

**KERALA COASTAL ZONE MANAGEMENT AUTHORITY
SCIENCE AND TECHNOLOGY DEPARTMENT, SASTHRA BHAVAN,
PATTOM, THIRUVANANTHAPURAM - 695 004**

Minutes of the 56th Meeting of Kerala Coastal Zone Management Authority.

Date & Time : 20th May, 2013 at 02:30 p.m

Venue : Sasthra Bhavan, Pattom, Thiruvananthapuram

The meeting commenced at 02.30 p.m. The Chairman welcomed all the Members to the meeting of the Authority. Thereafter, the Authority considered the items in the Agenda.

List of participants :

1. Prof. V.N.Rajasekharan Pillai, Chairman, KCZMA.
2. Dr. K.K.Ramachandran, Member Secretary, KCZMA.

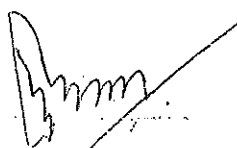
Members

3. Smt. Lovely V.T. Senior Environmental Engineer, representing, Chairman, KSPCB.
4. Dr. N.P Kurian, Director, CESS
5. Dr. A.Ramachandran, Professor and Director, School of Industrial Fisheries, Fine Arts Avenue Cochin-682 016
6. Dr. K. Padmakumar, Aquatic Biology, University of Kerala, Thiruvananthapuram 695 581
7. Sri. Baby John, Director, MCITRA.
8. Sri. Rajeev.G, Additional Secretary, Environment Department
9. Dr. Sajith Babu, Asst. Commissioner, Commissionerate of Land Revenue representing Secretary, Revenue Department and Smt. Sherin Francis, Deputy Secretary, Revenue Department
10. Sri. Madhu, Deputy Secretary, LSGD representing Secretary LSGD
11. Sri. Hari P. Nair, Joint Secretary, Fisheries Dept. representing Principal Secretary, Fisheries Department, Thiruvananthapuram - 695 001.

Agenda Item No.56.1

Confirmation of the Minutes of the 55th Meeting

The minutes of the 55th Meeting was confirmed.



Dr. K.K. Ramachandran
Member Secretary



Prof. V.N. Rajasekharan Pillai
Chairman

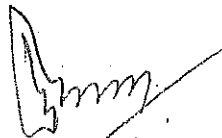
Agenda Item No. 56.2

Construction of Apartment Building by M/s. KGL Builders at Beach Road, Kozhikode — hearing the petitioner in WP (c) No. 25899 of 2012.

The petitioner, M/s Korath Gulf Links Builders (P) Ltd represented by Sri. V.P. Sunil Sreedhar, Project Manager attended the hearing and also submitted a written statement. The Petitioner was heard by the full sitting of the KCZMA and after hearing and considering the written statement, the KCZMA observed as follows:

The main contention was that, they were not aware of the fact that CRZ clearance is mandatory for the construction of proposed multiplex.

1. M/s KGL started construction of the building without obtaining CRZ Clearance.
2. Even though in the said WPC the petitioner contented that an application is pending disposal at KCZMA, they have filed an application in the format prescribed in the CRZ Notification of 2011 only on 14-12-2012, which was found defective. They were asked to file another application in Form I completing all the information required. The second application dated 28-1-2013 was received on 5-2-2013. The applications were not in order and contained the following defects:
 - **Under item 1** detail in Sl no.1.1, 1.4, 1.6, 1.8, 1.11, 1.14, 1.21, and 1.31 are incomplete, partial or missing. These are essential as it indicates the activity information.
 - **Under item 2** the details with respect to Natural resources use for construction or operation of the project such as land, water, materials etc are not properly provided. The water (expected Source and competing users) unit: KLD is just shown as outsourced. The source is to be provided.
 - The information provided in **item 4** – production of Solid waste during construction or operation or decommissioning (MT/month) is not clearly indicated. For example Sl No. 4.2- Municipal waste generated likely quality not provided. It is mentioned as Biogas. The plastic waste which is major waste is not seen addressed. In 4.6 sewage sledge or other sludge from effluent treatment - It is mentioned that STP installed at site. The sludge is from STP installed at site. The sludge quantity and its disposal from STP are not clearly addressed.
 - **Under item 5** Release of pollutants or any hazardous waste etc to air (Kg/hr) is not quantified instead 62.5 KVA is written.



Dr. K. K. Ramachandran
Member Secretary



Prof. V. N. Rajasekharan Pillai
Chairman

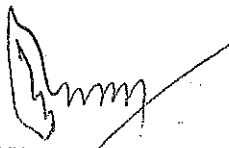
- **Under item 6** Generation of Noise and vibration and emission of light and Heat is shown as Nil. The noise from Generator, during construction phase etc is not properly provided.
- **In Item III- Environment Sensitivity** all items are marked as 'No'. The details within 15 km are not provided. Even the answer for the Coastal Zone is 'No'. The entire details are required
- They also provided vide their letter dated 11-3-2013 additional clarification the details are available in CRZ Maps and Reports prepared by CESS; that these shall satisfy all such technical requirements. The supporting documents as per the procedure laid down in the notification are not proper and the 7 km radius CRZ map and the consent to establish - renewal from KSPCB are not produced in Original.

The KCZMA further observed the following violations by the builder:

1. Total investment exceeded Rs. 5 Crore and thus construction requires prior CRZ clearance from the MoEF, GoI as per the CRZ Notification 1991 [Clause 3(2) (v)].
2. Construction had been initiated without obtaining CRZ clearance from the competent authority.
3. The Kerala Building Rules 1984 were applicable to the area as per the CRZ Notification 1991. FAR as per the KBR for residential building is 1.5. The construction completed is for FAR 2.89 for which no documentary evidence was submitted for afford from competent authority.

Even though the above was sufficient to reject the application, an opportunity of being heard was extended to the party in view of the interim order on WP (c) pending before the Hon'ble High Court of Kerala. The main contention of the party was that they were not aware of the requirement of CRZ Clearance, which was against the stand taken by the party in the Hon'ble High Court in the WP (c) No. 24035 of 2009 wherein para 13 of their affidavit, filed on 30-9-2010, the petitioner submitted that 'the 8th respondent has not done any act in violation of any of the directions of the Coastal Management Authorities or against the protection or conservation of coastal areas'. They are in receipt of the counter affidavit filed by the 4th respondent wherein the CRZ violation is narrated in detail.

Hence the contentions raised by the petitioner at the time of hearing are baseless and devoid of any merit.



Dr. K K Ramachandran
Member Secretary




Prof. V N. Rajasekharan Pillai
Chairman

Therefore, the authority decided that the application submitted by M/s KGL Builders is rejected since it is a clear violation of CRZ Notifications. The Chairman KCZMA is authorized to issue proceedings/directions in this regard. Also, the Secretary of the Kozhikode Corporation shall be directed under the provisions of Environment Protection Act, 1986 to initiate appropriate action against the construction made in violation of CRZ Notifications 1991 and 2011.

Other Items:

1. The KCZMA decided to write to the Secretary, LSGD to take immediate action against the Secretary, Kozhikode Corporation for granting permission for the construction of Apartment Building by M/s. KGL Builders at Beach Road, Kozhikode marking a copy to the Worshipful Mayor and the Director, Urban Affairs.
2. It is decided that all the Ex-officio members of KCZMA shall be requested to nominate the same officers, as far as possible, from the respective departments in case of their inconvenience to attend the meeting and also to entrust the department for maintenance of record of the meetings to facilitate continuity in the deliberations of KCZMA.
3. The KCZMA decided to visit the coastal districts and also to conduct discussion with the district authorities/ Town Planners/ Secretaries of LSGs to receive complaints and to identify and take actions against violations. Wide publicity shall be given ahead of such visits through media so that all concerned will have information about the visits.

The meeting ended at 5.00 pm.



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman