENTAL CLEARANCE FOR THE PROJECT
- Exhibit P3 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF 89 TH MEETING OF 2 ND RESPONDENT WHICH HELD ON 04-12-2018
- Exhibit P4 TRUE COPY OF THE COVERING LETTER DATED 07-03-2019
- Exhibit P5 TRUE COPY OF THE RELEVANT PAGES OF MINUTES OF THE 95 TH MEETING OF 2 ND RESPONDENT, WHICH HELD ON 27 TH AND 28 TH MARCH, 2019,
- Exhibit P6 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 97 TH MEETING OF THE 2 ND RESPONDENT, WHICH HELD ON 21 ST AND 22 ND MAY, 2019,
- Exhibit P7 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF 93 RD MEETING OF 1 ST RESPONDENT HELD ON 30 TH MAY 2019
- Exhibit P8 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 95 TH MEETING OF 1 ST RESPONDENT, WHICH HELD ON 29-07-2019
- Exhibit P9 TRUE COPY OF THE RELEVANT PAGES OF 97 TH MEETING HELD ON 24-9-2019
- Exhibit P10 TRUE COPY OF THE RELEVANT PAGES OF MINUTES OF 100 TH MEETING OF THE 1 ST RESPONDENT, HELD ON 23 RD AND 24 TH DECEMBER, 2019,
- Exhibit P11 TRUE COPY OF THE RELEVANT PAGES OF MINUTES OF THE 101 ST MEETING OF THE 1 ST RESPONDENT, HELD ON 17 TH AND 18 TH JANUARY, 2020,
- Exhibit P12 TRUE COPY OF THE CERTIFICATE ISSUED BY THE ASST. ENGINEER, OLAVANNA GRAMA PANCHAYAT DATED 16-12-2019
- Exhibit P13 TRUE COPY OF THE CONSENT ISSUED BY THE POLLUTION CONTROL BOARD DATED 4- 6-2020
- Exhibit P14 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE DT.12-03-2020 ISSUED BY THE 1 ST RESPONDENT,



- Exhibit P14(a) TRUE COPY OF THE ADVERTISEMENT GIVEN IN 'MALAYALA MANORAMA'
- Exhibit P14(b) TRUE COPY OF THE ADVERTISEMENT GIVEN IN THE HINDU ABOUT EXT.P14
- Exhibit P15 TRUE COPY OF THE NOC DATED 16-03-2020, ISSUED BY THE FIRE AND RESCUE SERVICES DEPARTMENT, GOVT. OF KERALA
- Exhibit P16 TRUE COPY OF THE BUILDING PERMIT FOR THE PROJECT DATED 16-3-2019 ISSUED ON 30-5-2020 FOR CONSTRUCTION OF THE BUILDING WITH BUA 57,443.6 SQ.M. (I.E. 70% OF ENVIRONMENTAL CLEARANCE APPROVED AREA) ISSUED BY THE OLAVANNA GRAMA PANCHAYAT
- Exhibit P17 TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED BY THE REAL ESTATE REGULATORY AUTHORITY (RERA) KERALA DATED 21.11.2020 UNDER SECTION 5 OF RERA ACT, 2016
- Exhibit P18 TRUE COPY OF THE RELEVANT PAGES OF THE 110 TH MEETING DATED 11.02.2020 OF THE 2 ND RESPONDENT
- Exhibit P19 TRUE COPY OF THE RELEVANT PAGES OF MINUTES OF THE 116 TH MEETING OF THE 2 ND RESPONDENT
- Exhibit P20 TRUE COPY OF THE RELEVANT PAGES OF MINUTES OF THE 2 ND RESPONDENT DATED 23-02-2021
- Exhibit P21 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF 108 TH MEETING OF THE 1 ST RESPONDENT DATED 22-03-2021,
- Exhibit P22 TRUE COPY OF THE LETTER/CORRIGENDUM DATED 17.04.2021 TO THE 7 TH RESPONDENT
- Exhibit P23 TRUE COPY OF THE RELEVANT PAGES OF CERTIFIED COMPLIANCE REPORT DATED 20- 1- 2022 ISSUED BY THE IRO, BANGALORE, MOEF&CC
- Exhibit P23(a) TRUE COPY OF THE ORDER DATED 20-2-2020 PASSED BY THE TRIBUNAL IN APPEAL NO.3/2019
- Exhibit P23(b) TRUE COPY OF THE ORDER DATED 16-9-2021 PASSED BY THE TRIBUNAL IN APPEAL NO.3/2019
- Exhibit P24 TRUE COPY OF THE JUDGMENT IN APPEAL NO.05/2022, PASSED BY THE NATIONAL GREEN TRIBUNAL DATED 11.09.2023
- Exhibit P25 TRUE COPY OF THE APPEAL WHICH IS NUMBERED AS NO. 5 OF 2022 FILED BY THE 6 TH RESPONDENT/APPELLANT ON 29-12-2021, BEFORE THE NGT SANS THE DOCUMENTS
- Exhibit P26 TRUE COPY OF THE SITE PLAN WHICH COVERS THE ENTIRE DEVELOPMENT / BUILDINGS



- INCLUDING EXT.P1 AREA PROPOSED WITHIN THE SITE
- Exhibit P27 TRUE COPY OF THE TIME SERIES OF SATELLITE IMAGES DATED 01.03.2019 AND 13.02.2022
- Exhibit P28 TRUE COPY OF RELEVANT PAGES OF THE HALF YEARLY COMPLIANCE REPORT (UPTO JULY 2023),
- Exhibit P29 TRUE COPY OF THE FIR DATED NIL SUBMITTED BY THE SUB COMMITTEE
- Exhibit P30 TRUE COPY OF THE PROCEEDINGS OF THE SUB COLLECTOR, KOZHIKODE DATED 2-12-2019
- Exhibit P31 TRUE COPY OF THE REPORT SUBMITTED BY THE LOCAL LEVEL MONITORING COMMITTEE WITH RESPECT TO AN EXTENT OF 10.368414 ARES (0.1036 HECTARE, 3.13% OF THE ENTIRE PROJECT LAND OF 3.309 HECTARES) OF LAND COMPRISED UNDER SY.NO.27/3 OF PANTHEERANKAVU VILLAGE
- Exhibit P32 TRUE COPY OF THE REPORT SUBMITTED BY THE LOCAL LEVEL MONITORING COMMITTEE WITH RESPECT TO AN EXTENT OF 3.23886 ARES
- Exhibit P33 TRUE COPY OF THE PROCEEDINGS DATED 20.04.2019 ISSUED TO M/S. SOBHA HIGHRISE VENTURES PRIVATE LIMITED, THRISSUR, IN THE NAME OF THE ADMINISTRATOR
- Exhibit P34 TRUE COPY OF THE PROCEEDINGS DATED 06.07.2019 ISSUED TO GOVERNMENT MEDICAL COLLEGE, IDUKKI,
- Exhibit P35 TRUE COPY OF THE PROCEEDINGS DATED 11.12.2019 ISSUED TO M/S. SPERIDIAN TECHNOLOGIES PRIVATE LIMITED, TRIVANDRUM
- Exhibit P36 TRUE COPY OF THE PROCEEDINGS DATED 27.02.2020 ISSUED TO M/S. ADLUX MEDICITY & CONVENTION CENTRE PVT. LTD., ERNAKULAM
- Exhibit P37 TRUE COPY OF THE RECEIPT SHOWING THE ADVANCE REMITTED ON 15-3-2021, TOWARDS BOOKING OF THE RESPECTIVE APARTMENT/COMMERCIAL SPACE WITH RESPECT TO THE 1 ST PETITIONER
- Exhibit P37(a) TRUE COPY OF THE RELEVANT PAGE OF THE APARTMENT CHECK LIST ISSUED BY THE 7 TH RESPONDENT IN RESPECT OF THE APARTMENT OF THE 1 ST PETITIONER DATED 13.07.2023
- Exhibit P38 TRUE COPY OF THE RECEIPT SHOWING THE ADVANCE REMITTED ON 4-11-2022 TOWARDS BOOKING OF THE RESPECTIVE



- APARTMENT/COMMERCIAL SPACE WITH RESPECT TO THE 2 ND PETITIONER
- Exhibit P38(a) TRUE COPY OF THE RELEVANT PAGE OF THE APARTMENT CHECK LIST ISSUED BY THE 7 TH RESPONDENT IN RESPECT OF THE APARTMENT OF THE 2 ND PETITIONER DATED 01.08.2023
- Exhibit P39 TRUE COPY OF THE RECEIPT SHOWING THE ADVANCE REMITTED ON 28-12-2020 TOWARDS BOOKING OF THE RESPECTIVE APARTMENT/COMMERCIAL SPACE WITH RESPECT TO THE 3 RD PETITIONER
- Exhibit P39(a) TRUE COPY OF THE RELEVANT PAGE OF THE APARTMENT CHECK LIST ISSUED BY THE 7 TH RESPONDENT IN RESPECT OF THE APARTMENT OF THE 3 RD PETITIONER DATED 30.06.2023
- Exhibit P40 TRUE COPY OF THE RECEIPT SHOWING THE ADVANCE REMITTED ON 14-1-2021 TOWARDS BOOKING OF THE RESPECTIVE APARTMENT/COMMERCIAL SPACE WITH RESPECT TO THE 4 TH PETITIONER
- Exhibit P40(a) TRUE COPY OF THE RELEVANT PAGE OF THE APARTMENT CHECK LIST ISSUED BY THE 7 TH RESPONDENT IN RESPECT OF THE APARTMENT OF THE 4 TH PETITIONER DATED 02.08.2023
- Exhibit P40(b) TRUE COPY OF THE RECEIPT SHOWING THE ADVANCE REMITTED ON 27-7-2021 TOWARDS BOOKING OF THE RESPECTIVE APARTMENT/COMMERCIAL SPACE WITH RESPECT TO THE 5 TH PETITIONER
- Exhibit P41 TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER TO THE 7 TH RESPONDENT
- Exhibit P42 TRUE COPY OF THE REPLY ISSUED BY THE 7 TH RESPONDENT DT.3-10-2023
- Exhibit P43 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2064/A2/2019/SEIAA DATED 1-11-2019
- Exhibit P44 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.60/2019, DATED 22-10-2019



- Exhibit P45 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1269(A)/EC2/2019/SEIAA DATED 21-10-2019
- Exhibit P46 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.58/2019, DATED 21-10-2019
- Exhibit P47 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1192/EC1/2018/SEIAA DATED 17-10-2019
- Exhibit P48 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.788/A2/2019/SEIAA DATED 16-10-2019
- Exhibit P49 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.940/SEIAA/EC1/4098/2015 DATED 16-10-2019
- Exhibit P50 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.548/A1/2019/SEIAA, DATED 16-10-2019
- Exhibit P51 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.50/2019 DATED 5-10-2019



- Exhibit P52 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1953/A2/2019/SEIAA DATED 4-10-2019
- Exhibit P53 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1349/EC2/2019/SEIAA DATED 3-10-2019
- Exhibit P54 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2059/A1/2019/SEIAA DATED 26-9-2019
- Exhibit P55 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1931/A1/2019/SEIAA DATED 24-9-2019
- Exhibit P56 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1306/EC2/2019/SEIAA DATED 24-9-2019
- Exhibit P57 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.541/EC2/2019/SEIAA DATED 20-9-2019
- Exhibit P58 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT,



- BEARING NO.471/A2/2019/SWEIAA DATED 20-9-2019
- Exhibit P59 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1233(A)/EC2/2019/SEIAA DATED 18-9-2019
- Exhibit P60 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1906/A1/2019/SEIAA, DATED 18-9-2019
- Exhibit P61 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.42/1/2019, DATED 17-9-2019
- Exhibit P62 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1205(A)/O.E/EC1/2019/SEIAA, DATED 15-05-2019
- Exhibit P63 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1155/EC/SEIAA/KL/2017 DATED 17-6-2019
- Exhibit P64 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.544/EC2/2019/SEIAA DATED 17-6-2019
- Exhibit P65 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE



- OFFICIAL PORTAL OF THE 1 ST RESPONDENT,
BEARING NO.550/A1/2019/SEIAA DATED 11-6-
2019
- Exhibit P66 TRUE COPY OF RELEVANT PAGE OF
ENVIRONMENTAL CLEARANCE ISSUED BY THE
ADMINISTRATOR, STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY, DOWNLOADED FROM THE
OFFICIAL PORTAL OF THE 1 ST RESPONDENT,
BEARING NO.1653/A1/2019/SEIAA DATED 11-6-
2019
- Exhibit P67 TRUE COPY OF RELEVANT PAGE OF
ENVIRONMENTAL CLEARANCE ISSUED BY THE
ADMINISTRATOR, STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY, DOWNLOADED FROM THE
OFFICIAL PORTAL OF THE 1 ST RESPONDENT,
BEARING NO.551/A1/2019/SEIAA DATED 10-6-
2019
- Exhibit P68 TRUE COPY OF RELEVANT PAGE OF
ENVIRONMENTAL CLEARANCE ISSUED BY THE
ADMINISTRATOR, STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY, DOWNLOADED FROM THE
OFFICIAL PORTAL OF THE 1 ST RESPONDENT,
BEARING NO.1258(A)/EC1/2019/SEIAA DATED
07-06-2019
- Exhibit P69 TRUE COPY OF RELEVANT PAGE OF
ENVIRONMENTAL CLEARANCE ISSUED BY THE
ADMINISTRATOR, STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY, DOWNLOADED FROM THE
OFFICIAL PORTAL OF THE 1 ST RESPONDENT,
BEARING NO.326/A1/2019/SEIAA DATED 16-05-
2019
- Exhibit P70 TRUE COPY OF RELEVANT PAGE OF
ENVIRONMENTAL CLEARANCE ISSUED BY THE
ADMINISTRATOR, STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY, DOWNLOADED FROM THE
OFFICIAL PORTAL OF THE 1 ST RESPONDENT,
BEARING NO.1005/A1/2019/SEIAA DATED 15-05-
2019
- Exhibit P71 TRUE COPY OF RELEVANT PAGE OF
ENVIRONMENTAL CLEARANCE ISSUED BY THE
ADMINISTRATOR, STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY, DOWNLOADED FROM THE
OFFICIAL PORTAL OF THE 1 ST RESPONDENT,
BEARING NO.361/A1/2019/SEIAA DATED 14-05-
2019
- Exhibit P72 TRUE COPY OF RELEVANT PAGE OF
ENVIRONMENTAL CLEARANCE ISSUED BY THE



- ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.381/A1/2019/SEIAA DATED 14-05-2019
- Exhibit P73 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.354/A1/2019/SEIAA DATED 14-05-2019
- Exhibit P74 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.605/A1/2019/SEIAA DATED 14-05-2019
- Exhibit P75 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.696/A1/2019/SEIAA DATED 14-05-2019
- Exhibit P76 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1188(A)/A2/2018/SEIAA DATED 20-04-2019
- Exhibit P77 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.424/A1/2019/SEIAA DATED 03-04-2019
- Exhibit P78 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.481/EC2/2019/SEIAA DATED 03-04-2019



- Exhibit P79 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.540/A1/2019/SEIAA DATED 03-04-2019
- Exhibit P80 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1187/A1/2018/SEIAA DATED 03-04-2019
- Exhibit P81 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1836/A1/2019/SEIAA DATED 02-11-2019
- Exhibit P82 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1196/EC2/2018/SEIAA DATED 11-12-2019
- Exhibit P83 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1196/EC2/2018/SEIAA DATED 11-12-2019
- Exhibit P84 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1381/EC2/2019/SEIAA DATED 11-12-2019
- Exhibit P85 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT,



- BEARING NO.1381/EC2/2019/SEIAA DATED 12-08-2020
- Exhibit P86 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1411(A)/EC1/2019/SEIAA DATED 13-12-2019
- Exhibit P87 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.909/SEIAA/EC4/3588/2015 DATED 28-12-2019
- Exhibit P88 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.555/EC4/2019/SEIAA DATED 01-01-2020
- Exhibit P89 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.263/A1/2019/SEIAA DATED 01-01-2020
- Exhibit P90 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1130/A2/EC1/2019/SEIAA DATED 06-01-2020
- Exhibit P91 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1107/EC4/2019/SEIAA DATED 06/01/2020
- Exhibit P92 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT



- ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.3441/EC4/2019/SEIAA DATED 17-01/2020
- Exhibit P93 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2587/EC4/2019/SEIAA DATED 21-01-2020
- Exhibit P94 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2558/EC2/2019/SEIAA DATED 17-01-2020
- Exhibit P95 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2282/A1/2019/SEIAA DATED 17-01-2020
- Exhibit P96 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.555/EC4/2019/SEIAA DATED 01-01-2020
- Exhibit P97 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.263/A1/2019/SEIAA DATED 01-01-2020
- Exhibit P98 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.263/A1/2019/SEIAA DATED 01-01-2020
- Exhibit P99 TRUE COPY OF RELEVANT PAGE OF



- ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1836/A1/2019/SEIAA DATED 02-11-2019
- Exhibit P100 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.548/A1/2019/SEIAA DATED 16-10-2019
- Exhibit P101 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1905/A1/2019/SEIAA DATED 26-09-2019
- Exhibit P102 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1653/A1/2019/SEIAA DATED 11-06-2019
- Exhibit P103 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.550/A1/2019/SEIAA DATED 11-06-2019
- Exhibit P104 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.551/A1/2019/SEIAA DATED 10-06-2019
- Exhibit P105 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1258(A)/EC1/2019/SEIAA DATED



- 07-06-2019
- Exhibit P106 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1005/A1/2019/SEIAA DATED 15-05-2019
- Exhibit P107 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.605/A1/2019/SEIAA DATED 14-05-2019
- Exhibit P108 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.361/A1/2019/SEIAA DATED 14-05-2019
- Exhibit P109 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.540/A1/2019/SEIAA DATED 03-04-2019
- Exhibit P110 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.424/A1/2019/SEIAA DATED 03-04-2019
- Exhibit P111 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.610/SEIAA/KL/4639/14 DATED 19-01-2021
- Exhibit P112 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE



- Exhibit P113 OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2453/EC2/2019/SEIAA DATED 23-11-2020
TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, FILE NO.1472/EC3/2019/SEIAA DATED 19-11-2020
- Exhibit P114 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING FILE NO.1471/EC3/2019/SEIAA DATED 19-11-2020
- Exhibit P115 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2565/A2/2019/SEIAA DATED 04-08-2020
- Exhibit P116 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2204/EC2/2019/SEIAA DATED 04-08-2020
- Exhibit P117 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1511/EC4/2019/SEIAA DATED 04-08-2020
- Exhibit P118 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2481/EC2/2019/SEIAA DATED 03-08-2020
- Exhibit P119 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE



- ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2557/EC2/2019/SEIAA DATED 07-05-2020
- Exhibit P120 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.951/A2/2019/SEIAA DATED 02-03-2020
- Exhibit P121 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.954/A2/2019/SEIAA DATED 17-02-2020
- Exhibit P122 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2302/EC2/2019/SEIAA DATED 21-01-2020
- Exhibit P123 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1290/A1/2019/SEIAA DATED 07-01-2020
- Exhibit P124 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1130/A2/EC1/2019/SEIAA DATED 06/01/2020
- Exhibit P125 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1107/EC4/2019/SEIAA DATED 06-01-2020



- Exhibit P126 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.877/A2/2019/SEIAA DATED 06/01/2020
- Exhibit P127 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.557/EC4/2019/SEIAA DATED 06-01-2020
- Exhibit P128 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2064/A2/2019/SEIAA DATED 01-11-2019
- Exhibit P129 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1269(A)/EC2/2019/SEIAA DATED 21-10-2019
- Exhibit P130 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.940/SEIAA/EC1/4098/2015 DATED 16-10-2019
- Exhibit P131 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.788/A2/2019/SEIAA DATED 16-10-2019
- Exhibit P132 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT,



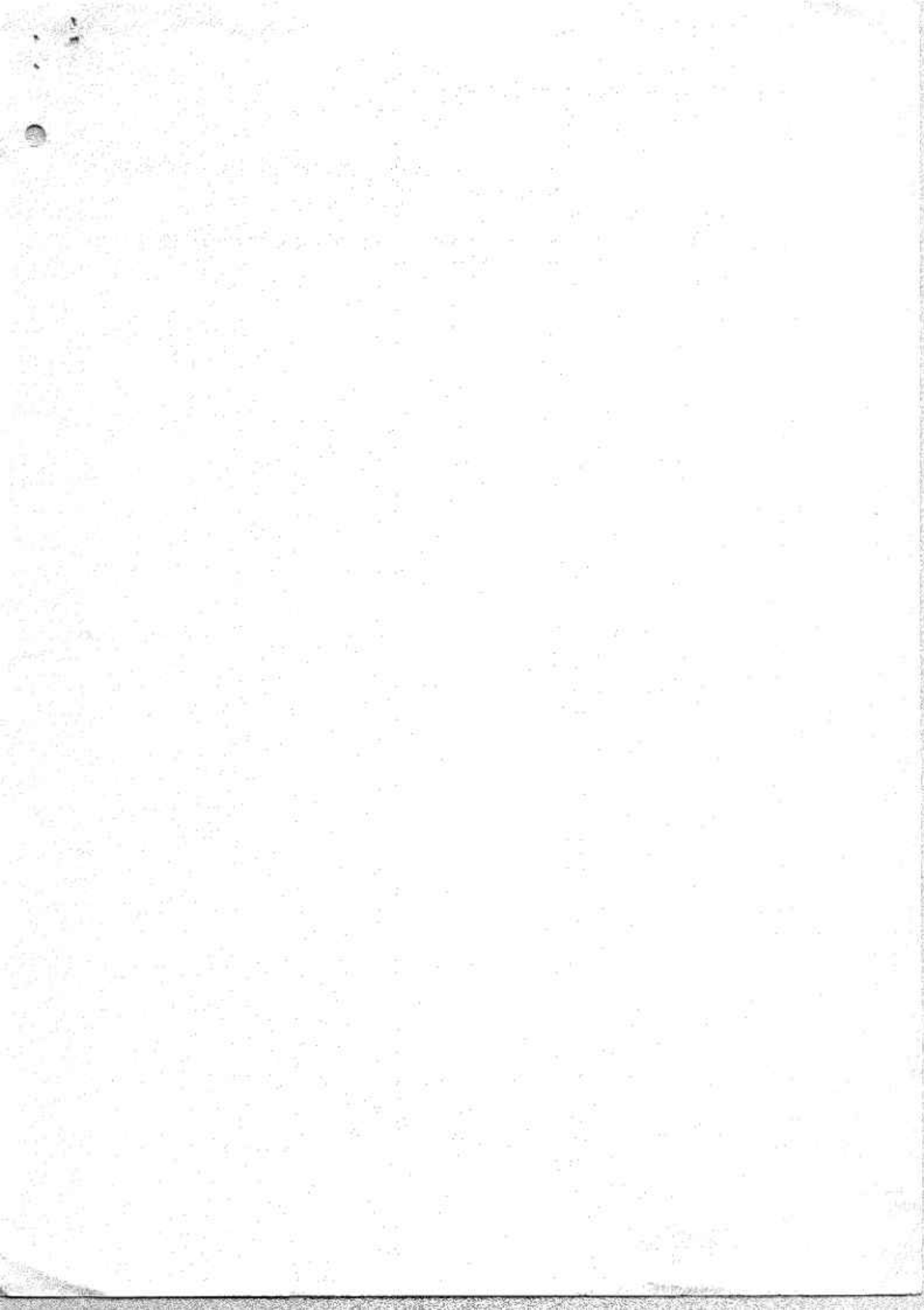
- BEARING NO.1953/A2/2019/SEIAA DATED 4-10-2019
- Exhibit P133 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2051/A1/2019/SEIAA DATED 26-9-2019
- Exhibit P134 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1773A2/2019/SEIAA DATED 26-9-2019
- Exhibit P135 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1931/A1/2019/SEIAA DATED 24-9-2019
- Exhibit P136 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.541/EC2/2019/SEIAA DATED 20-9-2019
- Exhibit P137 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.471/A2/2019/SEIAA DATED 20-9-2019
- Exhibit P138 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1906/A1/2019/SEIAA DATED 18-9-2019
- Exhibit P139 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT



- Exhibit P140 ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1233(A)/EC2/2019/SEIAA DATED 18-9-2019
- Exhibit P141 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.544/EC2/2019/SEIAA DATED 17-06-2019
- Exhibit P142 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.326/A1/2019/SEIAA DATED 16-05-2019
- Exhibit P143 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1205/(A)/O.E/EC1/2019/SEIAA DATED 15-5-2019
- Exhibit P144 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.696/A1/2019/SEIAA DATED 14-5-2019
- Exhibit P145 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.354/AA1/2019/SEIAA DATED 14-5-2019
- Exhibit P146 TRUE COPY OF RELEVANT PAGE OF



- ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.1198(A)/OE/EC2/2018/SEIAA DATED 3-4-2019
- Exhibit P147 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.563/EC2/2019/SEIAA DATED 3-4-2019
- Exhibit P148 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.537/A1/2019/SEIAA DATED 3-4-2019
- Exhibit P149 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.481/EC2/2019/SEIAA DATED 3-4-2019
- Exhibit P150 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.2105/EC2/2019/SEIAA DATED 21-10-2019
- Exhibit P151 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.60/2019 DATED 22-10-2019
- Exhibit P152 TRUE COPY OF RELEVANT PAGE OF ENVIRONMENTAL CLEARANCE ISSUED BY THE ADMINISTRATOR, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, DOWNLOADED FROM THE OFFICIAL PORTAL OF THE 1 ST RESPONDENT, BEARING NO.42/1/ /2019 DATED 17-9-2019
- Exhibit P153 TRUE COPY OF THE RELEVANT PAGES OF THE





2024:KER:18436

WP(C)NO.30399/2023 & Con. Cases

65

MINUTES OF 133TH MEETING OF LST RESPONDENT
DATED 26-10-2023

RESPONDENT EXHIBITS

Exhibit R6(a)

A TRUE COPY OF THE OFFICE MEMORANDUM DATED
01.05.2018



KERALA REAL ESTATE REGULATORY AUTHORITY
Trinity Centre, Opposite Chaithanya Eye Hospital,
Kesavadasapuram, Thiruvananthapuram. Pin- 695 004
www.rera.kerala.gov.in Email- info.rera@kerala.gov.in
Phone: 94976 80600

Present: Sri. P H Kurian
Chairman

Smt. Preetha P. Menon.
Member I

Sri. M.P. Mathews
Member II

Order No. K-RERA/T1/1026/2020

Dated 12th September, 2023.

Promoter : M/s. Calicut Landmark Builders and Developers
India Private Limited.
Landmark World,
NH-17 Bypass
Kozhikode, Kerala- 673014

ORDER
(Under Section 37)



1. The Kerala Real Estate Regulatory Authority issued project registration to the real estate project '**LANDMARK MILLENNIA CENTRE, LANDMARK LEON CENTRE, LANDMARK BUSINESS CENTRE**' located . Pantheerankavu (Olavanna Grama Panchayat) in Kozhikode district, promoted by '**M/s. Calicut Landmark Builders and Developers India Private Limited**' vide Registration Certificate No. **K-RERA/PRJ/273/2020** on 21.11.2020 under section 3 of the Real Estate (Regulation & Development) Act, 2016.
2. Now the Authority noticed that '**The National Green Tribunal South Zone, Chennai**' vide Judgment in Appeal No.05 of 2022 (sz) & I.A.No.194 to 1967 of 2022 (sz) dated 11.09.2023, set aside the Environment Clearance (EC) granted by the SEIAA-Kerala, to the project above mentioned, which you have submitted in the application for registration of the project.

3. Your project '**LANDMARK MILLENNIA CENTRE, LANDMARK LEON CENTRE, LANDMARK BUSINESS CENTRE**' for which registration is granted by this Authority included in the above project for which the Environment Clearance has been set aside.
4. In the above circumstances, the Authority in exercise of the powers conferred under section 37 of the Act, 2016 hereby gives the following directions.
 - i. You shall not book, sell or offer for sale or invite persons to purchase in any manner, any of the units in the real estate project '**LANDMARK MILLENNIA CENTRE, LANDMARK LEON CENTRE, LANDMARK BUSINESS CENTRE**' henceforth, until the Environment Clearance is obtained for the project.
 - ii. The existing allottees shall be informed of the cancellation of the Environment Clearance at once.
 - iii. You are further directed not to enter in to any Agreement for sale under Section 13(1) with any of the existing/new allottees henceforth.
5. The IT Section of the Authority shall upload the judgement of the National Green Tribunal South Zone, Chennai dated 11.09.2023 and the directions issued to the promoter based on the above judgement vide this order, in the web page of the project maintained in the web portal of the Authority for public viewing.

Sd/-
P H Kurian
Chairman

Sd/-
Preetha P. Menon.
Member I

Sd/-
M.P.Mathews
Member II

 True Copy/Forwarded by/Order

Secretary (Technical and Administration)

Item No.2:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

**Appeal No.05 of 2022(SZ) &
I.A. Nos.194 to 196 of 2022 (SZ)**

IN THE MATTER OF:

Shaji A.K.
Aged 49 years,
S/o. Kuryakose,
Arakkai House, Perinankari P.O.,
Kannur District.

...Appellant(s)

With

- 1) **Ministry of Environment, Forests & Climate Change**
Indira Paryavaran Bhawan,
Jor Bagh, Ali Garh,
New Delhi - 110 003.
Represented by its Secretary
- 2) **State Environmental Impact Assessment Authority**
KSRTC Bus Terminal Complex, 4th Floor,
Thampanoor, Thiruvananthapuram,
Kerala - 695 001
Represented by its Member Secretary
- 3) **State Level Expert Appraisal Committee**
KSRTC Bus Terminal Complex, 4th Floor,
Thampanoor, Thiruvananthapuram,
Kerala - 695 001
Represented by its Member Secretary
- 4) **The Administrator**
State Environmental Impact Assessment Authority,
KSRTC Bus Terminal Complex, 4th Floor,
Thampanoor, Thiruvananthapuram,
Kerala - 695 001
Represented by its Chairman
- 5) **M/s Calicut Landmark Builders and Developers of (India)
Pvt. Ltd.**
Landmark World, N H 17 Bypass,
Kozhikode, Kerala- 673 014
Represented by its Director Anwar Sadath,

... Respondent(s)

For Appellant(s): Mr. Harish Vasudevan.

For Respondent(s): Mrs. Me. Sarashwathy for R1.
Mr. S. Saravanan and Mr. Karthikeyan represented
Mrs. Vidyalakshmi Vipin for R2 to R4.
Mr. B.G. Bhaskar and
Mr. K.R. Harin for R5.

Judgment Reserved on: 18th April, 2023.

Judgment Pronounced on: 11th September, 2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGMENT

Delivered by Justice Pushpa Sathyanarayana, Judicial Member

1. The above appeal is directed against the grant of Environmental Clearance issued by the 2nd Respondent/ State Environmental Impact Assessment Authority, Kerala (for short "SEIAA - Kerala") on 12.03.2020 in favour of the Project Proponent/Respondent No.5 viz., M/s. Calicut Landmark Builders & Developers (India) Private Limited who is involved in the business of real estate, building projects and town area development projects in various parts of Kerala.
2. The appellant is a resident of the Perinkari area in Kannur District and a social activist involved in activities of protection and improvement of the environment.
3. According to the appellant, the Project Proponent has proposed to construct two residential towers (210) units, studio apartment (204 unit), Business park, 70 key hotel with restaurant facility and 500 pax convention centre and a club house. The total plot area of the project is 3.309 Hectares and the total built-up area

is 81,589 Square Meters, and the total project cost is Rs.350 Crores. The Project Proponent had filed an application dated 27.11.2018 before the 2nd Respondent/SEIAA – Kerala in Form – IA. It is the main contention of the appellant that the Project Proponent had furnished incorrect information about the nature of the lands, its ecological features, specialities and the presence of flora and fauna.

4. The Project Proponent also suppressed the fact that the plot is having water channels and agricultural landscape which was mined out for construction. It is further alleged that the SEAC – Kerala and SEIAA – Kerala had not considered the application in its proper perspective.
5. The appeal is filed on several grounds which are as follows:-
 - (i) The Environmental Clearance issued by the SEIAA – Kerala is without any authority or power as the SEIAA – Kerala has got no power to give post facto Environmental Clearance for building / township area project which is constructed for more than 20,000 Square Meters prior to obtaining the Environmental Clearance.
 - (ii) The Project Proponent ought not to have started the construction even before obtaining the Environmental Clearance as per the EIA Notification, 2006.
 - (iii) Admittedly, the Project Proponent started the construction in the year 2016 without obtaining Environmental Clearance and completed the same in the year 2017 itself before the impugned Environmental Clearance was granted.
 - (iv) The SEIAA – Kerala had taken the decision without any proper appraisal of the recommendation of the SEAC – Kerala with specific conditions.
 - (v) The SEAC – Kerala had conducted the site inspection and imposed conditions after the Environmental Clearance was issued are arbitrary and procedure not known to law and the same is without any authority.
 - (vi) The SEIAA – Kerala sought a clarification from the MoEF&CC on the procedure to be followed in case of violation since the said Notification has got only a window period of six months.

- (vii) Even before obtaining the said clarification, at the request of the Project Proponent, the SEIAA – Kerala had decided to issue the Environmental Clearance considering the same as an expansion project that too without any appraisal by the SEAC – Kerala.
- (viii) The SEIAA – Kerala has imposed a condition that the SEAC – Kerala should inspect the site for compliance with the conditions imposed in the Environmental Clearance.
- (ix) On the date of issuance of the Environmental Clearance, 90% of the project was completed defeating the requirement of prior Environmental Clearance.
- (x) As post facto Environmental Clearance is not recommended under the environmental laws, issuing an Environmental Clearance for a project which is already commenced is without any authority and issued in violation of the environmental laws, which is an unfair practice.
- (xi) The decision of the SEIAA - Kerala to treat the project as an expansion project is against the EIA Notification, 2006. It is settled law that a piecemeal approach to avoid the clutches of EIA Notification, 2006 is to be defeated.
- (xii) After the commencement of the construction, altering the land and environment fully by a project that is less than the threshold limit of the EIA Notification and later tagged the same as an expansion project would defeat the very purpose of the EIA Notification and its process. As the acts of the project proponent are against the '*Precautionary Principle*' and '*Sustainable Development*', the Environmental Clearance granted is sought to be set aside.

6. The 1st Respondent which is Ministry of Environment, Forests and Climate Change (MoEF&CC) has filed a reply to the appeal stating that the EIA Notification, 2006 regulates developmental projects in respect of construction of new projects/ activities/ expansion or modernization of existing projects in different parts of the country. The said notification covers more than 39 projects, including infrastructure projects i.e. Airports, Ports, Highways, Building and Construction Projects, etc. All new projects/ activities listed in the Schedule to the EIA Notification, 2006 require prior Environmental Clearance. The

'Construction Projects' and 'Township and Area Development Projects' are covered under entries 'A' and 'B' of the Schedule to the EIA Notification, 2006 and any Project Proponent is required to obtain prior Environmental Clearance if the project falls within any of these categories covered under the EIA Notification, 2006.

7. In the reply filed by Respondents No.2 to 4, it is stated that the Project Proponent on 24.11.2018 had made an application seeking Environmental Clearance for the proposed Mixed-use Township Development Project 'Landmark Trade Centre' in Sy. Nos.27/1, 30/4C, 31/4, 7, 8, 9, 32/4, and 351 B of Pantheerankavu Village, Kozhikode Taluk, Kozhikode District, State of Kerala. The said project comes under Category - B of Schedule 8 (a) to the EIA Notification, 2006. Admittedly, the built-up area is 81,589 Square Meters spread over an extent of 3.309 Hectares. It is stated that it was considered in the 89th Meeting of the SEAC - Kerala on 04.12.2018, and after scrutiny, certain particulars were sought for from the Project Proponent. Once again, the same was placed in the 95th Meeting held on 27th & 28th March 2019.
8. In the reply, it is specifically stated that the Project Proponent had started the land development and construction even before receiving the Environmental Clearance and permit from the Local Self Government. On 22.05.2019, the SEAC - Kerala decided to recommend the SEIAA - Kerala for initiating action against the Project Proponent for violating the relevant rules and regulations for issuance of Environmental Clearance. Accordingly, the SEIAA - Kerala, on 30.05.2019, had directed the District Collector and the Secretary - Kozhikode Corporation to issue a stop memo and report compliance for initiating violation proceedings against the Project Proponent as per the EIA Notification, 2006. The Project Proponent had submitted a representation dated 12.06.2019, contending that the project does not come under the purview of the violation proceedings. Again, in the 95th Meeting of the SEIAA - Kerala, the request was considered and once again, the SEIAA - Kerala recommended the District Collector to issue a stop memo and report compliance. Once again, the Project Proponent had informed that as per the Judgment of the Hon'ble

Supreme Court in *T.N. Godavarman Thirumulpad's* case, no Environmental Clearance is required from the SEIAA – Kerala for the building of township below the area of 1,50,000 Square Meters and requested the SEIAA – Kerala to consider their application. The said letter was considered by the SEIAA – Kerala on 24.09.2019. It was noted by the SEIAA – Kerala that the building permit was granted by the Olavanna Grama Panchayat on 26.10.2017 and noted that this project is basically a township development project but covered under Category B – 8 (a) of the Schedule, as the built up area is 81,589 Square Meters, which is less than 1,50,000 Square Meters required for considering the project under 'Township and Area Development Projects'. In view of the magnitude of the project which is likely to have an environmental impact, the SEIAA – Kerala decided to consider the same as a violation category since the construction commenced before obtaining the Environmental Clearance. While so, the project proponent requested vide Letter dated 26.08.2019 for withdrawal of violation proceedings relying on the Hon'ble Supreme Court's Judgment. However, the SEIAA – Kerala found that this judgment relates to a different project in the State of Uttar Pradesh, specific to that project under the given circumstance of the case and the same may not be made uniformly applicable to other projects in the whole of the country. The SEIAA – Kerala further noted that the project is covered under Schedule 8(a) and there is no ambiguity on that account and the proposal was processed accordingly from the beginning. The SEIAA – Kerala also sought for clarification from the MoEF&CC on the procedure to be followed in respect of the violation category. But before the clarification was issued by the MoEF&CC, based on the further representation made by the project proponent, the proposal was considered by SEIAA – Kerala on 23.12.2019. The project proponent had represented before the SEIAA – Kerala that the construction work of only one building with a built-up area of less than 20,000 Square Meters was commenced, for which, no Environmental Clearance is required and that they have wrongly stated that the project is totally a new project and represented that the project is an expansion of existing building and they have made a mistake in Form – I by not mentioning it as it is and requested to treat their

application as an application for expansion of existing building of area less than 20,000 Square Meters. The SEIAA - Kerala also noted all the developments that had taken place after the submission of the application for Environmental Clearance and held that there have been no violations of the EIA Notification, 2006. The Project Proponent also stated that since it was only a mistake and the construction activity was taken up only after getting permission from the Local Authority viz., Olavanna Grama Panchayat, the Project Proponent also had given a written statement in this regard. As the Project Proponent had given an undertaking that no further construction would be taken up in excess of 20,000 Square Meters without taking prior Environmental Clearance, the SEIAA - Kerala decided to give approval for the project considering the same as an expansion subject to the conditions mentioned therein. Accordingly, the Environmental Clearance was issued in favour of the Project Proponent which is now under challenge.

9. **The 5th Respondent (M/s. Calicut Landmark Builders & Developers (India) Private Limited) who is the Project Proponent** had filed its counter in the appeal. According to the Project Proponent, the Hon'ble Supreme Court had held that Environmental Clearance is not required for a township project if the threshold limit is not met as in the *Noida Park* case. The said contention was also alleged to have been raised before the SEIAA - Kerala. However, the same was negated holding that the project comes under Item 8 (a) and not under Item 8 (b). The Project Proponent reiterated that the project comes only under Item 8(b) and not under Item 8 (a) if it is viewed in the light of the Hon'ble Supreme Court's ruling. Even if it is assumed that there is a violation of the rules due to the commencement of the construction prior to the grant of Environmental Clearance, it can only invite appropriate action for the breach provided in the relevant law and should not cast any shadow on the consideration of the application for grant of Environmental Clearance.

10. The Project Proponent further stated that the SEIAA – Kerala cannot cancel the clearance granted, as the same has not resulted in any environmental damage. The Sub-Committee of the SEAC – Kerala which visited the site saw a part of the building covered by the Panchayat permit with just one floor and unfinished roof, and misconstrued it as part of the building, for which, the Environmental Clearance was filed. The idea of expanding the intended building construction into a township arose later and the EIA Notification, 2006 expressly encompasses the expansion of a building project and is not restricted to a new project alone. Expansion necessarily implies the existence of a structure before the filing of the application. The trade centre project, for which, the prior Environmental Clearance was sought was intended as a 'Township' with a built-up area of 81,589 Square Meters comprising different types of buildings such as residential towers, studio apartments, hotel and convention centre, club house and business park. The 508.84 Square Meters building which was seen by the Sub-Committee members is not integrated into the hotel and convention centre part of the township and explained the same to the SEIAA – Kerala. Only after the SEIAA – Kerala was convinced that there was no violation before the sanction of the project and after detailed deliberations, the Environmental Clearance was granted. The advertisements referred to in the appeal, which have not been exhibited, cannot and do not relate to the building, for which, the Environmental Clearance was given and it is claimed that the appellant is attempting to mislead the Tribunal.

11. It is further contended in the reply that the allegation that the properties are marshy and low-lying land on one side and hillock on the other end and that hillock is removed, red earth removed, water channels and water table have been seriously affected are all baseless and false. It is suspected that the present appellant is pawn in the hands of some vested interests who are inimical to the project proponent and it is also to be noted that no one from the entire Kozhikode Corporation has chosen to file any complaint to this Tribunal. The appellant is a resident of

Kannur with a perfunctory acquaintance of the area of operation and the accusation of the appellant is unfounded.

12. From the above pleadings, the questions that arise for consideration are:-

(I) Whether the Environmental Clearance granted to the Project Proponent by the SEIAA – Kerala without any appraisal by the SEAC – Kerala is liable to be set aside?

(II) Whether a project with 81,589 Square Meters of built-up area if named as a 'Mixed-use Township Project' does not require prior Environmental Clearance?

Issue No.1:-

13. The learned counsel appearing for the appellant contended that the project is a building construction project which is evident from the basic information provided in Form – I Application by the Project Proponent. As the total built-up area exceeds 20,000 Square Meters, the Project Proponent shall obtain a prior Environmental Clearance before the construction work or preparation of land by the project management. The Project Proponent had clearly mentioned in Form – I that it is a new project by mentioning 'Building and Construction Project' with a built-up area of 81,589 Square Meters which falls under Item 8 (a) category. Since the Project Proponent had clearly mentioned that the proposed project was coming within the Category 8 (a), it should be viewed only as it is and the same cannot be changed. The Project Proponent also obtained a building permit for 57,443.6 Square Meters built-up area on 30.05.2020. Therefore, it is evident from the building permit dated 30.05.2020, the entire construction is designed as a single building construction project for the purpose of obtaining a

building permit under the local laws. The EIA Notification, 2006 does not provide a definition for building construction.

14. It is stoutly denied by the appellant that the project is only an area development project as claimed by the Project Proponent. They should have applied only for a land development permit and not a building permit from the local panchayat.
15. The building permit obtained from the panchayat is for more than 20,000 Square Meters which would clearly indicate that the Project Proponent was proposing only a building construction project and not an area development project and it comes under Item 8 (a) category, as rightly mentioned by the Project Proponent in Form - 1. Even in the impugned Environmental Clearance, it is mentioned only as a project coming under the Category 8 (a) which is not challenged by the Project Proponent at any time. Therefore, the argument of the Project Proponent that this is not a building construction project is unacceptable and it is only a building construction project.
16. The next ground raised by the appellant is that the Project Proponent had suppressed the material fact in Form - 1 and Form - IA. It is stated that there are wetlands, paddy lands, and water streams near the project site which are to be revealed in Form - 1, as the presence of paddy lands, wetlands and water streams are critical information and matters for the appraisal of the project. The Project Proponent had deliberately concealed the information which is vital for the Environmental Impact Assessment.
17. In this regard, it would be appropriate to advert to the Annexure - A15 which is the proceeding of the Sub Collector - Kozhikode dated 02.12.2019. This is a proceeding for the conversion of land as per the Kerala Conservation of Paddy Land and Wetland Act, based on the application submitted by Mr. C. Anwar Sadath who is the Director of the 5th Respondent unit. In the above said proceedings, conversion was granted on the condition that "(1) *The construction shall be done without causing any damage to the nearby water streams/ wetlands/ nearby agricultural lands.*

(2) Applicant is duty bound to pay additional fees if any error is found in the calculation of the fair value, on a later point of time".

18. From the above document, it is evident that the Project Proponent had applied for the conversion of paddy lands subsequent to the application made for Environmental Clearance. Therefore, even on the ground of suppression of material facts, the SEIAA – Kerala ought to have recalled the Environmental Clearance granted.
19. The learned counsel for the appellant invited our attention to Clause 8 (vi) of the EIA Notification which provides for the rejection of the application and/or cancellation of the prior Environmental Clearance granted on the basis of the deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application.
20. It is pointed out that even though there is a statutory duty imposed on SEIAA – Kerala to reject the application or cancel the Environmental Clearance for furnishing wrong / false / misleading information, the SEIAA – Kerala has not done the same till now.
21. When the Project Proponent had commenced its construction and made alterations in the land by laying roads, removing of earth and levelling the same, the prior Environmental Clearance should have been obtained. Even before obtaining the Environmental Clearance, the above mentioned works were commenced by the Project Proponent.
22. The Project Proponent ought to have obtained prior Environmental Clearance before any construction work or preparation of the land on the project site. After commencing the same, the Project Proponent has made an application before the SEIAA – Kerala for obtaining Environmental Clearance. When it is specifically found by the SEIAA – Kerala that the project/activity has started in violation of the EIA Notification,

the application filed by the Project Proponent should have been rejected on the very same ground and initiated violation proceedings for commencing the activity before obtaining the Environmental Clearance. The SEAC – Kerala had not made any recommendation for grant of Environmental Clearance. The recommendation of the SEAC – Kerala is that the project is being constructed prior to the grant of Environmental Clearance and the same has to be considered as a violation category, besides initiating action for the violations was accepted by the SEIAA – Kerala in its 93rd, 95th, 97th and 100th Meetings held on 30.05.2019, 29.07.2019, 24.09.2019 and 23.12.2019 respectively. Whereas, the SEIAA – Kerala, based on the representation made by the Project Proponent had suddenly changed its stand and granted the impugned Environmental Clearance in its 101st Meeting held on 17th & 18th January 2020.

23. The above sequence of events and the records also clearly reveal that the SEIAA – Kerala had granted the Environmental Clearance without the recommendation of the SEAC – Kerala which is in gross violation of the procedures prescribed in the EIA Notification, 2006.
24. In this regard, the relevant provisions of the EIA Notification, 2006 can be usefully referred to:-

8. Grant or Rejection of Prior Environmental Clearance (EC):

(i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be

simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days."

25. The above provision makes it very clear that the appraisal and specific recommendation of the SEAC is mandatory for consideration by the SEIAA for the grant of Environmental Clearance. The SEAC and SEIAA being the regulatory bodies, the decision making process of these authorities must be transparent. It is a bounden duty of the SEAC and SEIAA to draw a balance between the need for development on the one hand and the protection of environment on the other hand.
26. In the instant case, though the SEAC - Kerala had not recommended the project, the SEIAA - Kerala had gone ahead in issuing the Environmental Clearance at the instance of the Project Proponent is vitiated in the eye of law. It only reflects on the SEIAA - Kerala that it is lacking in a transparent and responsible decision making process.
27. Therefore, on what basis, the SEIAA - Kerala had considered the project as an expansion project and granted Environmental Clearance in gross violation of the rules in force is not known. It is also contrary to the application submitted for a new project by the project proponent which raises doubt about the transparency and accountability of the decision making process of the SEIAA - Kerala.
28. It is also to be noted that as per Annexure A7, which is the Minutes of the 97th Meeting of the SEIAA - Kerala, it is recorded that when the expert team of SEAC visited the project site for field verification, the team noticed that the constructions had already started without obtaining the Environmental Clearance and hence, there was a violation. The SEAC - Kerala accepted the Sub-Committee's report and recommended the SEIAA - Kerala for initiating violation proceedings. Accordingly, vide

Letter dated 27.08.2019, the SEIAA – Kerala directed the District Collector – Kozhikode to issue a stop memo and report compliance at the earliest.

29. The said decision dated 24.09.2019 has also not challenged by the Project Proponent till date and the decision has also not been withdrawn by the SEIAA – Kerala yet. The above observations only confirm that the project is a case of violation and the SEIAA – Kerala is empowered to initiate action against the Project Proponent.
30. For the above said reasons, we hold that the issuance of the Environmental Clearance dated 12.03.2020 is without jurisdiction and without following the prescribed procedures and is liable to be set aside. Accordingly, the Environmental Clearance is set aside.

Issue No.2:-

31. Regarding the issue of whether the project in question requires prior Environmental Clearance, admittedly, the permit granted by the Local Grama Panchayat is for 57,443.6 Square Meters. Even according to the permit and plan issued by the Local Grama Panchayat, it is not a mere area development project but a building construction project. In this regard, it is submitted that the EIA Notification, 2006 applies to all projects with built-up area of greater than 20,000 Square Meters irrespective of the nature of the project/activity.
32. In this regard, the learned counsel for the appellant places his reliance on **2014 SCC Online Del 3264 (Maruthi Suzuki India Limited Vs. MoEF&CC and Ors.)**

*13. In rejoinder, the petitioner submits that the circular clearly pertains to SEZs and does not in any way, support the respondent No.2's view that all projects and activities having a built-up area of >20,000 sq. mts., irrespective of the nature of the project or activity, would require EC.

14. Having heard learned counsel for parties, this Court is of the view that the EIA Notification 2006 applies to all projects with a built up area of > 20,000 sq. mts. Irrespective of the nature of the project or activity. Omission of some words/expressions from the draft EIA Notification 2006, which are superfluous, would not assist the petitioners. Moreover, deletion of words/expressions from a draft Notification is not equivalent to a deletion of words/expressions from an existing statute or Notification. Also internal notings of Government officials cannot be a guide to interpretation when the Notification is otherwise free from ambiguity."

33. Though in the above referred case, after holding so, the Hon'ble High Court had permitted the issuance of post facto clearance. It was categorically held that the present order was passed on the peculiar facts and circumstances of the case and the same shall not be treated as precedent.

34. The learned counsel for the Project Proponent contended that the project does not require prior Environmental Clearance since the total built-up area is only 81,589 Square Meters which is less than 1,50,000 Square Meters and the project is coming under 'Mixed-use Township Project'. Therefore, the township projects only fall under Item 8(b) and not under Item 8(a) of the EIA Notification, 2006. Since the threshold limits were not reached, their project does not require a prior Environmental Clearance and it was not by mistake, the Project Proponent had applied for prior Environmental Clearance and obtained the same.

35. The relevant provisions of the EIA Notification, 2006 in Item 8 are as follows:-

8(a) – Building and Construction projects, for which, prior EC is required for built-up area of greater than 20,000 Square Meters. For the project between 20,000 Square Meters to 1,50,000 Square Meters will be considered as 'B' Category projects and prior EC is to be granted by the SEIAA.

8(b) – Townships and Area Development projects, For projects with built-up area of greater than 1,50,000 Square Meters and less than 3,00,000 Square Meters or covering an area greater than or equal to 50 Hectares and less than 150 Hectares will be considered as projects falling under 'B' category, for which, EC is to be granted by the SEIAA. In case the project has a built-up area of greater than or equal to 3,00,000 Square Meters or covering an area of greater than or equal to 150 Hectares, the project will be treated as 'A' category and EC is to be granted by the MoEF&CC.

36. From the above, it can be seen that any project having a built-up area of more than or equal to 20,000 Square Meters requires prior Environmental Clearance, whether it is a standalone building project or a component of a township. Building projects having less than 1,50,000 Square Meters but more than or equal to 20,000 Square Meters even if they are not a part of the township will require prior Environmental Clearance under 8(a) and if the built-up area is more than 1,50,000 Square Meters it will be considered as Township under 8(b).

37. The reliance of the Respondent on the orders of the Hon'ble Supreme Court in **In Re: Construction of park at Noida near Okhla Bird Sanctuary - Anand Arya & Anr. / T.N. Godavarman Thirumulpad Vs. Union of India & Ors. (I.A. Nos.2609-2610 of 2009 in Writ Petition (CIVIL) No.202 of 1995)** reported in **(2011) 1 SCC 744** needs to be examined.

38. The impugned project in the above case is a recreational park involving the construction of a national memorial, commemoration plaza, larger than life-size statues, pedestrian pathways, boundary wall, hard landscape, soft landscape, etc.

39. In the above referred *Noida Park* case, it was held by the Hon'ble Supreme Court that

"55. It is extremely difficult to accept the contention that the categorization under items 8 (a) and 8 (b) has no bearing on the nature and character of the project and is based purely on the built up area. A building and construction project is nothing but addition of structures over the land. A township project is the development of a new area for residential, commercial or industrial use. A township project is different both quantitatively and qualitatively from a mere building and construction project. Further, an area development project may be connected with the township development project and may be its first stage when grounds are cleared, roads and pathways are laid out and provisions are made for drainage, sewage, electricity and telephone lines and the whole range of other civic infrastructure. Or an area development project may be completely independent of any township development project as in case of creating an artificial lake, or an urban forest or setting up a zoological or botanical park or a recreational, amusement or a theme park."

40. It was also held by the Hon'ble Supreme Court that

"57. In light of the above discussion it is difficult to see the project in question as a "Building and Construction project". Applying the test of 'Dominant Purpose or Dominant Nature' of the project or the 'Common Parlance' test, i.e. how

a common person using it and enjoying its facilities would view it, the project can only be categorized under item 8(b) of the schedule as a Township and Area Development project". But under that category it does not come up to the threshold marker inasmuch as the total area of the project (33.63 hectares) is less than 50 hectares and its built-up area even if the hard landscaped area and the covered areas are put together comes to 1,05,544.49 square metres, i.e., much below the threshold marker of 1,50,000 square metres."

41. From the above, it is very clear that the order pertains to a project where the 'dominant purpose' is that of an 'Area Development Project' and not that of a 'Building and Construction Project'. In the instant case, the project is primarily a 'Building and Construction Project' in a small area of 3.309 hectares and the built-up area (covered area) is 81,589 Square Meters consisting of 2 residential towers (210 units), studio apartment (204 units), Business park, 70 key hotel with restaurant facility and 500 pax convention centre and a club house which reveals that the project is primarily a 'Building and Construction Project' which requires prior Environmental Clearance in view of the huge environmental impact the project is likely to have both during construction and operation phase of the project. Therefore, we do not see any inconsistency in the findings of the SEIAA – Keraia that the project requires prior Environmental Clearance though we do not agree with the treatment of the project as an expansion project by the SEIAA – Kerala.

42. Merely naming a project as a 'Mixed-use Township Project' will not make it a project under Item 8 (b). If the contention of the project proponent is accepted, it will be open for any project proponent to name their project as 'Township' and propose a built-up area that is just less than 1,50,000 Square Meters and claim that prior Environmental Clearance is not required. On the other hand, the projects which are having a nomenclature of 'Building projects' with a built-up area of more than or equal to 20,000 Square Meters will require prior Environmental Clearance to assess the environmental impact and impose necessary conditions to protect the environment.

43. The intention of the legislature cannot be to assess a project having a built-up area of more than or equal to 20,000 Square Meters for a grant of prior Environmental Clearance and by a mere change in nomenclature to Township, projects with a built-up area of greater than 20,000 Square Meters but less than 1,50,000 Square Meters be exempt from the EIA Notification, 2006.

44. In the instant case, it is also to be noted that the built-up area of the project is 81,589 Square Meters, which will have a huge environmental impact in that area not only during the construction phase but also post-completion of the project, impacting the environment in the following aspects: -

(a) Change in habitat in the project area as well as in the neighbourhood which can have deleterious impacts on the fauna.

(b) Likely pollution and absence of appraisal and stipulation of mitigation measures can have a serious bearing on soil, air (both air quality and noise pollution), and water bodies.

(c) The presence of a large number of dwelling units (210 + 204 = 414 units) will itself generate huge quantities of both solid and liquid waste which requires critical scrutiny and imposition of conditions to mitigate the impacts of solid and liquid waste generated on a daily basis.

(d) In view of the massive project, it is evident that the traffic in the area will increase significantly which also requires technical analysis for imposing necessary conditions to prevent air pollution viz., both air quality and noise levels.

45. From the above, it is evident that the project of a size of 81,589 Square Meters will require a detailed environmental impact assessment in order to protect the environment and ensure that there is no adverse impact on the environment in the project

area as well as in the neighbourhood. Any interpretation as contended by the project proponent will lead to gross misuse of the provisions of the EIA Notification, 2006, leading to serious environmental impact in the project area as well as in the surrounding areas.

46. It is also to be noted that the Hon'ble Supreme Court in **Keystone Realtors Private Limited Vs. Shri Anil V Tharthare & Ors. [Civil Appeal No. 2435 of 2019]** reported in **(2020) 2 SCC 66** has held that

"The EIA Notification seeks to ensure the protection and preservation of the environment during the execution of new projects and the expansion or modernization of existing projects. It imposes restrictions on the execution of new projects and on the expansion of existing projects, until their potential environmental impact has been assessed and approved by the grant of an EC."

47. It was also observed by the Hon'ble Supreme Court that

"19. In a case where the text of the provisions requires interpretation, this Court must adopt an interpretation which is in consonance with the object and purpose of the legislation or delegated legislation as a whole. The EIA Notification was adopted with the intention of restricting new projects and the expansion of new projects until their environmental impact could be evaluated and understood. It cannot be disputed that as the size of the project increases, so does the magnitude of the project's environmental impact. This Court cannot adopt an interpretation of the EIA Notification which would permit, incrementally or otherwise, project proponents to increase the construction area of a project without any oversight from the Expert Appraisal Committee or the SEAC, as applicable."

48. The Hon'ble Supreme Court has also held categorically that even with respect to expansion projects, it cannot be done incrementally in a manner that will prevent the officials from examining the environmental impact and evaluating it holistically considering all the relevant factors, including air and water availability, pollution, management of solid and liquid waste and the urban carrying capacity area.

49. The claim of the project proponent that the project does not require Environmental Clearance is not sustainable and having claimed the project is a new project and applied before the SEIAA – Kerala for Environmental Clearance, it is purely an afterthought to claim that they have made the application by mistake and this being 'Mixed-use and Township Project' does

not require Environmental Clearance is rejected since the 'dominant purpose' or 'dominant nature' of the project is 'Building and Construction Project'. Therefore, we hold that the project requires prior Environmental Clearance under Item 8 (a) of the EIA Notification, 2006.

50. We also hold that the proceedings in the name of Administrator SEIAA is in violation of the EIA Notification. The Environmental Clearance shall be granted only by the SEIAA as proceedings of the SEIAA and at best, the Environmental Clearance can be signed by the administrator on behalf of the SEIAA. But certainly, it cannot be the proceedings of the administrator, since the EIA Notification, 2006 stipulates that the prior Environmental Clearance shall be granted by the SEIAA based on the specific recommendation of the SEAC.
51. It is high time, the officers who are part of the SEIAA – Kerala are made to realize that it is their bounden duty to protect the environment as per the procedures prescribed in the EIA Notification, 2006 and the grant of Environmental Clearance cannot be left to the whimsical discretion of the members of the SEIAA.
52. For the violation of commencing the project prior to securing prior Environmental Clearance, the project proponent is liable for payment of environmental compensation. Normally, the options before the Tribunal are to pull down the structure for having violated the environmental laws or impose environmental compensation which will act as a deterrent for the prospective builders from undertaking constructions without obtaining prior Environmental Clearance. Since the project is not in a very highly eco-sensitive zone (i.e. CRZ, Wetland, Water body, etc.) and is nearing completion, we feel that the ends of justice will be met by imposing appropriate environmental compensation by the Kerala State Pollution Control Board within a period of 3 (Three) months subject to the approval of this Tribunal.

53. In view of the detailed discussions made above, we

- I.** Set aside the Environmental Clearance dated 12.03.2020 granted by the SEIAA - Kerala.
- II.** The SEIAA – Kerala is directed to stop the project with immediate effect and we direct the project proponent to make an application within 2 (Two) months which shall be examined by the SEIAA or MoEF&CC, as the case may be, on merits and as per rules in force.
- III.** When the application is considered, it can be considered only after assessing the damage that might have been caused to the environment due to the construction and also assessing the mitigation / remediation measures that will have to be undertaken prior to consideration of the application. The amount required for remediation and mitigation measures shall be recovered from the Project proponent. In view of Para (52), the environmental compensation to be imposed on the Project Proponent will be considered by the Kerala SPCB appropriately within a period of 3 (Three) months which will be subject to the approval of this Tribunal.
- IV.** The environmental compensation shall be paid to the Kerala SPCB for being deposited in an interest bearing account in a Nationalized Bank and the interest shall be utilized for restoration of wetlands and removal of water hyacinths from the major waterways and water bodies of Kerala State and for utilization of the removed water hyacinth for energy generation/composting or producing a value added product.
- V.** A Committee comprising of the (i) Additional Chief Secretary – Department of Environment – Directorate of Environment and Climate Change (DoECC), (ii) Additional Chief Secretary – Irrigation Department, (iii) Principal Chief Conservator of forests (Head of Forest

Force)/Chief Conservator (Wetlands), and (iv) Chairman – Kerala State Pollution Control Board headed by the Chief Secretary – State of Kerala shall consider the projects received for sanction of funds from the interest income.

VI. In view of the gross violations made out, we recommend the Secretary – MoEF&CC to initiate action after due enquiry against all the members of SEIAA who were party to the decision.

VII. In case the same members are continuing as members of SEIAA, pending enquiry all the proposals for prior Environmental Clearance may be referred to a new set of members.

VIII. The Additional Chief Secretary – Department of Environment, Directorate of Environment and Climate Change (DoECC), State of Kerala shall report compliance in 6 (Six) months to this Tribunal.

54. As a corollary, the Interlocutory Applications [I.A. Nos.194 to 196 of 2022 (SZ)] are also disposed of.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Koriapati, EM

Internet – Yes/No

All India NG Reporter – Yes/No

Appeal No.05/2022 (SZ)
I.A. Nos.194 to 196/2022(SZ)
11th September 2022, Mn.

Item No.2:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Appeal No.05 of 2022(SZ)

IN THE MATTER OF:

Shaji A.K.

...Appellant(s)

With

**Ministry of Environment, Forests & Climate Change
New Delhi and Ors.**

...Respondent(s)

Date of Order: **11.09.2023.**

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

ORDER

1. After pronouncing the Judgment, Mr. K.R. Harin, the learned counsel appearing for Respondent No.5 requested for the stay of the operation of the order, which this Tribunal refused. It is open to him to work out his remedy in the appropriate forum.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

Appeal No.05/2022 (SZ)
11th September 2023. Mn.