

**BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTH ZONE )CHENNAI**

**O.A NO : 100 of 2021**

**In The Matter Of:**

Tribunal on its own motion Suo Motto based on the News Item published in The Hindu Newspaper, Chennai edition Dt.09.04.2021, "Dumping of garbage Foiled near Anamalai, trucks seized".

...Applicant(s)

**Versus**

The Chief Secretary to Govt. Of Tamil Nadu,  
Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu - 600 009 and others.

...Respondent(s)

**COUNTER STATEMENT OF 17<sup>TH</sup> RESPONDENT/ THRISSUR CORPORATION**

I, Vinu C. Kunjappan, S/o Mr.Kunjappan, Hindu aged about 40 years having office at Thrissur Corporation, Thrissur, solemnly affirm and sincerely state as follows.

1. I am the Secretary of the 17<sup>th</sup> respondent Municipal Corporation, Thrissur. I am a competent person to file this counter statement for 17th respondent Corporation. I am well acquainted with the facts stated here under.

2. I state that Thrissur City in Kerala State is measuring to an extent of 101.68 sq. kilometer area, which was divided into 55 election/administrative wards. Thrissur City has a population of approx. 3,17,546 as of 2021. The city consists of 86604 houses, 15250 non residential premises. The non residential premises cover Commercial Establishments, Hotels, Restaurants, Educational institutions/offices etc. The total waste generated per day in the city is 127/tpd metric tones.



**Secretary  
Thrissur Corporation**

3.I state that this 17<sup>th</sup> respondent Corporation is following the norms prescribed in the Solid Waste Management Rules 2016 in disposing of its degradable and non-degradable wastes in letter and spirit. It is pertinent to refer here that this respondent corporation is not disposing of any solid waste at any dumpsite/landfill in the city. This respondent Corporation is following door to door collections and the source level segregation method for collecting domestic waste. Total 119.96/tpd waste are processed by the corporation. Biodegradable wastes are sent to 3 Organic Waste Converter (OWC)Plants. Further, other non biodegradable waste are sent to 12 Material Collecting Facility (MCF) & 3 Resource Recovery (RRF) maintained by Suchitwa mission. That apart this corporation formed 23 Aerobi bins 6 biogas plants and 1 Mobitrash for processing the solid waste generated in the city. Further, the process of setting up an in-situ stand alone sanitary landfill is also in progress.

4. I respectfully state that this Corporation deployed 450 workers for cleaning the city and also made use of 140 Harthikarmasena members in disposing of the solid waste across the city. 2.5 hectares of land in the city is currently used by this respondent Corporation for processing the waste. By using non-tipping trucks and JCB's the solid wastes are transported from one place to other without causing any hindrance to the general public. All the vehicles utilized by the Corporation for transporting the waste are facilitated with General Packet Radio Service(**GPRS**) and monitored.

5. I respectfully state that out of the collected solid waste 93% of waste has been managed by the corporation itself by treating and disposing as elaborated in the above paragraphs. This respondent corporation used to give balance 7% of non-bio degradable waste to the private contractors/concessionaire for disposing the same scientifically.



Secretary  
Thrissur Corporation

Accordingly, this respondent corporation entered into an Agreement dt.14.09.2020 with the private party one Raghunathan, Director of M/s. Wiseland Trading (P) Ltd for one years, for collecting and disposing residuary degradable and non biodegradable waste. Before executing the agreement, the contractor had produced an affidavit and documents of the land where the collected waste would be supposed to be processed. In fact it is made clear that the contractor shall process the waste only in that land and shall comply with the solid waste management rules. The Agreement entered between this respondent and the Concesionaria/Ragunathan is within the ambit of Section 5 r/w Sections 216, 218 & 312 of Kerala Municipality Act of 1994. As per the agreement the said contractor should manage the residuary solid waste in compliance to the Solid Waste Management Rules, 2016. Further, as per the clauses contemplated in the Agreement, the said contractor should show utmost caution and due diligence while handling, transporting and processing the solid waste. Any violations of Rules by the said contract would not make this corporation liable. If any violation of Rules by the contractor is found and proved, the contractor is solely liable and answerable for the same.

6. I state that on 18.05.2021, we received a phone call and consequently a letter from Thrissur District Collector regarding the complaint against the contractor for dumping Medical waste outside Kerala State limits, i.e in Tamil Nadu, inturn, a Suo moto case was registered by this Tribunal based on the News Article published in the newspaper on 09.04.2021 and called for an explanation from this corporation and directed us to take action against the said contractor. Consequently this corporation had issued a notice to the said contractor calling upon him for an explanation in this regard. Further, he had given an explanation that he is not collecting any medical waste right now and some other contractor was



Secretary  
Thrissur Corporation

charged by Tamil Nadu police in this regard. However, we were not satisfied with his explanation and hence, we filed a complaint with the Commissioner of Police, Thrissur to probe into the matter and take appropriate legal action against the real offenders. Further, this respondent had black listed the said contractor, since the offence alleged against the said contractor had directly hit the reputation of this respondent. This respondent had also sent a written interim report to the District Collector 07.07.2021.

7. I state that few hospitals in the city have their own composite plant for disposing of its medical waste. Most of the hospitals and laboratories functioning in this city corporation limits are affiliated to the Indian Medical Association which goes Eco-Friendly ( hereinafter called as IMAGE) for processing their medical waste. This respondent Municipal Corporation is not collecting or processing any medical waste from any Hospital/Laboratories. Further, this respondent will permit the hospital or to the laboratories to function only if the hospitals or laboratories get license from the IMAGE or by producing its own detailed project report mentioned about the method adopted by it for disposing of its bio medical waste. The disposing of the medical waste produced in the city does not directly come under the ambit of this corporation, hence to culminate the truth, this respondent had initiated criminal action through.

8. This respondent states that an enquiry by police officials based on our complaint may unearth the truth, whether the contractor collected the medical waste directly from the hospital etc. or whoever was involved in these issues. The enquiry is pending. If the prima facie case is being found against the said contractor during enquiry, this respondent will not hesitate to proceed with further course of legal actions as against the said offenders.



  
Secretary  
Thrissur Corporation

8. I state that this respondent had also proposed to deploy a team of health Inspectors to inspect all the hospitals and the laboratories functioning across the city, to know the details about the quantity of medical waste produced per day by the hospitals or laboratories and the methodology adopted by the hospitals or laboratories for disposing the medical waste. We have proposed to maintain a clear record over the same. This corporation assures that the team will inspect the hospital and laboratories in periodical bases and will file reports before the Government and Pollution Control Board from time to time. This corporation finds any violations, it will not hesitate to take immediate legal action against the violators.

This respondent therefore, pray that this Hon'ble Tribunal may be pleased to consider that there is no violation in following Solid Waste Management Rules 2016 or any other Environmental laws time being in force from the part of this respondent and to pass such further or other order or orders as deem fit and proper to the case and render justice.

Solemnly affirmed at Chennai ()  
 this the 13<sup>th</sup> day of Sep 2020 ()  
 signed his name in my presence()



**BEFORE ME** :: **Secretary**  
 :: **Chennai Corporation**

**ADVOCATE :: CHENNAI**

