

Minutes of the 30th Meeting of Kerala State Single Window Clearance Board (KSSWCB) chaired by Chief Secretary, held through Video Conference, at 11.30 AM on 3rd August 2021

(A) MINUTES OF THE 29TH MEETING OF KSSWCB

Confirmation of Minutes of the 29th meeting of KSSWCB held on 18th February 2021 and matters arising thereof.

Decision:

The Minutes of the 29th meeting of the KSSWCB held at 4.30 PM on 18th February 2021 were confirmed.

(B) MATTERS ARISING OUT OF PREVIOUS MEETINGS

AGENDA ITEM-1:

Setting up of a Common Biomedical Waste Treatment Facility (CBWTF) in Ernakulam by Indian Medical Association (IMA)

The project proponent (IMA) informed the Board of the clarification obtained from District Collector, Ernakulam, that the ownership of land being allotted to IMA at Brahmapuram vests with the State Government. Accordingly, Revenue Department is to take steps for leasing the said land to IMA, so as to commence the project.

Chairman, KSPCB informed that the proponent has to obtain Environment Clearance for KSPCB to issue 'Consent to Establish'. It was also informed that as per existing rules and guidelines, two biomedical waste treatment plants cannot be located within 75 Km radial distance. Member Secretary, SEIAA informed the Board that M/s. Kerala Enviro Infrastructure Ltd (KEIL) had set up a similar plant at Ambalamedu in Ernakulam District, and that it will not be prudent to set up another plant in the district, given that the biomedical waste supply to the existing plant itself is not ascertained. Hence SEIAA suggested IMA to consider locating the proposed CBWTF in a southern district.

Decision:

- IMA to check the existing rules and provisions with regard to setting up of two biomedical waste treatment plants in the same vicinity. (**Action: IMA**)
- Environment/ Revenue Department to take decision expeditiously on the request for lease of land at Brahmapuram to IMA (**Action: ACS, Revenue/ ACS, Environment**)

AGENDA ITEM-2:

Setting up of a Quarry Unit in Kozhikode by M/s. Delta Rock Products (Proprietor: Mr. Thomas Philip)

Environment Clearance from SEIAA

The Board noted that the proponent had submitted all relevant details sought by SEAC, and that the SEAC had decided to constitute a Sub-committee to do a detailed study of the proposal including field inspection and to submit report.

Decision:

The Sub Committee of SEAC shall conduct site visit within a week and submit its report, based on which the SEAC/ SEIAA shall arrive at a decision. (**Action: SEIAA/SEAC**).

AGENDA ITEM-3:

Setting up of a Convention Centre and Hotel project in Kozhikode by M/s. Spice Bowl Hotels (P) Ltd.

Clearance from Panchayat

The report of the Expert Committee headed by the Principal Secretary-II (Industries) was perused. The Chief Secretary reiterated the decision of the 29th KSSWCB, according 'in-principle' sanction to the project, subject to the recommendations of the Expert Committee.

Decision:

In order to facilitate the smooth completion of the project, the following conditions are enumerated, which have to be adhered to, by the proponent. LSGD/ other Departments shall grant the necessary permissions, subject to the adherence of the following conditions by the proponent:

- 1) Restoration of the partially constructed structure (i.e., up to 3 floors) can be done after ensuring slope stability.
- 2) The restoration works shall be entrusted to a reputed EPC agency.
- 3) The construction of upper floors is to be discontinued.
- 4) The need for additional occupancy can be fulfilled by constructing a separate structure in a flatter terrain in the premises.
- 5) As the retaining wall of first basement along Grid (5) is tilted and appears to be non-repairable, anchors may be provided to avoid further collapse. Experts of soil nailing techniques may be contacted for this purpose.
- 6) Restoration works of the existing structure are to be taken up initially, and LSGI is to provide sanction for this work.

- 7) Slope stability improvement measures may be undertaken by the proponent, in consultation with reputed consultants.

(Action: Project Proponent/ LSGI)

AGENDA ITEM-4:

Construction of Vizhinjam International Seaport by M/s. Adani Vizhinjam Ports (P) Ltd.

A. Clearance from Dept. of Forest & Wildlife

The Board observed that the final notification from Ministry of Environment, Forest & Climate Change (MoEF & CC), GoI, is still awaited regarding declaration of Eco Sensitive Zone (ESZ) of Neyyar and Peppara Wildlife Sanctuary. Principal Secretary (Forest & Wildlife), GoK, informed that all clarifications sought by MoEF & CC have been uploaded in the Parivesh portal of MoEF & CC.

Decision:

As of now, the matter is not pending with the State Government. The proponent may upload the matter in the State's Project Monitoring Group portal, in the event of further delay. Department of Forest & Wildlife, GoK, to follow up with MoEF & CC. **(Action: Dept. of Forest & Wildlife)**

B. Clearance from Dept. of Agriculture

Principal Secretary (Agriculture) & APC informed that the proponent had resubmitted the proposal seeking clearance for 18.07 Ha of land in Kottukal Village, from the provisions of Paddy & Wetland Act, for construction of a storage facility for armour rocks and for connectivity of roads. The proposal was placed before the SLMC, which decided that Environment Clearance has to be obtained. However, the location sketch and records demarcating the 18.07 ha of land was yet to be made available to the Dept. of Agriculture by the project proponent.

Decision:

- M/s. Vizhinjam International Seaport Ltd. (VISL) shall provide the sketch and relevant records sought by Dept. of Agriculture, at the earliest. **(Action: MD, VISL)**
- Revenue Dept./Agriculture Dept. shall take immediate steps for making the applications & procedure seeking clearances from paddy land & wetland Act, online. **(Action: Revenue Dept./ Agriculture Dept.)**
- Decision on the application of the project proponent shall be expedited. **(Action: Principal Secretary, Agriculture & APC)**

AGENDA ITEM-5:

Construction of a 600-bed Multi specialty Hospital (Aster Capital) in Thiruvananthapuram by M/s. Aster DM Healthcare Ltd.

Building permit from Thiruvananthapuram Corporation

The Board observed that the project proponent was not present for the meeting. The Board noted the status report furnished by Thiruvananthapuram Corporation (Attipra Zonal Office) that the project proponent is yet to remit the permit fees to Thiruvananthapuram Corporation for according building permit.

Decision:

Project proponent to remit the permit fees to Thiruvananthapuram Corporation so as to obtain building permit. (**Action: Project proponent**)

AGENDA ITEM-6:

Construction of a 5-Star Hotel at Vizhinjam, Thiruvananthapuram, by M/s. Kovalam Resort Pvt. Ltd. (The Raviz Kovalam)

Clearance from Vizhinjam Zonal Office of Thiruvananthapuram Corporation

The proponent informed that the survey report is still not finalised and has been pending for more than a year. District Collector, Trivandrum, informed that the survey was already completed, and the survey sketch and report are to be scrutinised by the District Survey Superintendent. However, the Survey Superintendent has not yet been posted.

Decision:

District Survey Superintendent, Trivandrum, shall be posted immediately and the scrutiny and finalisation of survey report shall be done within two weeks. (**Action: ACS, Revenue/ Director, Survey & Land Records/ District Collector, TVM**).

AGENDA ITEM-7:

Renewal of licences for existing factory of M/s. Nitta Gelatin India Ltd. at Koratty, Thrissur

A. NOCs from Kuzhur & Puthenvelikkara Panchayats for conducting the feasibility study to lay treated water pipeline to the marine water front

ACS (LSGD) informed the Board that modified orders have been issued during March 2021, directing the Panchayats to issue necessary clearances for conducting the feasibility study. However, the project proponent informed that the Panchayats are yet to give clearances for the same.

Decision:

Kuzhur and Puthenvelikkara Panchayats shall issue necessary clearances to the project proponent, within one week, failing which the Board will issue NOCs. (**Action: LSGD/ Director, Panchayats**)

B. Relocation of salinity prevention bund, in view of extending the Water Metro Service to Infopark area in Kadambrayar, which will affect operations of the company

Principal Secretary (Industries) informed the Board that the issue has a larger dimension as it will affect the proponent industry, as well as the Rajagiri College, and that the Hon'ble Minister for Industries will be holding a meeting to resolve the matter.

Decision:

Principal Secretary (Industries) to follow up for holding the meeting with Hon'ble Minister (Industries) for a speedy decision. (**Action: Principal Secretary (Industries)**)

AGENDA ITEM-8:

Renewal of Trade License for Aquatic Resort in Kumbalangi, Kochi, of M/s. Poppys Hotel Pvt. Ltd.

The proponent informed that the trade license for last year was renewed, but that of the current year was still pending with Panchayat.

Decision:

- The trade license issued for the last year shall be extended till the Panchayat issues renewed license for the current year. (**Action: ACS, LSGD / Secretary, Kumbalangi GP**).
- On expiry of the current year's license, the project proponent could avail license for 5 years making use of the K-SWIFT portal, after remitting the license renewal fee for 5 years.

AGENDA ITEM-9:

Construction of a Hotel at Vazhamuttom, Trivandrum (Hotel Diamond Palace, Proprietor: Mr. Sajith T.S)

The Board noted the actions taken by Trivandrum Corporation and Electrical Inspectorate on the action items pertaining to them as per the 29th meeting of the Board. The Secretary, Trivandrum Corporation reported that the Overseer of Vizhinjam Zonal Office of the Corporation, who had earlier served stop memo to the facility, was transferred in compliance to the Board decision. The Electrical Inspectorate had issued Energisation Order to the facility on 16.03.2021. Accordingly, the Board decided the above matters to be settled and closed.

A. Permission from NHAI for cutting Rectangular Hollow Section (RHS) across the Service road for laying pipeline for draining rain water from building premises

Secretary (PWD) informed that the NHAI has taken a policy stand that such road cutting permissions cannot be given, as it will result in several similar requests from other parties too.

Decision:

Board observed that a national level organisation like NHAI cannot change its policy for a particular case. However, Secretary (PWD) shall hold another discussion with NHAI on the matter and report status. In the event of NHAI sticking on to its original stand, the project proponent shall make own arrangements like Rain Water Harvesting to tackle the problem. **(Action: Secretary, PWD / Project proponent)**

B. To obtain power supply by installation of UG cable by KSEB

KSEB informed that demand note was served to the proponent on 26.05.2021 to remit Security deposit for effecting power connection. However, the party has not remitted the amount till date.

Decision:

Project proponent to avail power connection after remitting the Security deposit to KSEB, as per the demand note. **(Action: Project proponent)**

AGENDA ITEM-10:

Construction of Compound wall, Swimming Pool and Ayurveda Spa in the Resort project being implemented in Ayiroor, Varkala, by M/s. Hill Country Hotels & Resorts (P) Ltd.

Clearance from Elakamon Grama Panchayat

ACS (LSGD) informed that the President, Elakamon GP has filed a writ petition WP(C) No. 13748/2021 on 18.06.2021 challenging the Board's decision, as also the direction issued by PS, LSGD-Urban to the Panchayat Secretary to withdraw the case. Based on this, the Hon'ble High Court, vide Judgement dated 12.07.2021 has stayed the direction of PS, LSGD-Urban and all further proceedings for a period of 4 weeks.

Decision:

LSGD to take immediate steps to get the stay vacated. (**Action: LSGD**)

AGENDA ITEM-11:

Proposal for change in Electricity Tariff of M/s. Capital Color Park & Digital Press (Proprietor: Shri. Prasannakumar) - Appeal against rejection by the District Single Window Clearance Board

Chairman, KSEB informed that the reversal of tariff of the unit to 'IV-A (industrial)' depends on the clarification from KSERC on the definition of 'Colour lab' and the activities therein; the decision of KSERC in this regard was still awaited.

Decision:

KSEB shall reverse the tariff to 'IV-A (industrial)' based on an undertaking from the project proponent that the tariff would be liable to revision with retrospective effect, depending on the decision of KSERC on the definition of 'colour lab'. (**Action: KSEB**)

AGENDA ITEM-12:

Setting up of a Private Integrated IT & Hi-Tech Park at Mannuthy, Thrissur, by M/s. Malabar Group at Mannuthy, Thrissur

Principal Secretary (Industries) informed that the project involves conversion of a portion of the project land, and that Agriculture Department had earlier denied conversion. The proponent informed that an SRO was issued by Revenue Department, in 2015, declaring the project as public purpose and a G.O. was issued by Industries Department in 2016, declaring the entire project area as Industrial Area and constituting an Industrial Area Board. Principal Secretary (Industries) informed that a file on the subject matter has been forwarded to Chief Secretary for decision.

Decision:

Decision will be expedited on the matter.

AGENDA ITEM-13:

Setting up of ‘Sanjeevini Life Care Village’ at Manjapra, Ernakulam, by M/s. Sanjeevini Life Care Village (P) Ltd.

A. Litigation regarding land conversion fees

Proponent informed that the case before the Hon’ble High Court was disposed off, and as per the judgement he had submitted affidavit before the RDO, Fort Kochi, confirming willingness to remit Rs.6,25,572/- as conversion fee, but the matter is pending with RDO. RDO, Fort Kochi, informed that the matter is still under litigation, and that the Hon’ble HC has only issued an Interim Order, and as per judgment the fee payable comes to around Rs. 18 Lakhs. RDO, Fort Kochi also informed that the proponent has contested the fair value of land in the affidavit that he submitted.

Decision:

RDO, Fort Kochi, to take final decision on changing the type of land, after obtaining a revised Affidavit/ Bond from the project proponent. The revised affidavit/bond shall clearly specify the fee being remitted, and that any balance amount will also be remitted, depending on the final decision of Hon’ble High Court. (**Action: Project proponent/ RDO, Fort Kochi**)

B. Categorisation of project as ‘Wellness sector’

The project proponent informed that the project needs to be categorised under ‘wellness sector’ so as to avail finance, and also considering the nature of the project, which is related to sports wellness. Principal Secretary (Industries) informed that the matter regarding creation of ‘wellness sector’ category needs to be examined by Finance and Taxes departments, and that the file has been forwarded to these departments for their remarks.

Decision:

Views of Finance and taxes departments shall be obtained at the earliest, and a decision on categorisation shall be arrived at within 30 days. (**Action: Principal Secretary (Industries)**)

AGENDA ITEM-14:

Renewal of permit for quarry unit at Cherupuzha in Kannur District, by M/s. Rajagiri Granites Pvt. Ltd. - Appeal to the State Board

The proponent informed that Cherupuzha Grama Panchayat has not renewed the license for his quarry unit since 2016, despite clearance from District Single Window Clearance Board, and obtaining Environment Clearance (EC) by DEIAA. The Panchayat issued stop memo, after challenging the decision of the District Board in Hon’ble HC. It was informed that the District

Board, in compliance with the judgment of Hon'ble HC, sought SEIAA to relook into the EC issued by DEIAA, Kannur on the basis of the recent flood situations in the area. The SEIAA decided that the EC by DEIAA, Kannur was issued after considering all relevant issues, and that it can be reconsidered only with a request from District Collector, who is the Chairman of DDMA, with sufficient justification.

District Collector, Kannur, informed that DDMA will take an immediate decision on the matter and submit report.

Decision:

Panchayat to lift the stop memo immediately, and the existing EC issued by DEIAA, Kannur will continue, unless the situation is reversed by the report of DDMA, Kannur, which will be submitted within one month. (**Action: Secretary, Cherupuzha GP/ Chairperson, DDMA-Kannur**)

(C) NEW PROPOSALS BEFORE THE BOARD

AGENDA ITEM-1:

Construction of a Shopping Mall at Kozhikode by M/s. FW Realtors & Developers (P) Ltd. - Correction of nature of land pending before RDO, Kozhikode

The project envisages construction of a Shopping Mall in land admeasuring 2.48 acres at Mavoor Road, Kozhikode. The property is seen included in the data bank prepared in terms of the Kerala Conservation of Paddy land & Wetland Act, 2008. The promoter had submitted application before RDO, Kozhikode on 08.10.2020 for correcting the content and nature of the said land in the data bank, claiming it is a 'Purayidom'; however the matter is still pending with RDO, Kozhikode. The promoter had also filed a writ petition WP(C) No. 28881/2020 before the Hon'ble HC and obtained a judgment directing the RDO, Kozhikode to pass appropriate orders in accordance with law within 3 months from the date of receiving the judgment. However, the matter is seen pending with RDO, Kozhikode.

RDO, Kozhikode informed that as per the LLMC report, the major portion of the proposed land is water logged and the LLMC has recommended to retain it in data bank.

Chief Secretary observed that there was a delay in complying with the order of the Hon'ble High Court which directed the authority concerned to pass appropriate orders in accordance with law within 3 months. Chief Secretary directed that such matters shall be disposed off by the competent authority, in accordance with law, within the specified time limit, without having to come to the KSSWCB for resolution.

Decision:

RDO, Kozhikode to pass appropriate orders in accordance with law, at the earliest, in compliance with the judgment of Hon'ble High Court. (**Action: RDO, Kozhikode**)

AGENDA ITEM-2:

Setting up of an International Convention Centre, Family Park & Hotel at Changanassery by M/s. Contour Holiday Resorts (P) Ltd. - Correction of nature of land in Town Planning Master Plan

The project envisages setting up of an International Convention Centre, Hotel, Family Park, etc., in 7.5 acres of land under possession of the proponent company in Block No. 194 of Changanassery Municipality, Kottayam. The proponent informed that the said property has been shown as Paddy Zone in the Town Planning Master Plan; whereas its 'Purayidom' as per Revenue records. The proponent also informed that the land adjacent to the subject property, where it successfully operates a resort (Contour Backwaters) is shown as Residential Zone in the Master Plan. The proponent therefore requests change of category of the subject area from Paddy Zone so that construction activities can commence.

Town Planner, Kottayam, informed that the Master Plan was prepared after land use survey and was approved by Government in 2012, as per which the subject area is waterlogged.

Chief Secretary expressed concern over the fact that different departments of the Government are differently recording the category of the same land, which presents difficulties to investors as also to the Government itself.

Decision:

The facts with respect to nature of the land to be examined with Revenue records and presented before the next Board. (**Action: Convenor, KSSWCB / Revenue Department**)

The meeting came to an end by 1.45 PM.

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Chief Secretary