

Item No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 08/2018 (SZ)

Shahul Hameed.

Applicant(s)

Versus

Puducherry Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 22.04.2019

**CORAM: HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Mr. Vipin Warriar, Adv
Ms. Vidya Lakshmi Vipin, Adv

For Respondent (s):

Mr. Jayant Mehta, advocate for Fox Mandal R.
Associates & Mr. S. Aravinder, advocate for
Respondent No. 6.
Mr. A. Sathya Bama, Adv for R-1
Mr.R. Thirunavukarasu, Adv for R-2
Mr. Kamlesh Kannan. S, Adv for R-5
Mr. Balavijayan, Adv for R-4
Mr. G.M. Syed Nurullah Sheriff, Adv for R-3

ORDER

1. Service is complete. As per order dated 05.12.2018, a Joint Committee was constituted consisting of Central Pollution Control Board and Puducherry Pollution Control Board to inspect the area in question and verify the allegation and submit a factual and action taken report. Accordingly, the Committee had submitted a report as directed by this Tribunal by Email dated 01.04.2019. The Committee had inspected the area, and made their observations and recommendation are as follows:-

Conclusion:

In respect complaints raised in the Original Application No. 08 of 2018 of the Petitioner Sh. Shahul Hameed, the Joint Investigation team from Central Pollution Control Board and Pondicherry Pollution Control Committee, Karaikal & Puducherry have surveyed thoroughly at nearby villages of Karaikal Port and the activities of Karaikal Port along with the Petitioner during 19.02.2019 to 22.02.2019 in compliance of order of Hon'ble NGT.

On carrying out the detailed study, the Joint Committee summarised the replies point wise of the Complaints are **tabulated-II** as below:

S. no.	Points of Complainant	Reply by Respondent 1 & 2
1.	KPPL is not adopted any measures to curb emissions of pollutants to the air	Investigation revealed that KPPL has adopted considerable measures to curb emissions.
2.	Violates all applicable environmental related laws and guidelines	From the available Records, KPPL operates on obtaining the consent or NOC
3.	kppl is causing pollution and environmental damage in the surrounding areas such as Nagore town nearby villages in the state of tamil nadu and in villages such as Keezhavanjore, Vanjur Kuppam and Narthvanjur in UT Puducherry	Physical survey and Monitoring results of present study and past record shows that air quality is within the prescribed norms of CPCB in all the places of Keezhavanjore, Karaikal and Nagore, Tamil Nadu
4.	Dust emitted from the fugitive emission points are polluting air and there by residence of above said areas are suffering from respiratory illness, skin afflictions and eye & ear problems.	Observed patches of coal dust in few locations at Keezhavanjore but not found uniformly in all places on floors, trees and terrace of the buildings.
5.	The flora and fauna of agriculture crops in the above said and nearby areas and water sources are being damaged	No physical damages have been observed. However, these aspects may be examined by any Agricultural Universities.
6.	Coal dust entering the households nearby areas and getting settled in the floors and terrace of the building thereby resulting unhealthy environment and affects the quality of life.	Moderate deposit in few hours, Light deposit in some houses were observed but not on houses. Even light deposit which is below the prescribed limit, on prolonged exposure may affect the health, if it is not properly contained.
7.	Air pollution affecting the workers in the port and nearby areas	The medical report does not indicate any adverse health implication of the workers.
8.	Air pollution preventing pilgrims visiting Nagore, Darga and denying the right	Ambient air quality survey present and past shows within the prescribed norms of CPCB.

	to worship	
9.	Coal dust emitted from the coal handling area are settling in the rivers Pravadanar on the north and vettor on the south of the Karaikal Port and consequently affecting the ground water	The fine coal dust emanating from KPPL have tendency to travel all around the areas and may settle. But it will not affect ground water to that effect.
10.	Setting up and operationalising mechanized coal handling system	KPPL is operating the Mechanized system and sequential stabilization of the operation is in progress.
11.	Trucks transporting coal adequately not covered and not confirming environmental and transportation related laws	During survey observed that the trucks and wagons are properly covered and these are checked by CCTV and Security control.
12.	Wind screens not adequate to arrest the dust flyover	Effective numbers of wind screens provided but time to time replacement on wear and tear is required. The wind screens damaged towards Keezhavanjore is yet to be replaced.

The Joint Committee, has observed some patches/thin layers of fine coal dust at some places on the dish antenna, overhead tanks and floors of the houses and more deposit in closed/unused houses during the survey but these deposit is not uniformly found to be seen at all then terraces, vegetation, houses. The floors of open area, streets, lands and water ponds such deposit could not be seen. Team also observed that no such physical damages as reported by petitioner found to be seen except at railway sidings with significant quantity of coal deposit and light coal deposits at humps, curvatures, bend of the high ways.

In addition, the monitoring results of hourly and 24 hourly average concentration of pollutants: Particulars Matter (PM₁₀), Particular Matter (PM_{2.5}) and Gaseous concentration of Sulphur Dioxide (SO₂) and Nitrogen Dioxide (NO₂) carried out at many locations on various occasions in and around Karaikal Port and Keezhavanjore village and Nagore town from past 2017 to 2019 years are found to be within the prescribed standard limit of 100 ug/m³ & 60ug/m³ for particulate Matter (PM₁₀) & Particulate Matter (PM₁₀) & Particulate Matter (PM_{2.5}) and 80 ug/m³ for Gaseous of Sulphur Dioxide (SO₂) and Nitrogen Dioxide (NO₂) respectively. The ambient air quality results obtained includes the sources such as the vehicular movements in the towns, state and national highways and emissions from various industries and continuous emissions from burning of municipal solid waste.

X. Recommendations:

i) M/s. Karaikal Port shall ensure to handle most of the coal through a mechanized system throughout the period.

ii) Optimized water sprinkling shall be carried out at all the points of uploading and loading from ship to conveyor, conveyor to storage yard, storage yard to dispatch.

iii) Should minimize the intermittent interruption of the mechanized process operations and adopt sequential start and stop operations.

iv) Ensure all the pollution control measures are proper and continuously functionally functioning at all times.

v) Green belt shall be strengthened further around the Karaikal Port premises particularly towards Keelavanjur Village.

vi) Improved version of windscreens shall be erected and damaged windscreens shall be rectified periodically.

vii) All the loaded vehicles (Truck & Wagons) shall be covered by Tarpaulin before it leaves Port premises.

viii) Additional precautionary measures shall be implemented in controlling the surge loads of the emissions emanating from the operation process by adopting backup power supply to all essential operations and dust suppression systems.

ix) Areas like vehicles and tyre washing and its waste water collection system shall be improved without any spillage on the ground and to properly collect and adequately treat the waste water.

x) The air quality data measured by continuous ambient air quality monitoring stations shall be analysed time to time so as to satisfy with all plausibility checks to take action on higher concentrations measured and to display true concentration of the Particulate Matters to the public at large.

xi) KPPL shall continue to serve and further strengthen the corporate social response (CSR) activities in the neighbourhood which includes School Buses for the School children, Tuition Centres, Self Help Group (SHG) for the ladies from the neighbouring villages, Medical Centre camps, etc. This shall improve the better confidence on their health among the public.

2. The Learned Counsel for the applicant wants to file objection to the report as according to him certain aspects which the applicant wanted pointed out has not been considered by the Committee. The applicant is at liberty to file objections by giving copy of objection to

the learned counsel for the Respondent No. 6 so that they can file reply to the same before the next date of hearing.

3. The applicant shall file the objection to the report within one week and the respondents shall file their reply the objection within two weeks thereafter.
4. List this matter on 22nd May, 2019.

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 22, 2019
O.A No. 08/2018
PU

