

**Minutes of the 31st Meeting of Kerala State Single Window Clearance Board
(KSSWCB) chaired by Chief Secretary, held through Video Conference, at
2.00 PM on 21st January 2022**

(A) MINUTES OF THE 30TH MEETING OF KSSWCB

Confirmation of Minutes of the 30th meeting of KSSWCB held on 3rd August 2021 and matters arising thereof.

Decision:

The Minutes of the 30th meeting of the KSSWCB held at 11.30 AM on 3rd August 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)

IMA informed that there is no provision in the Biomedical Waste Management Rules banning the construction of two Common Biomedical Waste Treatment Facilities (CBWTF) in the same vicinity, as is claimed by KSPCB. As per IMA, the CPCB guidelines does not prevent establishing two CBWTFs within 75Km radius if the bed strength exceeds 10,000. IMA submits that the bed strength in Ernakulam District itself comes to around 18,000, and that within 75Km radius would be around 50,000. Hence IMA has again requested Govt. to expedite decision on leasing the Brahmapuram land to IMA.

SEIAA as well as KSPCB reiterated their earlier stand that another CBWTF in Ernakulam will not be feasible, as the one operated by KEIL having an installed capacity of 16TPD is currently operating at only around 4TPD. KSPCB also observed that the waste load on Ernakulam District is already high and bringing in further load to the district is not advisable. It was also informed that land was earlier earmarked for IMA in the KINFRA Park in Adoor, Pathanamthitta, and that negotiations in this regard were underway.

Decision:

- IMA to explore locating the plant in any district other than Palakkad and Ernakulam. Land in KINFRA Park, Adoor could be considered in accordance with the land disposal regulations of KINFRA and approval from GoK (**Action: IMA**)
- Land in Ernakulam may be considered at a later stage based on future demand analysis.

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

It was informed that the Sub Committee of SEAC conducted field inspection and submitted its report. The 124th meeting of SEAC held from 24-27th August 2021 considered the Sub Committee report and recommended rejection of application of the proponent. The 112th meeting of SEIAA held from 14-16th September 2021 decided to give the petitioner an opportunity of being heard, as directed by Hon'ble HC in WP(C) No. 13309/2020. However, since the tenures of SEIAA and SEAC had expired on 18.09.2021, the proponent would be heard in the next meeting of SEIAA once it is reconstituted by MoEF & CC, Govt. of India. Chief Secretary observed that the reconstitution of SEIAA/ SEAC has to be expedited.

Decision:

A D.O letter to be sent by Chief Secretary to Secretary, MoEF & CC, seeking urgent reconstitution of SEIAA/ SEAC. Draft letter in this regard to be prepared and forwarded by SEIAA. (**Action: SEIAA**).

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 Board noted that 'in-principle' sanction has already been accorded to the project by the 29th KSSWCB held on 18.02.2021, subject to the recommendations of the Expert Committee headed by the Principal Secretary-II (Industries). The proponent submitted that significant investment had already been made for the project, and that a 3rd floor shall also be permitted to be constructed, which will not adversely affect the slope stability. The proponent thus requested the Board to allow construction notwithstanding the conditions put forward by the Expert Technical Committee. Principal Secretary (LSGD) informed that there are 2 Writ Appeals and 1 Writ Petition filed against the project by locals, before the High Court; however no stay order has been issued on those till date. Chief Secretary noted that pendency of litigation shall not be a case for delaying any project, unless there is some specific order/ judgment.

The Board observed that the findings of the Expert Committee were made on the basis of technical study of the stability of the slope and structure. Hence it is the responsibility of the proponent to show convincing technical evidence that construction of a 3rd floor will not create any hazard.

Decision:

The Expert Technical Committee under Principal Secretary-II (Industries) shall re-examine its findings based on the submissions made by the proponent that there will not be any structural failure or slope weakness if an additional floor is constructed. The Committee is free to seek external consultation, if required, from expert institutions like IITs, the cost of which will be borne by the proponent. [Action: Principal Secretary-II (Industries)]

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 MoEF & CC, Govt. of India, is still awaited regarding declaration of Eco Sensitive Zone (ESZ) of Neyyar and Peppara Wildlife Sanctuary. Principal Secretary (Forest & Wildlife), GoK, informed that the proposal is with the Standing Committee of National Wildlife Board, and is expected to be taken up as an agenda in its next meeting. Project proponent informed that the matter has been pending for more than 2 years, and is hindering the quarry operations and stone availability for the project.

Decision:

Principal Secretary (Forest & Wildlife) to send a D.O. letter to Secretary, MoEF & CC, urging to expedite the notification. (Action: Dept. of Forest & Wildlife)

B. Clearance from Dept. of Agriculture for conversion of paddyland/ wetland

Principal Secretary (Agriculture) & APC informed that the proponent had initially submitted a proposal seeking clearance for 18.07 Ha of land in Kottukal Village, from the provisions of Paddy land & Wetland Act, for construction of a storage facility for armour rocks and for connectivity of roads. Subsequently, the proponent resubmitted the proposal seeking clearance for 26.97 Ha, out of which 1.92 Ha was approved. The clearance pertaining to the balance area is under consideration of the SLMC. It was also informed that the proponent has not implemented the mitigation measures suggested by the Department while approving clearance for 1.92 Ha conversion, and that the mitigation measures proposed for the remaining area were also not clear. Hence the proponent has been asked to make a detailed presentation before the expert committee on 03.02.2022 along with maps, survey nos. and other details.

MD, VISL informed that Environment Clearance was already obtained for 93 Ha, which covers the entire area proposed. The major mitigation measure proposed is preservation of a *Thodu*, which as per MD, VISL, will not be converted. Principal Secretary (Agriculture) & APC also informed that the State Cabinet had decided that EC from Govt. of Kerala needs to be furnished

so as to decide on conversion of the said areas. ACS (Environment) informed the Board that Govt. of Kerala does not issue EC, as the framework for EC is laid down by the MoEF & CC, Govt. of India. The Proponent as well as MD, VISL, informed the Board that the project, in its entirety, has already secured EC from MoEF & CC, Govt. of India. Chief Secretary noted that EC was already secured, which shall be forwarded to the State Cabinet in compliance to its decision.

Decision:

- Principal Secretary (Agriculture) & APC shall look into the land conversion aspect alone, and take a decision on the conversion proposal on 03.02.2022 based on the presentation, and finalise the matter. (**Action: Principal Secretary, Agriculture & APC**)
- Environment Department/ VISL shall forward a copy of the EC obtained from MoEF & CC, to Agriculture Department, which shall take steps to place the same before the Cabinet, in compliance to its decision. [**Action: MD, VISL/ ACS (Env.)/ PS (Agriculture)**]

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 Proponent was not present for the meeting. The proponent had informed earlier that they are in the process of changing the project plan and drawings including altering the proposed bed strength, and once it is finalised they would re-apply with revised set of drawings.

Decision:

The proposal is temporarily removed from the agenda, till the proponent re-apply with revised project plan and drawings.

AGENDA ITEM-6:

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

The Board noted that the project proponent has submitted a revised proposal to KSIDC, as per which the project will be set up by M/s. Travancore Enterprises (P) Ltd., a subsidiary company under RP Group. It was informed that the original proponent (M/s. Kovalam Resort (P) Ltd) will

be leasing out the project land admeasuring 6.29 acres to M/s. Travancore Enterprises (P) Ltd. for developing the project.

A. Survey and demarcation of boundary of the project site

The Board observed that survey and boundary demarcation of the project site has been pending for almost 2 years. District Collector, Trivandrum informed that application was obtained for boundary demarcation of 16 Ha of land, of which 5.7 Ha has been finalised. The boundary finalisation of the remaining area of approx. 10 Ha has not been done as there was a litigation submitted by the adjacent land owner before the High Court, on which a decision is yet to be pronounced by the Court. It was also informed that the petitioner was served a notice for hearing by DC, TVM; but instead of attending the hearing, the person filed litigation before the High Court. Chief Secretary informed the members that the mere pendency of a case shall not be a ground for preventing the competent authority to pass orders under law.

Decision:

District Collector, Trivandrum, to immediately pass orders as per law, as the petitioner has not responded to the hearing notice served upon him. (**Action: District Collector, Trivandrum**)

B. Approval of Plan & Drawings by Town Planning Department

The Chief Town Planner (Planning) informed that as part of the Zoning Regulations under the Kovalam-Vizhinjam Area Development Plan, 1978, there is an issue of height restriction to 9m for any type of constructions in the region. However, based on the recommendations from Tourism Department, Government had given directions to make variations in the Zoning Regulations of the region, through Trivandrum Corporation, for development of the local economy. Accordingly, the Town Planning Dept. has forwarded a review report to the Corporation to decide on the variations. Chief Secretary observed that there shall be a time limit prescribed for such matters.

Decision:

Trivandrum Corporation shall communicate the Council decision on making variations to the Zoning Regulations/ height restriction imposed by the Kovalam-Vizhinjam Area Development Plan, 1978, to the Board within 1 month. (**Action: Secretary, Trivandrum Corporation/ Director, Urban Affairs**).

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

The Board observed that while Kuzhur Grama Panchayat has given permission to conduct the feasibility study, the Panchayat Committee of Puthenvelikkara Grama Panchayat has resolved not to give NOC for conducting the feasibility study and has also requested KSSWCB not to issue deemed approval for the same.

Decision:

The Kerala State Single Window Clearance Board to issue NOC to M/s. Nitta Gelatin India Ltd. for conducting the feasibility study for laying treated water pipeline to the marine water front, as Puthenvelikkara Grama Panchayat has denied to give NOC for the same. (**Action: Convenor, KSSWCB**)

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

It was informed that a meeting was held by Hon'ble Minister (Industries) on 16.08.2021 with all stakeholders to discuss the issue. It was decided in the said meeting that the bund relocation for Water Metro operations should be done only after an alternate arrangement is established. Chief Engineer, Major Irrigation Dept. was entrusted to look into the concerns raised by Rajagiri Educational Institutions regarding ground water salinity and resolve it. Kerala Water Authority was entrusted to execute the shifting related works on allocation of funds.

The Chief Engineer, Major Irrigation Dept. informed the Board that around 6 companies/ industries would be affected due to salinity incursion, in the absence of the bund. It was also informed that in the meeting held with Kerala Water Authority and Kochi Metro Rail Ltd. on 23.12.2021, it was decided to relocate the bund to 2-3 Km upstream and construct a Regulator system there for sourcing water to the industries, and that the cost for the same will be met by Kochi Metro Rail Ltd. Chief Secretary observed that the costs involved for such relocation and the means for meeting the recurring cost by Kochi Metro Rail Ltd. from out of the revenues from Water Metro services shall be studied well and ascertained before deciding for such relocation.

Decision:

Cost-revenue and Cost-benefit analyses on relocating the bund 2-3 Km upstream shall be done by Major Irrigation Dept., in consultation with Kochi Metro Rail Ltd., Kerala Water Authority and other stakeholders, so as to arrive at a practical solution. (**Action: Chief Engineer-Major Irrigation Dept.**)

AGENDA ITEM-8:

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

The Board noted that Trade License has been issued to the proponent for 5 years by Kumbalangi Grama Panchayat, in compliance to the decision of the Board.

AGENDA ITEM-9:

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

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

The Board, in its 30th meeting held on 03.08.2021, had observed that a national level organisation like NHAH cannot change its policy for a particular case. However, Secretary (PWD) shall hold another discussion with NHAH on the matter and report status. The 30th Board had also observed that in the event of NHAH sticking to its original stand, the project proponent shall make own arrangements like Rain Water Harvesting to tackle the problem.

The item was deferred as the project proponent was not present for the meeting.

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

The project proponent informed that the litigation filed in High Court by the President, Elakamon Grama Panchayat and others, and subsequent stay order issued by the Court has affected timely implementation of the project, for which he has invested around Rs. 18 Crore, and that only around 10% of project development works were remaining to be completed. He informed that there is delay in taking up cases due to the virtual hearing system being followed on account of Covid-19. Chief Secretary observed that the Panchayat President has filed case on his/ her own, and that no panchayat funds shall be utilised in connection with the litigation.

Decision:

- LSGD to immediately issue orders that no funds under LSGD/ Elakamon Grama Panchayat shall be utilised by the Panchayat for meeting the expenses in connection with the litigation filed by the President, Elakamon Grama Panchayat on the subject case. If any such funds has already been utilised by the Panchayat, such amount shall be recovered from the salary of the Secretary, Elakamon Grama Panchayat. (**Action: Principal Secretary, LSGD-Rural**)
- Project proponent and LSGD to take immediate steps to get the stay vacated. (**Action: Project Proponent/ 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

The Board noted that KSEB has effected reversal of tariff to the proponent's unit from LT-VII(A) to LT-IV(A), after obtaining undertaking from the consumer, in compliance to the decision of the Board.

AGENDA ITEM-12:

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

The project involves conversion of 7.96 acres of paddy land, out of total 20 acres of project land in Ollur Village, Thrissur District. The Board noted that Industries Department had sought the remarks of Principal Secretary (Agriculture) & APC about the conversion of land that is classified as 'Nilam' in BTR but not included in Data Bank, and that a reply in this regard was awaited. Chief Secretary informed that Government has constituted a High level committee/ Cabinet sub committee for defining 'public purpose' under the Kerala Conservation of Paddyland & Wetland Act, 2008, and that the matter can be referred to the said committee for consideration.

Decision:

Principal Secretary (Industries) to forward the file to the High level committee/ Cabinet sub committee constituted for defining 'public purpose' under the Kerala Conservation of Paddyland & Wetland Act, 2008.

AGENDA ITEM-13:

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

A. Land conversion matter

Proponent informed that he had furnished the revised affidavit before RDO, Fort Kochi, and has also remitted Rs. 6,25,572/- towards conversion fee, as per the decision of the 30th KSSWCB held on 03.08.2021. However conversion order was still awaited. RDO, Fort Kochi informed that as the proponent has remitted the fees, conversion order will be issued within 1 week.

Decision:

RDO, Fort Kochi, to issue necessary order regarding land conversion within 1 week. (**Action: RDO, Fort Kochi**)

B. Categorisation of project under ‘Wellness sector’

Industries Department informed that the file on the matter was forwarded to Planning Department for comments, and as advised by Planning Dept., the matter was forwarded to Law Department.

Decision:

As it is a policy matter, decision will be taken after consultation with departments concerned.

AGENDA ITEM-14:

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

The Board took a detailed review of the developments that happened on the subject matter which was brought in as an appeal before it, by the project proponent. The proposed quarry of the project proponent is located in an area of 0.9525 Ha comprised in Sy. No. 12/741 of Pulingome Village, under Cherupuzha Grama Panchayat, Kannur District. The proponent, through his legal counsel, informed the Board that the Environment Clearance (EC) issued by erstwhile DEIAA, Kannur is valid till 22.02.2023. Based on the EC, the DSWCB, Kannur had initially given license to the unit on 02.03.2019. But stop memo was issued to the unit by Cherupuzha Grama Panchayat, demanding that the EC may be reviewed in light of the floods and landslides occurring in the area, after issuance of EC. Also, the Panchayat President approached the High Court challenging the license issued by DSWCB, alleging that he was not heard by the DSWCB. Subsequently, the DSWCB, in compliance to the judgment of High Court, heard the Panchayat

President, and rejected the application for license to the unit on 13.10.2020, though the EC was still valid. While rejecting the application, the DSWCB sought SEIAA to relook into the EC issued by DEIAA on the basis of the recent flood situations in the area.

The SEIAA decided that EC was issued by DEIAA, Kannur 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. Accordingly, DDMA, Kannur, in its meeting held on 01.09.2021, decided to refer the matter to SEIAA for final decision. The Secretary, Cherupuzha GP, vide letter dated 12.10.2021, informed that the Panchayat Committee, in its meeting held on 17.09.2021 resolved to maintain status quo by not lifting the stop memo until the SEIAA takes a decision on the matter.

Meanwhile, the tenure of SEIAA/SEAC had expired on 18.09.2021, and the new Authority is yet to be constituted by MoEF & CC, Govt. of India. The proponent produced RTI replies from the concerned authority in Payyannur Taluk, which shows that no landslide had occurred in Pulingome Village during the 5 year period from 2016 to 2021, which is contrary to the submissions of the Panchayat. Subsequently, the proponent filed a writ petition WP (C) No. 26688/2021 before Hon'ble HC, requesting to direct the State SWCB to issue license under the provisions of Kerala Industrial Single Window Clearance Boards & Industrial Township Area Development Act, 1999.

After detailed deliberations, the Board observed that the National Green Tribunal (NGT) is the sole appellate authority to review EC, u/s 16 of the National Green Tribunal Act, 2010. Hence the decision of the DSWCB/ DC, Kannur to refer the EC to SEIAA was wrong and not prudent. The DSWCB had no authority to seek review of the EC by SEIAA. The Board noted that the DSWCB, after hearing the aggrieved Panchayat President, should have asked him to approach the competent authority (NGT) to review the EC, than to reject the application for license to the unit. The Board also observed that the license issued by a competent authority under law will be legally valid till expiry of such license, though the issuing authority had become defunct at a later date, unless it was revoked/ cancelled by the same/ appellate authority.

Decision:

- Panchayat to immediately lift the stop memo issued to M/s. Rajagiri Granites, as the Environment Clearance (EC) issued by erstwhile DEIAA, Kannur, is valid till 22.02.2023, and as SEIAA is not the competent authority to review the EC. [**Action: Secretary, Cherupuzha Grama Panchayat/ Principal Secretary (LSGD-Rural)**]
- District Collector, Kannur, in his capacity as Chairman, DSWCB, Kannur, shall decide on the license application of M/s. Rajagiri Granites afresh, within 15 days of receipt of such application, in light of the valid EC held by the entity. (**Action: District Collector, Kannur/ DSWCB, Kannur**)

AGENDA ITEM-15:

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 measuring 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 was 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.

The project proponent had informed via e-mail that they had sought adjournment of the site inspection proposed by RDO, Kozhikode on 20.01.2022, due to Covid reasons. Hence the proponent had requested to defer the agenda item to the next Board.

Decision:

Agenda item is deferred based on the request from the project proponent.

AGENDA ITEM-16:

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 is 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.

Based on the decision of the 30th KSSWCB held on 03.08.2021, the Convenor, KSSWCB, had verified relevant extracts of BTR pertaining to the subject land and found that the nature of land as per Revenue records is "Purayidom". Meanwhile, the Changanassery Municipal Council, in its meeting held on 18.08.2021, resolved for redetermination of Zone, and to request District Town Planner/ GoK to take further necessary actions for redetermination of Zone. Based on the Councils' decision, the Secretary, Changanassery Municipality, vide letter dated 25.08.2021, requested Town Planner, Kottayam, to take steps for modification of Master Plan. Accordingly,

Town Planner, Kottayam, had forwarded a report to Chief Town Planner (CTP). CTP informed the Board that the matter has been referred to Government for appropriate decision.

Decision:

LSGD to take a decision on the matter within 15 days, after due consideration of the nature of the subject land as per revenue records, the decision of the Changanassery Municipal Council for redetermination of Zone and modification of Master Plan, and the fact that the proponent has been successfully operating a resort in the vicinity. (**Action: LSGD**)

AGENDA ITEM-17:

Construction of ‘Samrudhi Village Project’ in Kottayam District by M/s. Smart Township (P) Ltd. (Abad Group).

The proponent had applied for Building Permit from Chempu Grama Panchayat, Kottayam, for setting up of a 4-star hotel, a 3-star hotel and a Convention Centre in 150.73 acres of land in Chempu Village, as part of their ‘Samrudhi Village Project’. However, Panchayat informed that the proposed area for the project has been identified as “Nilam”, and hence they requested the proponent to furnish approval from Revenue Dept./ RDO and NOCs from various departments as per the Kerala Panchayat Building Rules, 2019. The proposal was placed before the 28th meeting of KSSWCB held on 22.12.2020. The Board noted that substantial area of the proposed project land for which the proponent had applied for Building Permit, fall under Data Bank and rest of the area was unnotified land. Since the unnotified area needs category change, the Board directed the proponent to submit application to RDO with necessary details and after complying with the prerequisites, approach KSSWCB. The decision of the Board was intimated to the proponent vide letter dated 04.01.2021. However, the proponent has not responded back in this regard. Subsequently, the proponent submitted representation before the Hon'ble Minister for Industries, during the 'Meet the Minister' programme held at Kottayam on 19.07.2021, requesting intervention to get the clearances.

The Board noted that the proponent had not reverted back with status, and was also not present for the meeting.

Decision:

Item to be deferred until the proponent intimates the status based on the decision of the 28th Board held on 22.12.2020. (**Action: Project proponent**)

AGENDA ITEM-18:

Renewal of permit for quarry unit in Kannur District, by M/s. Kabani Blue Metals Pvt. Ltd. - Appeal to the State Board

The Board observed that the subject matter is similar in nature to that of M/s. Rajagiri Granites. The proponent had obtained EC from DEIAA, Kannur, Consent from PCB and license from DSWCB, Kannur, for renewal of permit for their quarry unit. However they were unable to operate the quarry due to the interim stay of the Hon'ble High Court on WP(C) No.17181/2019 of 26.06.19 filed by Cherupuzha Grama Panchayat. Meanwhile, the validity of license from DSWCB expired on 05.02.2020. Later, the Hon'ble HC directed the DSWCB to consider the proponent's application for renewal of permit. The DSWCB held on 13.10.2020 observed that though the unit had EC from DEIAA that is valid till 06.11.2022, as the DEIAA had become defunct, EC granted by DEIAA would be referred to SEIAA for reconsideration. Hence the DSWCB decided to reject the application submitted by the proponent. Against the decision of DSWCB, the proponent submitted appeal to the State SWCB. The 28th KSSWCB held on 22.12.2020 agreed with the observations of the DSWCB and directed the proponent to obtain EC from SEIAA. This decision of KSSWCB was challenged by the petitioner in the Hon'ble HC vide WP(C) No. 1104/2021. The Hon'ble HC, vide its judgement dated 11.08.2021, set aside the decision of KSSWCB, and directed it to reconsider the appeal by the proponent as expeditiously as possible, and at any rate within 6 weeks from the date of receipt of the judgment.

The Board, after deliberations, observed that the National Green Tribunal (NGT) is the sole appellate authority to review EC, u/s 16 of the National Green Tribunal Act, 2010. Hence the decision of the DSWCB/ DC, Kannur to refer the EC to SEIAA was wrong and not prudent. The DSWCB had no authority to seek review of the EC by SEIAA. The Board noted that the DSWCB should have asked the aggrieved to approach the competent authority (NGT) to review the EC, than to reject the application for license to the unit. The Board also observed that the license issued by a competent authority under law will be legally valid till expiry of such license, though the issuing authority had become defunct at a later date, unless it was revoked/ cancelled by the same/ appellate authority.

Decision:

- Panchayat to immediately lift the stop memo issued to M/s. Kabani Blue Metals Pvt. Ltd., as the Environment Clearance (EC) issued by erstwhile DEIAA, Kannur, is valid till 06.11.2022, and as SEIAA is not the competent authority to review the EC. [**Action: Secretary, Cherupuzha Grama Panchayat/ Principal Secretary (LSGD-Rural)**]
- District Collector, Kannur, in his capacity as Chairman, DSWCB, Kannur, shall decide on the license application of M/s. Kabani Blue Metals Pvt Ltd. afresh, within 15 days of receipt of such application, in light of the valid EC held by the entity. (**Action: District Collector, Kannur/ DSWCB, Kannur**)

(C) NEW PROPOSALS BEFORE THE BOARD

AGENDA ITEM-1:

Construction of a Multi-Specialty Hospital in Thiruvalla by Believers Church Medical College Hospital - Removal of a portion of land from Data Bank

The proponent proposes to construct a Rs. 600 Crore Multispecialty Hospital Block, adjacent to its existing Hospital at Thiruvalla, Pathanamthitta district, in own land measuring a total extent of around 94 acres. An MoU in this regard was signed during 'ASCEND Kerala 2020'. Of the total 94 acres project land, an extent of around 1.56 Ha coming under Re-Sy. Nos. 95/3 & 95/1 (77.6 are & 78 are, respectively), in Block No. 8 of Kuttapuzha Village, Thiruvalla Taluk, is included in the Data Bank under Paddy/wet land, and there was an allegation of unauthorised land filling after 2008. The proponent secured a judgement from the Hon'ble HC in a writ appeal WA No.1661/2017 against WPC No.35386/2016, to the effect that the said land ceased to be paddy land or wet land, as the conversion took place during 2003; however, the HC also observed the allegation of the State that certain areas within the 1.5 Ha of land were illegally filled up by the proponent after 2008. To this, the Hon'ble HC in its judgement directed that *"in the event of authorities pointing out this land which is a part of 1.533 Ha and was unauthorisedly filled up after 2008, the appellants undertake to restore the same as paddy or wet land. These would be lands marked in red colour in Ext.R3(a). The rest of land as marked in yellow and green would be the one which would be converted in view of our order"*.

Subsequently, the LLMC, in its meeting held on 26.12.2018, recommended removal of the said land from Data Bank, in the light of the HC judgment in WA No.1661/2017, and also based on satellite data obtained from Kerala State Remote Sensing & Environment Centre (KSREC), as per which the survey plots were observed as converted fallow land in the imagery of 2003. Based on the LLMC recommendation, the proponent applied before RDO, Thiruvalla for removing the 1.56 Ha land from Data Bank. However, the matter was seen pending with RDO, Thiruvalla.

RDO, Thiruvalla, informed that the proponent has to comply with the judgments of the HC in WA No.1661/2017, with regard to restoration of 0.8664 Ha of land filled up after 2008, as well as construction of a 5.5m wide canal in lieu of the original canal that was filled up, and linking it to the main canal in the border of Kottayam-Pathanamthitta districts. RDO also informed that the estimated costs towards restoration and construction of canal comes to around Rs. 30 Lakhs. Since the proponent was yet to comply with the decisions in this regard, the RDO had taken steps to seek funds from the Government for the land restoration and canal construction works.

Decision:

RDO, Thiruvalla to consider all aspects of the case on its merits, and take decision as per rules, within 1 month. **(Action: RDO, Thiruvalla)**

The meeting came to an end by 4.00 PM

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(Sd/-)
Chief Secretary