
(2022) 03 KL CK 0083
In the High Court Of Kerala
Case No : Writ Petition (C) No. 1895 Of 2022

C.M.Biju

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 11-03-2022

Acts Referred:

Citation : (2022) 03 KL CK 0083

Hon'ble Judges : T.R.Ravi, J

Bench : Single Bench

Advocate : Renjith Thampan, K.Vinaya, K.J.Manu Raj, B.S.Syamanthak,
M.P.Sreekrishnan, S.Manu

Final Decision : Dismissed

Judgement

T.R.Ravi, J

1. The petitioner was granted Ext.P1 environmental clearance for three years which expired on 22.1.2021. He was permitted to mine 33592 metric tonnes. But, according to him, he had been able to mine only 4592 metric tonnes during the period. By Ext.P4 order dated 18.1.2021, the Ministry of Environment and Forest had extended the periods of the Environmental Clearance by ordering that the period from 1.4.2020 to 31.3.2021 shall not be considered for the purpose of calculation of the period of validity. The extended period also expired on 21.1.2022. It is the case of the petitioner that the Geologist did not issue mining permit for a period of nine months and it was granted only on 25.10.2021. It is submitted that he lost nine months even though a benefit of one year extension was granted by Ext.P4 order. The writ petition is hence filed praying for a direction to consider Ext.P5 representation filed by the petitioner for extension of the period by nine months during which he was not permitted to conduct quarrying operations.

2. Heard the counsel on either side.

3. This case was being adjourned since the State Environment Impact

Assessment Authority had not been reconstituted. It is now submitted that the 2nd respondent Authority has been reconstituted. Clause 9 of the EIA notification of 2006 provides that the validity of the Environmental Clearance can be extended in certain circumstances, if a proper application is filed before the period of expiry. It is hence submitted that the 2nd respondent is having the authority to consider an application for extension of the period of EC. The above submission is justified.

4. In the above circumstances, the writ petition is disposed of by directing the petitioner to submit a proper application in Form 1 as is required under the EIA notification, 2006 for the purpose of extension of the EC within one week from today. On receipt the application, the 2nd respondent shall consider the same and pass necessary orders within six weeks thereafter. The application that is being filed, as directed shall be treated to be one filed within the time stipulated in EIA notification 2006, since the petitioner had already filed Ext.P5 for the purpose.