
(2021) 06 KL CK 0245

In the High Court Of Kerala

Case No : Writ Petition (C) No. 12281 Of 2021

M/S.Deepam Granites Muringamala

APPELLANT

Vs

District Level Environment Impact Assessment
Authority(DEIAA)

RESPONDENT

Date of Decision : 16-06-2021

Acts Referred:

Citation : (2021) 06 KL CK 0245

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

Bench : Single Bench

Advocate : Philip J.Vettickattu, Sajitha George, Paul Abraham Vakkanal

Final Decision : Disposed Of

Judgement

T.R. Ravi, J.

1. Admit. Standing Counsel takes notice for the State Level Environment Impact Assessment Authority.

2. Heard.

3. The petitioner has been issued with quarrying licence for the extraction of granite building stone as per Ext.P1 dated 30.08.2017. As per Ext.P1,

lease has been granted for a period of 12 years commencing from 30.08.2007 and ending on 29.8.2029. The petitioner was issued with the

Environmental Clearance ('EC' for short) by the 1st respondent as per Ext.P2 on 21.4.2017 with a validity period of 5 years. The grievance of the

petitioner is that EC cannot be restricted to 5 years and should actually have been issued for the project life. Reliance is placed on Ext.P5 judgment

dated 02.11.2020 in W.P.(C)No.18929/2020 and connected cases wherein this Court had considered several writ petitions raising the same issue and

had held that the decision to limit the validity of the EC is against the terms and spirit of the Environment Impact Assessment Notification, 2006 issued

by the Central Government. The said writ petitions were disposed of directing the regulatory bodies to call for additional recommendations from the

Appraisal Committee, after estimating the life of the project of the petitioners therein in respect of which ECs had been issued to them and thereafter

revalidate the ECs on the basis of the estimated life of the projects. It is however made clear that recommendations of the Appraisal Committees will

not be binding on the regulatory bodies and in case of disagreement with the recommendations regarding the project life, regulatory bodies will be free

to follow the procedure mentioned in clause 8 of the 2006 notification mentioned above for arriving at a decision regarding the life of the projects. The

petitioner also relies on Ext.P6 judgment dated 04.05.2021 in W.P. (C)No.10928/2021, which was also disposed of in the same lines.

4. Learned Standing Counsel fairly submitted that the above stated judgments are still in force.

5. In the above circumstances, this writ petition is disposed of declaring that Ext.P2 EC dated 21.4.2017 to the extent it limits the validity to 5 years is

invalid. There will be a direction to the regulatory bodies to call for additional recommendations from the Appraisal Committee, after estimating the life

of the project in respect of which Exts.P1 and P2 have been issued and to revalidate the EC on the above basis. It will be open to the Appraisal

Committee to call for additional information from the petitioner and the petitioner shall be obliged to furnish such details. It is made clear that the

recommendations of the Appraisal Committee will not be binding on the regulatory bodies and if the regulatory bodies disagree with the

recommendations regarding the life of the project, they will be free to arrive at the conclusion as to the life of the project by following the procedure

mentioned in clause 8 of the 2006 notification. The above directions shall be complied with within a period of four months from the date of receipt of a

certified copy of this judgment.