

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN BENCH AT CHENNAI  
ORIGINAL APPLICATION NO. 104 OF 2020**

**IN THE MATTER OF:**

**RAJESH GHANTAYATH**

**... APPLICANT**

**VERSUS**

**UNION OF INDIA AND 7 ORS.**

**... RESPONDENTS**

**REPLY FILED BY THE RESPONDENT NO.8**

The Respondent above named respectfully submits as follows:

1. The above application has been filed by the Applicant seeking for various directions including directions to restrain the 8th Respondent from carrying out any activities in respect of its TSDF Project and also to revoke the Environmental Clearance and also the CTO and authorization issued by the Karnataka PCB. The Applicant has alleged violations of the conditions contained in the Environmental Clearance and has sought for fixation Environmental Compensation.

2. At the outset, it is submitted that the application is based on incorrect facts and also unverified information and filed solely with a view to sully the image of a model TSDF like the one run by the 8th Respondent. Before attempting to traverse the allegations and conditions in the application and it is necessary place certain facts which are necessary in order to appreciate the background of TSDF Project run by the 8th Respondent.



3. Mother Earth Environ Tech Pvt. Ltd. (MEEPL), the 8th Respondent here in has established a Hazardous Waste Landfill TSDF project at Harohalli Industrial Area and is in close proximity to various Hazardous waste generators located in Karnataka. This TSDF project is one of its kind in the state of Karnataka. The facility has been designed and is being operated to cater to the needs of industries generating hazardous waste in Karnataka State. The facility is scientifically designed and executed in most environment friendly and secured manner. Utmost care is taken in collection, transportation, handling and disposal of hazardous waste. The Company is managed by a group of professionals who have experience in the field of waste management. The Company has obtained regulatory clearances from Ministry of Environment and Forests (MOEF) and Karnataka State Pollution Control Board (KSPCB). MEEPL is a strong and quality conscious corporate, having sound foundation in the areas of environmental management leading to infrastructure development. This TSDF project is developed under PPP (public private partnership) Model as a infrastructure development.

4. The TSDF was allotted 4 acres of land from KIADB vide letter dated 05.10.2009 for setting up of industry for the manufacture of drip / micro irrigation system in the name of M/s. Chaitra Irrigation and subsequently they have obtained approval from state level single window clearance committee to change the activity from drip irrigation to Hazardous Waste land fill site and name of the company from M/s. Chaitra Irrigation to M/s Mother Earth Environ Tech Pvt Ltd.



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5. M/s Mother Earth Environ Tech Pvt Ltd, viz., the 8th Respondent herein, the TSDFs were allotted 4 acres of land from KIADB vide letter dated 05.10.2009 for setting up of industry for the manufacture of drip / micro irrigation system in the name of M/s. Chaitra Irrigation and subsequently they have obtained approval from state level single window clearance committee to change the activity from drip irrigation to Hazardous Waste land fill site and name of the company from M/s. Chaitra Irrigation to M/s Mother Earth Environ Tech Pvt Ltd., the 8th Respondent obtained Environmental Clearance from 28.08.2015 the State Level Environment Impact Assessment Authority - Karnataka (SEIAA) for establishing Hazardous Waste Land Fill with Cell 1 of 50,000 Tons capacity and Cell 2 of 45,000 Tons capacity. The total plot area considered was 14424.6 sq, mtrs at a project cost of Rs.16.55 crores. Based on the Environmental Clearance, the 8th Respondent obtained consent for Establishment dated 04.11.2015 from the Karnataka Pollution Control Board for Establishment of Hazardous Waste Land Fill as described above.

6. Subsequently, upon completion of establishment, the 8th Respondent obtained Consent to operate their Industrial Plant from KSPCB both under the Air and Water Act by a Combined Consent Order dated 13.04.2016 valid up to 30.06.2020.

7. The 8th Respondent has also obtained Waste Land under Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2008 from the Karnataka State Pollution



Control Board dated 13.04.2016 which is also valid up to 30.06.2020.

8. The 8th Respondent wanted to expand the capacity of the Landfill facility and accordingly gave a proposal for expansion to increase the capacity for Cell 1 of 50,000 MT to 100000 MT and Cell 2 of 45,000 MT to 51000 MT amounting to a total sum of 1510000 MT and the same was approved and Environmental Clearance for the expanded facility was granted on 11.06.2018 by SEIAA-Karnataka. Based on the same the 8th Respondent also obtained Consent to Establish from the Karnataka Pollution Control Board for the expanded facility on 15.10.2018 and Combined Consent order under Water and Air Acts to operate facility on 23.03.2019 and the said consent is valid till 30.06.2021. The authorization for handling Hazardous Waste was also granted for the expanded facility till 30.06.2020 by order dated 12.06. 2019. The 8<sup>th</sup> Respondent has applied for renewal of authorization on 07/03/2020 and the same has been granted by the KSPCB on 13.01.2021 valid upto 30.06.2021.

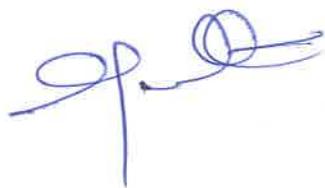
9. It is seen from the above the 8th Respondent has been scrupulously following all Rules and Regulations and have been running their Industrial Plant in full compliance of all Environmental norms. While so, the Applicant in the instant case came up before this Hon'ble Tribunal with the present application as though there are serious violations in operation of the facility. Considering the allegations made in the application this Hon'ble Tribunal was pleased to appoint the Joint Committee by its order dated 10.07.2020 to inspect the



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area in question and find out the Compliance of conditions of Environmental Clearance, Consent to Establish and operate and compliance of Hazardous Waste Rules. The Committee was also directed to verify the compliance of siting criteria for landfills and directions issued by CPCB and KSPCB from time to time. The points referred for report by the Committee are as follows:

- i. To inspect the area in question and find out the compliance of the conditions of Environmental Clearance (EC) and Consent to Establish & Consent to Operate, compliance of the Hazardous and other Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016, sitting criteria of Landfills and also to verify the compliance of directions issued by CPCB & KSPCB.
- ii. To assess the damage caused to environment on account of the failure of the unit and assess environmental compensation against them for the damage caused to environment.
- iii. To assess the ground/surface water qualities in that area to ascertain any contamination, if any
- iv. To suggest the ways and means to remedy the situation on account of the damage caused, if any



10. After inspection, the Joint Committee has filed a report dated 27.01.2021 before this Hon'ble Tribunal making certain observations in respect of the 8th Respondent plant.

11. The 8th Respondent has filed detailed response /objections to the report of the Joint committee. The 8th Respondent is submitting their response to the report of the Joint Committee in the following manner.

12. M/s Mother Earth Environ Tech Pvt Ltd established a Treatment, Storage and Disposal Facility (TSDF) for operation at KIADB Industrial Area, Harohalli, Ramanagara District pursuant to the KIADB allotment letter dated 06.08.2011 for hazardous waste land fill with the condition to obtain Environmental clearance. As per the above allotment letter the 8<sup>th</sup> Respondent applied To SEIAA to obtain EC.M/s Mother Earth Environ Tech Private Limited Obtained Environmental Clearance (EC) from the SEIAA vide order dated 28.08.2015 for a total capacity of 95,000 Tons i.e., Cell 1 of 50,000 Tons and Cell 2 of 45,000 Tons. Based on the EC, the KSPCB has issued consent for establishment vide order dated 04.11.2015 for establishing Hazardous Waste Landfill at KIADB Industrial Area, 2<sup>nd</sup> Phase, Kanakapura, Ramanagara District for total capacity of 95,000 Tons / 10 Years (Consisting of 2 cells with capacity of 50,000 Tons and 45,000 Tons).The H.W. Authorization issued by the KSPCB for handling of hazardous waste under Hazardous and Other Wastes (Management and Trans- boundary Movement) Rules, 2016 issued on 12.06.2019 with validity up to 30.06.2020.



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13. Subsequently, the State Level Environment Impact Assessment Authority – Karnataka has accorded Environmental Clearance for TSDF expansion i.e., enhancing the Cell 1 from 50,000 MT to 1,00,000 MT and Cell 2 from 45,000 MT to 51,000 MT, with a total capacity of 1,51,000 MT, vide order dated **11.06.2018** combined consent for discharge of effluents under Water Act and emission under Air Act vide order dated 13.04.2016 & 14.06.2016 for carrying out hazardous waste landfill for 95,000 Tons/ 10 Years and CFL dismantling activity as per the CPCB Norms, with a validity up to 30.06.2021.

14. The fast filling of TSDF is due to sudden stoppage of operation of one more TSDF at state due withdrawal of their consent from KSPCB since that facility was operating without Environmental clearance and to avoid illegal dumping of hazardous waste, we have facilitated the waste generators in Karnataka as an Environment consciousness.

15. The said detail responses/objections filed by the 8th Respondent filed in April 2021 may be treated as part and parcel of this Affidavit.

16. In so far as the allegations made in the main Application by the Applicant, it is submitted as follows. First of all it is submitted that the 8th Respondent has not been granted any clearance in violation of the siting criteria. On the other hand, the 8th Respondent has got the Environmental Clearance on 28.08.2015 much prior to the issue of office memorandum dated 29.08.2016 issued by the MoEF which



mandates that a new project of common treatment facilities within a distance of 400 km radius of a existing TSDF is not permissible. Therefore, the assumption of the Applicant that the 8th Respondent has violated the distance criteria is totally false. There is no habitation area within a distance of 500 mtrs and the land on which the TSDF has been established has been allotted for industrial purpose only by the Karnataka Industrial Area Development Board (KIADB).

17. The allegation in para IV & V are denied. The statutory clearance have been obtained by following all rules and regulations and after due inspection by the authorities.

18. Based on the noncompliance raised by CPCB the KSPCB chairman and its team visited and detailed inspection done on 05-12-2018 and modified the direction intimated to CPCB /MEEPL and same has been complied by 8<sup>th</sup> Respondent by submitting compliance report

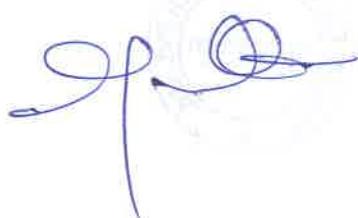
19. As regards the violations alleged in para VI & VII of the Application it is submitted as follows:-

- a) The conditions regarding installation of MEE has been deleted vide corrigendum dated 08.03.2017. The detailed project report dated 28.04.2017 has been submitted by Wapcos Ltd after appraisal of entire project.



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- b) After AA report submitted on 28.03.2018 EC in expansion has been granted on 11.06.2018 for the 8th Respondent TSDF. With regard to compliance of conditions further directions were issued by KSPCB under Section 5 of the EP Act on 14.11.2018 as per the above the KSPCB approved the layout of the TSDF.
- c) In response to the directions issued by the CPCB the 8th Respondent has submitted detailed compliance report on 27.11.2019 and 27.01.2020. The 8th Respondent has further requested for capping of the land fill by their letter dated 10.12.2020 addressed to KSPCB. As the landfill was nearing its total capacity by letter dated 18.12.2020 the Environmental officer has sought for permission to utilize the existing storage area for the collection of small quantity of hazardous waste.
- d) The TSDF has also obtained renewal of authorization up to 30.06.2021. In the mean time, the 8th Respondent has informed the authorities that they are not receiving any waste at their site from 03.02.2021 and accordingly they submit a report regarding the capping of TSDF as per CPCB guidelines along with closure drawings as on the date the TSDF is not operating.
- e) Based on the noncompliance raised by CPCB the KSPCB chairman and its team visited and detailed inspection done on 05-12-2018 and modified the direction intimated to CPCB /MEEPL and same has been complied by 8<sup>th</sup> Respondent by submitting compliance report



20. It is submitted that along with the response/objections by the Joint Committee report the Respondent No.8 has filed the entire set of documents as Annexures in order to substantiate their stand that they have not committed any violations. The application is motivated and devoid of any substance and therefore liable to be dismissed.

It is therefore prayed that this Hon'ble Tribunal may be pleased to take these Objections on record and pass suitable orders in the application and thus render justice.

Dated at 4th on this Wednesday the day of August 2021



  
8TH RESPONDENT

**VERIFICATION**

I, Gurusiddappa Shivanappa Hooli—Katti, S/o Shivanappa, aged about 63 years, Managing Director, M/s Mother Earth Environ Tech Pvt. Ltd. Bangalore do hereby verify and declare that what is stated in the above paragraphs are true to the best of my knowledge and belief.

  
8th RESPONDENT

Date : 4<sup>th</sup> August 2021

Place: Bengaluru

