

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

Tuesday, the 31st day of January 2023 / 11th Magha, 1944
WP(C) NO. 2127 OF 2023

PETITIONER:

BETHSAIDA HERMITAGE, REPRESENTED BY ITS MANAGING DIRECTOR, PULINKUDI RD, MULLOOR, TRIVANDRUM, KERALA, PIN - 695521

RESPONDENT:

1. VIZHINJAM INTERNATIONAL SEA PORT LTD. REPRESENTED BY ITS CEO, 9TH FLOOR KSRTC BUS STAND COMPLEX, THAMAPNOOR, TRIVANDRUM , PIN - 695001
2. ADANI VIZHINJAM PORT PRIVATE LTD. REPRESENTED BY ITS CEO, 3RD FLOOR ASPINWALL HOUSE, KURAVANKONAM, TRIVANDRUM , PIN - 695003
3. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY TO THE GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, STATUE, TRIVANDRUM, PIN - 695001

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to pass an interim order directing the respondents to desist from undertaking noise making construction activities during the night hours in the vicinity of the Vizhinjam Project area until the disposal of this writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S ANJALI A.S., PRAVEEN VYASAN Advocates for the petitioner, M/S SRI.V.J.MATHEW (SR.),VIPIN.P.VARGHESE, ADARSH MATHEW, KEVIN MATHEW GEORGE, MERLINE MATHEW, CELINE JOHN,Advocates for R1, Sri. ROSHEN D. ALEXANDER D, TINA ALEX THOMAS, HARIMOHAN, KOCHURANI JAMES Advocates for the R2 and of GOVERNMENT PLEADER for R3, the court passed the following:

VIJU ABRAHAM, J

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Dated this the 31st day of January 2023

O R D E R

The Writ Petition has been filed mainly complaining about the noise pollution due to the construction activities undertaken by R1 and R2. Petitioner seeks for an interim order directing the respondents to desist from undertaking noise making construction activities during the night hours in the vicinity of the Vizhinjam Project area till the disposal of the Writ Petition.

2. Heard the learned senior counsel appearing for R1 as well as the learned counsel appearing for R2 and the learned Government Pleader.

3. The learned senior counsel appearing for R1 upon instructions and on the basis of the counter affidavit submitted that they are not undertaking any activities in violation of the sound limit fixed as per the schedule attached to the Noise Pollution (Regulation & Control) Rules, 2000.

4. The learned counsel appearing for R2 would submits that the issues have been considered by the National Green Tribunal and an order has been issued and a monitory agency

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has been appointed so as to monitor all the activities including issue of noise pollution. Learned senior counsel for R1 on the basis of Ext.R1(c) submitted that impact due to Port Construction Activities is being monitored and on the basis of Clause:5.7.1.1 of Ext.R1(c) submitted that during the study period noise level were in the range of 38 to 50.1 dB(A) (Leq) during day time and between 39.4 to 51.1 dB(A) Leq during night time, which is below the IFC-EHS General guidelines noise standard of 55 dB(A) Leq during day time and 45 dB(A) during night time. The respondents shall produce a copy of the order passed by the National Green Tribunal whereby a monitoring agency has been appointed and also a copy of the IFC-EHS General guidelines regarding the noise standard for the perusal of this court. The submission of the respondents 1 and 2 that they shall maintain the sound limit fixed as per the schedule attached to the Noise Pollution (Regulation & Control) Rules, 2000 is recorded.

Post after 10 days.

sd/-

R.AV

VIJU ABRAHAM, JUDGE

APPENDIX OF WP(C) 2127/2023

Exhibit R1 C

**The true copy of the relevant pages from the
Comprehensive Environmental Impact Assessment for
Vizhinjam Port**

