



Minutes of the meeting held by Secretary (Environment) on 19.7.2023 in the matter of NGT order dated 30.5.2023 in appeal No. 54 of 2021.

The meeting via V.C commenced at 12.00 P.M with the Secretary (Environment) in the chair. Dr.Ajayakumar Varma, chairman SEAC, Advocate Vidyalekshmi, Standing Counsel, Dr.Jude Immanuel , Environmental Scientist and other officials from State Environment Impact Assessment Authority were present. At the outset,Secretary (Environment) invited attention to the salient features of the direction of National Green Tribunal in the order dated 30.5.2023 and the legal opinion by the Advocate General on further course of action to be taken subsequent to the order. In the legal opinion AG has remarked that an application for review may be preferred before the learned Tribunal under Rule 22 of the National Green Tribunal (Practices and Procedure) Rules of 2011. As suggested in the legal opinion three course of action has been suggested by the Advocate General

(a) Prior to invocation of Section 22 of the Act of 2010 or Rule 22 of the Rules of 2011, at the instance of the SEIAA, the judgment dated 30.05.2023 in the above Appeal can be possibly challenged before the Hon'ble High Court of Kerala, invoking the extra ordinary jurisdiction conferred under Article 226 of the Constitution of India of 1950, since error of law is apparent therein.

(b) As action has been directed to be taken against the SEIAA for the issuance of EC, Writ Petition at the instance of SEIAA is maintainable. Furthermore, the prestigious project of Techno Park floated at the instance of the State has been stalled, consequent to the judgment of the learned Tribunal dated 30.05.2023.

(C)While taking recourse in that regard, the aforesaid factual and legal aspects and the difficulties being faced by the State and the SEIAA, consequent thereto can also be apprised therein.

2.Secretary (Environment) welcomed discussion on the legal opinion so as to circulate the file for the perusal of Hon'ble Chief Minister of what has been done in this matter at all level.Also informed that the review petition filed by SEIAA before the NGT is under consideration.The case is important not only SEIAA but to the IT Department, since the present judgement

would affect the projects there, hence he requested to ensure due diligence is exhibited in the matter in terms of following up the with the case.

3.The suggestion Dr. Ajayakumar Varma, SEAC, reviewing the case along with consideration of the project afresh was discussed and concluded that it is not acceptable since it would send a wrong signal in terms of the work done by SEIAA. Adv. Vidyalekshmi expressed opinion that filing of review along with writ petition can be filed against the judgement of the tribunal since there is factual errors in it .She requested to inform whether the department is going on with review, wherein the petition has been filed earlier before the Tribunal or intend to file writ petition before the Hon'ble High Court of Kerala.

After detailed discussion the following decision was taken.

Decision

Advocate General may be consulted to inform whether writ appeal can be filed in the Hon'ble High court especially when the review petition filed by State Environment Impact Assessment Authority before the Hon'ble National Green Tribunal is under consideration.The clarification received from the AG will be intimated to the concerned.

The meeting came to close at 12.30 P.M.

DR RATHAN U KELKAR I A S
SECRETARY
O/O SECRETARY ENVIRONMENT