

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONAL BENCH, CHENNAI)**

Original Application No. 12 of 2020

BETWEEN

Tribunal on its own motion SUO MOTU

based on the News Item in Mathrubhumi

Malayalam Newspaper dated 19.01.2020,

"The removal of debris in Maradu not according to

Norms – The National Green Tribunal".

.... Applicant

AND

The Chief Secretary of Kerala,

Thiruvananthapuram, Kerala

and others.

... Respondents

REPORT SUBMITTED BY THE MUNICIPAL SECRETARY, MARADU

It is submitted that Municipal Secretary, Maradu has filed a report in the above Original Application as per the direction of this Hon'ble National Green Tribunal.

Kindly take the report on record and place the same before the Hon'ble Tribunal.



(E. K. KUMARESAN)

Counsel for Respondent 1,3&5
Standing Counsel for
State Government of Kerala
NGT (SZ) Chennai Bench.

E-MAIL/SPEED POST



നമ്പർ ...W4- OA. 12/20

കേരളാ അഡ്വക്കേറ്റ് ജനറലിന്റെ കാര്യാലയം,
എറണാകുളം, കൊച്ചി-682 031

പ്രേഷിതൻ

അഡ്വക്കേറ്റ് ജനറൽ
കേരളം

0484 2395050
ഫോൺ { 2395052
2395078
ഫാക്സ് : 0484 2394674

E-mail : advocategeneralkerala@gmail.com

To

10/11/2020

തീയതി

Adv.E.K.Kumaresan,
Standing Counsel, National Green Tribunal, Chennai,
M/s. EKK Legal,
No. 6, Indian Chamber (SICCI),
Annex Building,
Esplanade, Chennai.

Sir,

Sub: OA 12/20 removal of debris after the demolition of Four flats-
compliance report – forwarding of – reg.

Ref: Lr. No. E5-429/20 dated 2-11-20 received from the Secretary,
Maradu Municipality.

.....

Kind attention is invited to the reference cited. I am directed to forward
herewith the above referred report in OA 12/20 for further necessary action.

Yours faithfully,
Sd/-
Remadevi.T.R
Under Secretary,
For Advocate General.

Approved for issue,


Section Officer.

Encl: As above.



sps11/11





E5-429/2020

02-11-2020

To

The Honourable Advocate General

Office of the Advocate General Kerala

Ernakulam, Kochi, 682031

Sub Maradu Municipality - Engineering Department -- Removal of debris after the demolition of four flats as per the Judgment of Honourable Supreme Court -Compliance of the Interim orders of the Hon'ble NGT -Regarding.

Ref (1) Orders of the Hon'ble National Green Tribunal in OA 12/2020

(2) Letter No.PCB/RO-EKM/GEN-180/2020 dated 01-02-2020 of State Pollution Control Board.

(3) Letter No.PCB/RO-EKM/GEN-278/2020 dated 01-06-2020 of State Pollution Control Board.

(4) Letter No.PCB/RO-EKM/GEN-276/2020 dated 26-07-2020 of State Pollution Control Board.

(5) Letter No.PCB/RO-EKM/GEN-276/2020 dated 24-08-2020 of State Pollution Control Board.

(6) Letter from this office to The Chief Engineer, Pollution Control Board

(7) Statement submitted by the Joint Committee before the Honourable NGT dated

Your kind attention is invited to the references cited above

The four unauthorized flat apartments in Maradu Municipality in Ernakulam District have been demolished by controlled implosion pursuant to the implementation of the judgement dated 8-05-2009 of the Honourable Supreme Court in Civil Appeal 4784-5785/2019 (arising out of SLP c No.4227-4228/2016). Service providers of M/s Edifice Engineering and Vijaya Steels were demolished the flats through controlled implosion and separated the debris. The concrete debris had been removed by the contracted company named the Prompt Enterprises.

On the basis of a news reported in Mathrubhumi Daily that the Construction and Demolition Waste Management Rules 2016 had been violated, the Honourable National Green Tribunal Chennai Zone registered Suo Moto case in an Original Application O.A No 12/2020 (SZ) against the Maradu Municipality. A joint committee has been formed comprising of the Honourable District Collector, Ernakulam, the Honourable Sub Collector, Fort Kochi, the Municipal Secretary ,Maradu Municipality and the Chief Environmental Engineer, Pollution Control Board, Regional Office, Ernakulam as per the directives of the Honourable Green Tribunal for formulating a clear project to do the works of removing the debris within short span of time and to supervise it by visiting the site.

It is respectfully submitted that the Municipal Secretary, Maradu Municipality as a member of the Joint Committee had filed its report on 12.03.2020 explaining the status of removal of debris at that time. A separate report was filed by the Chairman, SLMC also explaining his views on the activities of removal of debris. Thereafter, the Hon'ble Tribunal heard these statements on 14.05.2020 and directed that updated status report shall be filed

within two months of the order and posted the case on 30.07.2020 and then adjourned to 11.08.2020.

The Committee is directed to inspect the area and prepare an action plan for remediation of the menace that has caused on account of deposits of the demolition waste in the area and the manner of execution within a shorter timeline. They must also suggest/ recommend necessary Pollution Control mechanism to arrest the pollution caused on account of noise and dust pollution and remove the construction waste that had fallen in the kayal so as to protect the kayal from encroachment and submit a factual action taken report in this regard. This must be done under the supervision of the State Level Monitoring Committee appointed by the Honourable NGT in O.A 606/2018.

The Chief Environmental Engineer, Pollution Control Board, Regional Office, Ernakulam had instructed to carry out certain facilities to prevent further pollution chances due to the demolition activities mentioned in the subject matter of the directions given during SLMC meeting conducted on 24-01-2020 vide reference (1)

Instructions provided by The Chief Environmental Engineer, Pollution Control Board, Regional Office, Ernakulam

1. Instead of hoses, water sprinklers should be used for dust suppression till the debris is removed completely.
2. CCTV cameras shall be installed at strategic points to make the monitoring process effective.
3. Ensure that all Construction and Demolition Waste are transported in covered vehicles only. If this direction is violated steps shall be taken to get the vehicle seized by the authorities concerned.

4. Ensure the adequate numbers of vehicles are made available for the transportation of waste from the site.
5. The road adjacent to the demolition site along which the debris are being transported, shall be wetted as often as required to avoid spreading of dust emanating from the spill over.
6. The possibility of leasing land for setting up construction and demolition waste processing plant shall be explored.
7. The leach ate arising on account of water sprinkling over the debris should be collected and filtered, and only thereafter the same be allotted to percolate through ground.
8. Water contaminates with cement dust and other particles shall not reach the nearby water bodies under any eventuality.
9. Covering a height of 35 feet using metal barriers shall be provided around all demolition sites till the debris are removed completely.

11250 Tonnes of concrete debris has been removed before the controlled implosion. The said debris had been stored at the yard at Chandiroor in Alappuzha District and the same was used for road construction, basement filling etc. of Industrial Park of Kerala State Industrial Development Corporation. The removal of said debris and works related with the scientific reuse of the same had been done in strict adherence to the directions of the Honourable National Green Tribunal, Southern Zone, Chennai and instructions given by the State Pollution Control Board. Apart from that, the debris was moved in covered vehicles after making the area wet, at the time of segregation and transportation and thereby prevented pollutions including air pollution. Strict directives have given to the service provider in connection with the conditions of pollution norms to be complied while removing the debris and the

project report of the same has been submitted before the SLMC, State Pollution Control Board, Maradu Municipality etc.

The safety measures adopted in connection with the removal of debris are detailed hereunder –

1. The Service provider Prompt Enterprises has spread water in road continuously so as to prevent air pollution.
2. All vehicles which used for debris removal are covered, so as to prevent air pollution.
3. Though metal barriers having a height of 35 feet were required, in accordance of the common nature of the sites, metal barriers of various heights had been installed and the said sites had been covered in the requisite manner.
4. Directions had been given to sprinkle water using water sprinkler so as to prevent dust nuisance from the debris. But the entire debris was not able to make wet by using water sprinkler and high energy water pumps were used for the said purpose. No complaints have been received from the neighbouring people in connection with the same.
5. Precautionary measures have been taken to prevent the water used for removing debris, falling back in to the lake.
6. All debris of the flats demolished by controlled implosion, which fallen in to the lake has been removed. Out of the demolished flats, the debris from Alpha Serene Flat is mostly seen fallen in to the lake. The said debris had been removed completely. The debris from the lake was removed after removing the entire debris from the sites.
7. The said activities have been done under the supervision of officers deputed from Maradu Municipality.

8. Apart from that, the directions given by the Monitoring committee to Maradu Municipality was intimated to the Contract workers and it had been strictly implemented. The exclusions as directed by the Technical Committee after site inspection have only been dispensed with.

9) A detailed action plan was presented and submitted by the project proponent in front of the Chairman of Pollution Control Board and the Member Secretary of the Board at Thiruvananthapuram before the commencement of the debris removal, after the demolition of the four flats took place. In the action plan it was mentioned that the debris which can be recycled (the debris from Alpha Serene and Golden Kayaloram can't be recycled as it is not pure concrete but mix of red bricks) will be done either at the proposed C&D plant at Kumbalam or using conventional crushers at Chundamala, Pattimattom and RM Crusher, Maneed.

The C&D plant at Kumbalam could not be established due to resistance from the local residents and Panchayath. So the alternate means of using conventional crusher to recycle the debris was used. The debris was sent to Chundamala and RM crushers and Hollow Bricks was made.

Due to high volume of the debris and limited time to remove, it was decided by the joint committee to ask for a weekly action taken plan from the project proponent. All other places other than the recycling units were asked by the project proponents to be intimated prior to using them. Permission was given to the project proponent to use such places only after vetting it by the revenue officials that the place does not come under wet land category. The weekly action taken plan was sent by the project proponent without fail and was

forwarded to Pollution Control Board officials. The officials from PCB monitored and vetted these places after the work was done on a weekly basis.

10) The project proponent has maintained a detailed log book of all outgoing vehicles and the same was monitored by Municipality officials on a daily basis. A scanned copy of the log book was submitted to the joint committee on a weekly basis along with the action taken plan.

Though Maradu Municipality initiated all possible steps to control the pollution caused in removing the debris which has collected due to the demolition of buildings, The Hon'ble NGT only considering the report submitted by the Joint Committee as well as the Chairman of State Level Monitoring Committee pointed some serious lapses from the part of Municipality and Service provider

The Shortfalls identified by the Hon'ble NGT are as follows.

- a. Debris fallen into the Kayal is not removed till date
- b. Steel debris is seen stored at different sites.
- c. Concrete wastes are not seen removed fully.
- d. No specific waste management plan submitted prior to transfer of wastes.
- e. An action plan was not submitted before the removal of debris.
- f. A proper logbook was not maintained.

The Chief Environmental Engineer also noticed some facts and intimated this office Vide references (3), (4)

The Shortfalls identified by the Hon'ble NGT were completely rectified and all the wastes were removed from the site as well as kayal. In order to evaluate the prescribed work, a group consisting of Hon. Sub Collector, the Chief Environmental Engineer of State Pollution Control Board and the Secretary of Maradu Municipality jointly inspected the sites on 17.6.2020 and ensured that the debris had been removed completely. On 18.6.2020, a joint committee presided by Hon'ble District Collector was convened and evaluated that the work has been completed satisfactorily and no further activities were needed in connection with the same.

As per the order of the Hon'ble National Green Tribunal dated 11-08-2020, The Chief Environmental Engineer, Pollution Control Board, Ernakulam had intimated the Secretary, Maradu Municipality that to suggest a convenient date to convene a meeting of the Joint Committee to discuss about the follow up actions to be initiated in compliance with the order. It was duly replied vide reference (6) pointing that the said Committee may be convened as per the convenience of the Honourable district Collector and the Honourable Sub-Divisional Magistrate

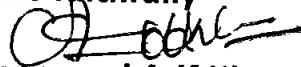
I may humbly submit that though the Board had instigated action to obtain specific advice/ guidelines from CPCB on imposing environmental compensation if any for the violations committed by the Secretary, by way of not submitting periodical reports viz. Action plans, Data on removal and disposal of steel as well as concrete debris, Replies to the queries raised by the Board, no such specific guidelines or model calculations are obtained or available for the same and is not found to be practiced anywhere. On receiving such a document the shortfalls/violations committed the Maradu Municipality if any on complying with specific provisions of the said Rule ie, the C&D Waste Management Rules 2016 will be addressed accordingly.

The measures to redress the environmental issues and related matters in connection with the demolition of Flat-Apartments had been adopted within the purview of Maradu Municipality itself. At present, the works in connection with removal of debris has been completed. It is also hereby reported that, the service providers have completed the removal of debris as per the agreement entered with Maradu Municipality and the Municipality has given Completion Certificate to them in this regard.

The mission vested with Maradu Municipality was properly completed. It is hereby specified that, the directives and supervision of State Pollution Control Board were available for the Maradu Municipality in connection with the removal of debris and it was helpful for the completion of this huge task. As part of the preliminary estimate, 76300 tonnes of debris was in calculation; but only 69600 tonnes were removed from various sites.

It is also respectfully submitted that Secretary, Maradu Municipality as a member of the Joint Committee committee had carried out the duties assigned diligently to ensure all the provisions of the Construction & Demolition Waste Management Rules, 2016 to the maximum extent possible and the shortfalls if any will be addressed after discussed in detail during Hon'ble State Level Monitoring Committee forum.

Yours faithfully


M Muhammed Arif Khan

Municipal Secretary, Maradu.



- Enclosures: -
- (1) Copy of Letter No.PCB/RO-EKM/GEN-180/2020 dated 01-02-2020 of State Pollution Control Board.
 - (2) Copy of letter No.PCB/RO-EKM/GEN-278/2020 dated 01-06-2020 of State Pollution Control Board.
 - (3) Copy of letter No.PCB/RO-EKM/GEN-276/2020 dated 26-07-2020 of State Pollution Control Board.
 - (4) Copy of letter No.PCB/RO-EKM/GEN-276/2020 dated 24-08-2020 of State Pollution Control Board.
 - (5) Copy of letter from this office to The Chief Engineer, Pollution Control Board
 - (6) Copy of Statement submitted by the Joint Committee before the Honourable NGT dated



KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, GANDHI NAGAR, ERNAKULAM - 682 020

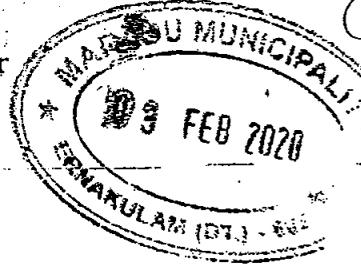
www.keralapcb.org

File No. PCB/RO-EKM/GEN- 180 /18.

Date: 01.02.2020

From
 The Chief Environmental Engineer

To
 The Secretary
 Maradu Municipality



Sub:- Demolition of Flats at Maradu - NGT Order-Reg:-

- Ref:-
1. Minutes of the meeting convened on 24.01.2020 by the SLMC(NGT).
 2. This Office Letters of even Number dated 13.01.2020, 17.01.2020.
 3. This Office Letter of even Number dated 28.01.2020.
 4. Order dated 22.01.2020 of the Hon'ble NGT in OA 12/2020

Sir,

Please recall the directions given during SLMC meeting conducted on 24.01.2020. It was specifically instructed to carry out following facilities to prevent further pollution chances due to the demolition activities mentioned in the subject matter.

1. Instead of hoses, water sprinklers should be used for dust suppression till the debris are removed completely.
2. CCTV cameras shall be installed at strategic points to make the monitoring process effective.
3. Ensure that all the Construction and Demolition Waste are transported in covered vehicles only. If this direction is violated steps shall be taken to get the vehicle seized by the authorities concerned.

- 14
4. Ensure that adequate number of vehicles are made available for the transportation of waste from the site.
 5. The roads adjacent to the demolition site along which the debris are being transported, shall be wetted as often as required to avoid spreading of dust emanating from the spillovers.
 6. The possibility of leasing land for setting up Construction and demolition Waste processing plant shall be explored.
 7. The leachate arising on account of water sprinkling over the debris should be collected and filtered, and only thereafter the same be allowed to percolate through ground .
 8. Water contaminated with cement dust and other particles shall not reach the nearby water bodies under any eventuality.
 9. Covering a height of 35 feet using metal barriers shall be provided around all demolition sites till the debris are removed completely.

Also please see that the letters under reference (2). It may be noted that the sites were inspected once again on 25.01.2020 and was noticed that no sufficient pollution control facilities are provided and you are continuing debris removal. A letter in this regard also was sent on 28.01.2020 in addition to the letters under reference (2) were sent to you to initiate actions on post demolition activities as per the relevant provisions of the C&D Waste Management Rules, 2016 but unanswered till date. Also during inspection conducted in the night hours by surveillance team on 30.01.2020, uncovered lorries were found carrying debris and the party engaged for the disposal was unaware about the destination of the transferring debris.

- 3 -

In these circumstances, your reasonable explanation as to why you are not submitted the said replies till date and a consolidated report on the pre demolition and post demolition activities with special reference to C&D Waste Management Rules 2016 shall be submitted with immediate effect.

Yours faithfully

Chief Environmental Engineer

Copy to:

1. The Chairman, State Level Monitoring Committee (NGT)
2. The Member Secretary, Thiruvananthapuram
3. The District Collector, Ernakulam (For information)
4. The Sub Collector, Fort Kochi (For information)
5. The Environmental Engineer, DO-1, Ernakulam (For information).



KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, GANDHI NAGAR, ERNAKULAM - 682 020

www.keralapcb.org

PCB/RO-EKM/GEN-278/2020

From

The Chief Environmental Engineer
Regional Office, Ernakulam

To

1. The District Collector
Ernakulam.
2. The Sub Collector
Kochi
3. The Secretary,
Maradu Municipality

01.06.2020

ES - 4227/2020



ES

ES
03/06/2020

Sub: O.A. No.12/2020(SZ):-Regarding

- Ref: 1. Order dated 14.05.2020 of the Hon'ble NGT (Copy enclosed)
2. Minutes of the startup meeting of the Joint Committee
chaired by Justice A.V Ramakrishna Pillai, Chairman, SLMC
held on 03.02.2020
 3. Report filed by the Joint Committee on 12.03.2020 and report
by the Chairman, SLMC.
 4. T.O Letter of even Number dated 12.05.2020.

Sir,

In continuation to the copy of the letter cited (4) above I may inform you that the Hon'ble NGT vide its order dated 14.05.2020 cited (1) has specifically commented as follows,

"It is seen from the report submitted by the committee as well as the Chairman of State Level Monitoring Committee that there were serious lapses on the part of the Maradu municipality and also service provider in

removing the debris which has collected due to the demolition of buildings. Maradu municipality as well as the service provider, to avoid the possible pollution that is likely to be caused on account of the collection of the debris in the demolition site till it is disposed of in a scientific manner as provided under the Construction and Demolition Waste Management Rules, 2016. There is a responsibility cast on the Maradu municipality to implement these rules in its letter and spirit. If there is any violation found in implementing the rules and if there is any noncompliance of the directions given by the committee appointed by this Tribunal, either to the Maradu municipality or to the service provider which results in the pollution being caused to the environment as well as to the nearby Kayal then regulating authority namely, Pollution Control Board is duty bound to impose environmental compensation against those persons who are violating the norms and causing pollution. Such an attempt is not seen taken in this case, though there were observations in the committee report that there were serious violations and deficiencies in carrying out the directions issued by the State Level Monitoring Committee as well as the committee appointed by this Tribunal. So under such circumstances, we direct the Pollution Control Board to take appropriate legal action against those persons who are violating the directions and causing pollution and affecting the environment including possible contamination of Kayal water which is likely to cause on account of the seepage of water that is likely to happen on account of pouring the water on the debris instead of sprinkling the same without providing necessary protective measures to avoid seepage. They are also directed to take sample of the Kayal water to find out as to whether there was any damage caused to the Kayal water on account of the negligent act on the part of the service provider and the Maradu municipality in taking action to remove the debris collected after demolition and not complying with the provision of the Construction and Demolition Waste Management Rules, 2016".

Since the lockdown restrictions are relaxed, a probable date may be intimated to convene the next meeting of the joint committee for further discussions on this issue.

Yours faithfully

M A BAIJU

Digitally signed by M A BAIJU
Date: 2020.06.01 14:28:16 +05'30'

CHIEF ENVIRONMENTAL ENGINEER

Copy to:

1. The Chairman, SLMC(NGT)
2. The Member Secretary, Head Office, Thiruvananthapuram



KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, GANDHI NAGAR, ERNAKULAM - 682 020

www.keralapcb.org

Phone : 0484 - 2207783 - 86
Fax : 0484 - 2207782
e-mail: pcbroekm@gmail.com

19

E5-5808/20

email 26/07/2020 @ 3.55 PM

File No. PCB/RO-EKM/ GEN- 276/2020

26.07.2020

From

The Chief Environmental Engineer

To

The Chairman

State Level Monitoring Committee (NGT)

E.S.
27/07/2020

Sub: Demolition of Flats at Maradu-O A 12-2020 -reg.

- Ref: 1. This Office Letter of even number dated 25.07.20
2. Order of the Hon'ble National Green Tribunal in O.A no.12/2020 dated 14.05.2020
3. Instruction given by your good self on 26.07.2020 during visit at the Site of Alfa Serene -Tower 2 at Maradu.

Respected Sir,

As instructed by your good self during the visit mentioned vide reference cited (3) and in continuation to the letter cited (1) prepared after inspecting the site on 24.07.2020 by Board Officials alone I may explain as follows.

During the visit at 11 AM today the 26th of July 2020, a local resident (Sri. Sugunanandan, Nedumpillil House, Nettoor P.O, Maradu), who belongs to fisherman community, also accompanied the inspecting team headed by Hon'ble Justice A.V Ramakrishna Pillai, Chairman, SLMC(NGT) and explained certain glitches against the Maradu Municipality in carrying out the removal of debris from the site of the apartment mentioned, especially about the removal of fallen debris from the Back water "The Thevara Canal" where regular tidal effect is experienced. He further explained that the Municipality, while doing the removal of debris from the Kayal was able to remove a minor portion of this using JCB type earthmovers which was already explained in the letter under reference (1). As per the direction

given, he arranged a local fisherman to conduct a search in the Kayal where debris has fallen due to the demolition.

The swimmer who performed the search identified reinforced concrete structures settled at the bottom of the Kayal. Unlike on earlier occasion while the Board officials had conducted inspection at 2 pm on 24.07.20, steel portion of the structures were visible above the water surface. This may be due to the tidal effect where water level dropped a little.

However, this time also following facts are noticed.

1. Debris due to the demolition of Alfa Serene -Tower 2 apartment has fallen at a stretch of approximately 30 m length parallel to the bank and 15 m towards the middle of the backwater. Also, some scattered settlement of debris were found including reinforced beams, concrete debris etc.
2. The action undertaken by the Maradu Municipality using service providers or other agencies did not seem to be satisfactory as there are remains of debris in the Backwater and urgent action shall be taken by the Municipality to remove the remaining portion of debris fallen in the backwater immediately as the Hon'ble Supreme Court and Hon'ble NGT are closely watching the scenario.

Photographs taken during different occasion with notes are enclosed.

Yours faithfully

M A BAIJU

Digitally signed by M A BAIJU
Date: 2020.07.26 15:42:02 +05'30'

Chief Environmental Engineer

- Copy to:
1. The Member Secretary, KSPCB, Thiruvananthapuram.
 2. The District Collector, Ernakulam
 3. The Sub Divisional Magistrate, Kochi.
 4. The Secretary, Maradu Municipality **(For urgent action and report)**
 5. The Environmental Engineer, District Office-1, Ernakulam.



KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, GANDHI NAGAR, ERNAKULAM - 682 020

www.keralapcb.org

File No. PCB/RO-EKM/GEN- 276/2020

Date: 24.08.2020

From

The Chief Environmental Engineer

To

1. The District Collector
Ernakulam
2. The Sub Divisional Magistrate
Kochi
3. The Secretary
Maradu Municipality

Sub:- Flats at Maradu-Demolition Activities completed/Order dated 11.08.2020
of the Hon'ble NGT(SZ)Reg:-/

- Ref:-
1. Order dated 11.08.2020 of the Hon'ble Tribunal in OA 12/2020.
 2. Copy of this Office letters of even number dated 25.07.20 & 26.07.20.

Sir,

Kindly recall the earlier discussions had during joint committee meetings in connection with removal of debris from the four demolition sites of flats at Maradu. The updated status report filed dated 24.07.2020 was heard by the Hon'ble Tribunal on 11.08.2020. It may be noted that an individual report was filed by SPCB after conducting a joint inspection along with the Chairman, SLMC and the Chairman, SLMC himself was also submitted separate report explaining the shortfalls experienced there. The report of the Chairman is read as follows

"The Chairman, State Level Monitoring Committee has filed a report dated 27.7.2020 which reads as follows: "Kindly refer to the previous report dt.12.2.2020 in this matter, wherein the following shortcomings in the handling of the demolition

wastes of the high rises within the local limits of the Maradu Municipality were noted. Major short comings in brief:

- a. Maradu Municipality has not been able to collect all specific details till date.
- b. In the updated status of removal of waste as on 10.2.2020 submitted by the Municipality the details given are vague and without specific details.
- c. Wind breakers around the sites as mandated by statute are provided.
- d. Sprinkle systems provided by the statute are not provided.
- e. There is no display of dust mitigation measures at site for public viewing.
- f. No protective measures like use of geo textile are seen provided in the stretches near the lake side of Alfa Serine and Golden Kayaloram to prevent the flow of contaminated water to the back waters.
- g. Physical verification reveals 40% of steel was segregated and 35% of steel has been removed.

However, authentic details of storage/recycling units are not submitted. Removal of debris after segregation of steel is being done and details of sites to where the debris were transferred are given. However, the log book details are not legible. Though Prompt Enterprises claims that a C&D waste processing facility is being set up at Kumbalam no such plant is installed there and no waste is deposited there. Failure to install CCTV cameras to make continuous monitoring effective. No specific details are there in the log books of the vehicles deployed in the transportation of debris.

As I felt that it is only just and proper to conduct a site inspection personally before filing a report before this Tribunal, I visited the spot at 10.30 am on 26.7.2020. With the help of one Sugunandan, a local resident who came to the spot at the time of my visit, I could get the assistance of a swimmer to conduct a detailed search in the water body. Annexure - X-5 is a report prepared by the Chief Environmental Engineer, Regional Office, KSPCB, Kochi after my site inspection on 26.7.2020. In photo No.4 of the X-6 series, we can see the swimmer standing on a reinforced concrete debris lying submerged in the water. It is at a distance of 15 meters away from the bank. At that point, the depth of the water is more than 5

feet. Normally a person who does not know swimming cannot hold his head above the water level at the point.

Conclusion

The claim of the Maradu Municipality as well as the Joint Committee is that the entire debris fallen into the back waters near the demolition site of Alfa Serene Tower -2 has been removed. This is factually incorrect. It is true that attempts have been made to remove the debris from the portion at a width of 15 meter from the bank towards middle of the water body. What was seen moved is the debris which was seen over the water level. During my inspection scattered settlement of debris including reinforced beams beyond a distance of about 15 meters from the bank towards the middle of the water body could be detected, At some points, steel bars used for the reinforcement of the concrete are seen protruding above the water level. Neither the Maradu Municipality nor the Joint Committee can sit idle till the last piece of debris is removed from the water body. If the existing debris in the water body remains here, it will lead to undesirable result in future. The recalcitrant attitude of Maradu Municipality was evident at every stage of the removal of the demolition wastes. Presumably, the Municipality is under the wrong notion that they are not bound by law. The Pollution Control Board cannot absolve from its responsibility of recovering compensation for environmental degradation from the defaulters on the lame excuse that the rules does not provide for the methods for quantification of compensation. There cannot be any straight jacket formula for assessing the quantum of compensation. In every assessment there will be some inbuilt arbitrariness. This arbitrariness is here even in assessment of compensation under certain heads in Motor Accident Claims. However, while assessing compensation, the authority has to be guided by established norms 18 and principles which would appear to be just and reasonable. The quantum of compensation fixed shall be neither too low nor disproportionately high. The authority fixing the compensation has to strike a proper balance between these two. If recovery of compensation for environmental degradation from the defaulters is delayed indefinitely it will send a wrong message to the defaulters and likeminded persons."

It may be noted that the report of the Chief Environmental Engineer mentioned in the above report is the one which was sent to your good self on 26.07.2020 after conducting inspection at the Alfa Serene Site as per the direction of the Chairman, SLMC.

It is also important to note that the Hon'ble Tribunal through the order cited (1) above explaining as follows

"It is also seen from the report submitted through Pollution Control Board that there are certain violations and the Maradu Municipality as well as project proponent did not strictly comply with the directions issued by the monitoring committee appointed by this Tribunal and non-compliance of the Construction and Demolition Waste Management Rules, 2016 and they also submitted that there are certain remnants of the demolition waste found in the nearby Kayal and there is no methodology provided for assessing compensation and they will recover the amount, after getting necessary guidelines and also taking steps to remove remnants seen in the Kayal. It may be mentioned here that the guidelines provided by Central Pollution Control Board in violation cases for assessing Environmental compensation will be strictly applicable to those who are likely to cause pollution as well. Maradu Municipality is also duty bound to monitor the implementation of the Construction & Demolition Waste Management Rules, 2016 when they are giving „authorization“ on the basis of the Management Plan provided by the project proponent for that purpose. It is seen from the report of Chairman, State Level Monitoring Committee and also by Pollution Control Board that necessary registers were not properly maintained by the service provider who are engaged in the demolition process in removing the waste collected due to demolition. Log books were not properly maintained to ascertain how the waste has been disposed of. There is nothing to show whether the authenticity of the particulars given by the project proponent is genuine or not and whether any independent enquiry was conducted by the regulators in this regard as well"

Thereafter, the Hon'ble Tribunal also directed as follows

"So under these circumstances, we direct Pollution Control Board to apply the guidelines provided by the National Green Tribunal on the basis of the guidelines of the Central Pollution Control Board to assess compensation for the violation found

by them against the Maradu Municipality as well the project proponent in accordance with law, after giving reasonable opportunity before fixing compensation. Also directed the Maradu Municipality to produce all necessary documents before the KSPCB and the Committee and the committee can consider the question and submit a detailed report to the tribunal on or before 28.10.2020."

In this circumstance, a meeting of the Joint Committee is to be convened as soon as possible to discuss about the follow up actions to be initiated in compliance with the order of the Hon'ble Tribunal as the time allowed by the Hon'ble NGT is two months only (Up to 11.10.20). Kindly inform through e mail pcbrockm@gmail.com the possible dates for the meeting.

Yours faithfully

M A BAIJU

Digitally signed by M A BAIJU
Date: 2020.08.24 12:05:19 +05'30'

Chief Environmental Engineer

Copy to:

1. The Member Secretary, SLMC, Thiruvanahtapuram (For information)
2. The Environmental Engineer, DO-1, Ernakulam (For Information)

Office of the Municipal Secretary
Maradu, Ernakulam
Pin - 682 304



Ph : 0484-2706544 (O)
0484-2706514(D)
E-mail : secretarymaradu@gmail.com

E5-429/2020

06-10-2020

To

The Chief Engineer
Pollution Control Board Ernakulam

Sir,

Sub: - Maradu Municipality-Suit Section-Demolition of Maradu Flats-
Removal of debris- Implementation of The Honourable NGT
order-regarding

Ref: - (1) Order of the Honourable NGT dated 11-08-2020 in OA 12/2020

(2) Your letter dated 24-08-2020

Attention is invited to the reference cited above.

As per the directions of the Honourable Tribunal, your good self have intimated to suggest a convenient date to convene a meeting of the Joint Committee to discuss about the follow up actions to be initiated in compliance with the order of the Honourable Tribunal vide reference (2). The said committee may be convened as per the convenience of the Honourable District Collector and the Sub-Divisional Magistrate, Kochi.

Thanking You Sir

Yours faithfully

M.Mohammed Arif Khan

Secretary, Maradu Municipality



DESPATCHED

7/10/2020

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

in

ORIGINAL APPLICATION NO.12/2020(SZ)

Applicants(s):

Tribunal on its own motion "Suo Motu" based on the News item in Mathrubhumi, Malayalam Newspaper dt:19.01.2020, "The removal of debris in Maradu not according to Norms-National Green Tribunal".

Versus

Respondents(s):

The Chief Secretary, Kerala & others

VOLUME 1

Index

Sl.No	Description	Pages
1	Report filed by the Committee as per the order dated 11.08.2020	1-13

Dated this the 27th day of October 2020

Rema Smrithi, Advocate
ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

IN

ORIGINAL APPLICATION NO.12/2020(SZ)

Applicants(s): Tribunal on its own motion "Suo Motu" based on the News item in Mathrubhumi, Malayalam Newspaper dt:19.01.2020, "The removal of debris in Maradu not according to Norms-National Green Tribunal".

Versus

Respondents(s): The Chief Secretary, Kerala & others

**STATUS REPORT FILED BY THE COMMITTEE AS PER THE ORDER
DATED 11.08.2020 IN THE ABOVE APPLICATION**

Adv.Rema Smrithi.

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT:

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN BENCH, CHENNAI**

IN

ORIGINAL APPLICATION NO 12/2020 (SZ)

Applicant(s) : Tribunal on its own motion "Suo Moto" based on the News item in Mathrubhumi, Malayalam Newspaperdt: 19.01.2020, "The removal of debris in Maradu not according to Norms - National Green Tribunal".

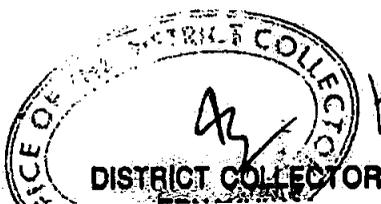
Versus

Respondent(s) : The Chief Secretary, Kerala & others

**STATUS REPORT FILED BY THE COMMITTEE AS PER THE
ORDER DATED 11.08.2020 IN THE ABOVE APPLICATION**

We, the committee constituted by the Hon'ble National Green Tribunal as per the order dated 22.01.2020 in O A 12 of 2020. We know the facts and circumstances of the case. The factual submissions made hereunder are true and correct to the best of our knowledge, information and belief. In these circumstances it is just and necessary that the Hon'ble Tribunal may be pleased to accept the accompanying additional report on file as submitted by the committee and it is so humbly prayed in the interest of justice in this case.

1. We may humbly submit that this case has been originally taken "Suo Motu" by the Hon'ble Tribunal, Southern Bench on the basis of the paper report published in Mathrubhumi Daily dated 19.01.2020 under the caption "The removal of debris in Maradu not according to Norms- National Green



[Signature]
M. MOHAMMED ARIF KHAN, N.F.E. (Dip.), LL.B.
MUNICIPAL SECRETARY
MARADU MUNICIPALITY

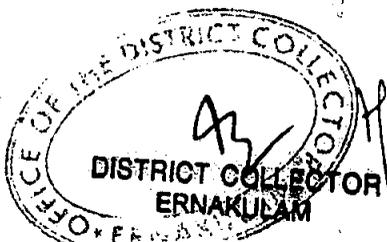


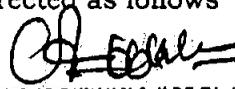
Tribunal Monitoring Committee Chairman Justice A.V.Ramakrishna visits Maradu and posted on 18.03.2020 directing that a Committee shall be constituted in which The District Magistrate, Sub Divisional Magistrate and the Secretary, Maradu Municipality were members in addition to the Chief Environmental Engineer, Regional Office, Pollution Control Board as its Nodal Officer and to file status report.

2. It is respectfully submitted that the Committee had filed its report on 12.03.2020 explaining the status of removal of debris at that time. A separate report was filed by the Chairman, SLMC also explaining his views on the activities of removal of debris. Thereafter, the Hon'ble Tribunal heard these statements on 14.05.2020 and directed that updated status report shall be filed within two months of the order and posted the case on 30.07.2020 and then adjourned to 11.08.2020.

3. It is respectfully submitted that a report was filed by the Committee on 24.07.2020 explaining the decisions taken during the meeting convened by the Committee on 18.06.2020. At this juncture, the Chairman, SLMC had instructed the Chief Environmental Engineer, the Nodal Officer of the Committee to enquire about a complaint raised by some local public who belong to fisherman community that the Municipality had failed in complete removal of the debris from the Kayal. Though the Chairman was intimated about the completion report submitted by the Secretary with respect to removal of debris from all the four sites, he insisted to carry out further enquiry on the specific point raised by the complainant that the debris remains were still therein the backwater and found during the inspection conducted along with the Nodal Officer on 26.07.2020. Hence the Nodal Officer himself individually intimated the Hon'ble Tribunal through his report dated 28.07.2020 about the actual situation experienced there during the inspection conducted along with the Chairman, SLMC mentioned above. It is pertinent to note that this report was filed individually by the Nodal Officer since the Hon'ble Tribunal specifically allowed through the order dated 14.05.2020 that *"Pollution Control Board is also at liberty to file independent report as well so as to enable us to assess the present status."* It may also important to note that the Chairman, SLMC also submitted his findings vide the report dated 27.07.2020.

4. It is respectfully submitted that the Hon'ble Tribunal during hearing convened on 11.08.2020 stated and directed as follows




M. MOHAMMED ARIF KHAN, M.A., N.F.E. (Dip.), LL.B.
MUNICIPAL SECRETARY
MARADU MUNICIPALITY

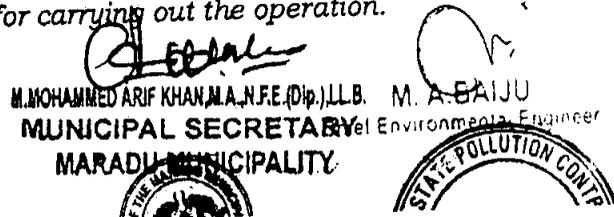
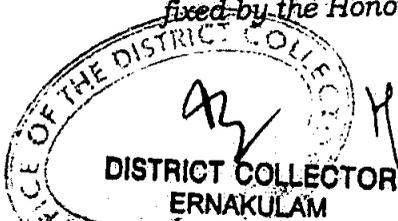



M. A. BAIJU
Chief Environmental Engineer


"It is also seen from the report submitted through Pollution Control Board that here are certain violations and the Maradu Municipality as well as project proponent did not strictly comply with the directions issued by the monitoring committee pointed by this Tribunal and non-compliance of the Construction and Demolition Waste Management Rules, 2016 and they also submitted that there are certain remnants of the demolition waste found in the nearby Kayal and there is no methodology provided for assessing compensation and they will recover the amount, after getting necessary guidelines and also taking steps to remove remnants seen in the Kayal. It may be mentioned here that the guidelines provided by Central Pollution Control Board in violation cases for assessing Environmental compensation will be strictly applicable to those who are likely to cause pollution as well. Maradu Municipality is also duty bound to monitor the implementation of the Construction & Demolition Waste Management Rules, 2016 when they are giving "authorization" on the basis of the Management Plan provided by the project proponent for that purpose. It is seen from the report of Chairman, State Level Monitoring Committee and also by Pollution Control Board that necessary registers were not properly maintained by the service provider who are engaged in the demolition process in removing the waste collected due to demolition. Log books were not properly maintained to ascertain how the waste has been disposed of. There is nothing to show whether the authenticity of the particulars given by the project proponent is genuine or not and whether any independent enquiry was conducted by the regulators in this regard as well.

So under these circumstances, we direct Pollution Control Board to apply the guidelines provided by the National Green Tribunal on the basis of the guidelines of the Central Pollution Control Board to assess compensation for the violation found by them against the Maradu Municipality as well the project proponent in accordance with law, after giving reasonable opportunity before fixing compensation.

Mr. Sahasranaman, learned counsel appearing for fourth respondent - Maradu Municipality submitted that they are strictly adhering to the provisions of the Construction & Demolition Waste Management Rules, 2016 in respect of the disposal of the waste collected. Even if there are any lapses regarding the disposal of debris said to have been done it was due to the shortage of time fixed by the Honourable Apex Court for carrying out the operation.



It may be mentioned here that the Apex Court also did not say that they are not bound to follow the rules. They are expected to follow the Rules within the time frame provided by the Apex Court for carrying out the operation especially regarding disposal of the debris collected due to demolition in an environment friendly manner, as provided in the above provisions.

So we direct Maradu Municipality also to produce all the necessary documents as to how they have monitored and satisfied with the compliance of the said Rules and the plan provided as required under the Rules by the project proponent. The committee is directed to file further report as per the observations made within a period of two months. Maradu Municipality is also directed to produce documents before the Pollution Control Board and before the committee. The committee can consider the question and submit a detailed report to this Tribunal on or before 28.10.2020. The Chairman State Level Monitoring Committee appointed in OA 606/2018 is required to monitor the same and submit an independent report regarding the same.

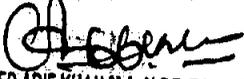
The Registry is directed to communicate this order to the members of the committee and also Chairman of the State Level Monitoring Committee appointed in O.A.No.606 of 2018 immediately by e mail so as to enable them to comply with the direction".

5. It is respectfully submitted that the Nodal Officer has issued a letter to the Secretary, Maradu Municipality on 24.09.2020 pointing out the non-compliance of the direction of the Hon'ble Tribunal regarding the submission of the action plan/action taken report about the removal and transfer of debris from Kayal and reminding to submit the consolidated report on the actions completed. In response to the letter, the Secretary, Maradu Municipality has submitted a letter dated 13.10.2020 which is explained as follows:

"The four unauthorized flat -Apartments in Maradu Municipality in Ernakulam District has been demolished by controlled implosion pursuant to the implementation of the judgement dated 8-05-2009 of Honourable Supreme Court in Civil Appeal 4784-5785/2019 (arising out of SLP(c) No.4227-


DISTRICT COLLECTOR
ERNAKULAM

Handwritten signature


M.MOHAMMED ARIF KHAN, M.A., N.F.E. (P), LL.B., M. A. BALU
MUNICIPAL SECRETARY
MARADU MUNICIPALITY


STATE POLLUTION CONTROL
GANDHI NAGAR

4228/2016). Companies such as M/s Edifice Engineering, Vijaya Steels demolished the flats through controlled implosion and separated the debris. The concrete debris has been removed by the contracted company named Prompt Enterprises.

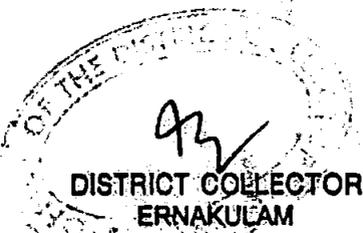
On the basis of news reported in Mathrubhumi Daily that the Construction and Demolition Waste Management Rules 2016 has been violated, the Hon. National Green Tribunal Chennai Zone has registered Original Application O.A No 12/2020 (SZ) a Suo Moto case against Maradu Municipality. A joint committee has been formed comprising of Hon'ble District Collector, Ernakulam, Hon'ble Sub Divisional Magistrate, Fort Kochi, Secretary Maradu Municipality, Regional Chief Engineer Pollution Control Board, as per the directives of Hon'ble Green Tribunal for formulating a clear project to do the works of removing the debris within short span of time and to supervise it by visiting the site.

The Committee is directed to inspect the area and prepare an action plan for remediation of the menace that has caused on account of deposits of the demolition waste in that area and also the manner of execution within a shorter timeline. They must also suggest/ recommend necessary Pollution Control mechanism to arrest the pollution caused on account of noise and dust pollution and remove the construction waste that had fallen in the kayal so as to protect the kayal from encroachment and submit a factual and action taken report in this regard. This must be done under the supervision of the State Monitoring Committee appointed by the NGT in O.A 606/2018.

Your good self had instructed to carry out certain facilities to prevent further pollution chances due to the demolition activities mentioned in the subject matter of the directions given during SLMC meeting conducted on 24-01-2020 vide reference (1) cited.

Instructions provided by The Chief Environment Engineer, Pollution Control Board

1. Instead of hoses, water sprinklers should be used for dust suppression till the debris is removed completely.



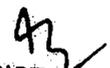
Haarir Kabbil

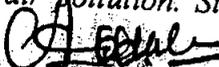
[Signature]
M. MOHAMMED ARIF KHAN, M.A., N.F.E. (Dip.), LL.M. A. BAIJU
MUNICIPAL SECRETARY Environmental Engineer
MARADU MUNICIPALITY



2. CCTV cameras shall be installed at strategic points to make the monitoring process effective.
3. Ensure that all Construction and Demolition Waste are transported in covered vehicles only. If this direction is violated steps shall be taken to get the vehicle seized by the authorities concerned.
4. Ensure the adequate numbers of vehicles are made available for the transportation of waste from the site.
5. The road adjacent to the demolition site along which the debris are being transported, shall be wetted as often as required to avoid spreading of dust emanating from the spill over.
6. The possibility of leasing land for setting up construction and demolition waste processing plant shall be explored.
7. The leach ate arising on account of water sprinkling over the debris should be collected and filtered, and only thereafter the same be allotted to percolate through ground.
8. Water contaminates with cement dust and other particles shall not reach the nearby water bodies under any eventuality.
9. Covering a height of 35 feet using metal barriers shall be provided around all demolition sites till the debris are removed completely.

11250 Tonnes of concrete debris has been removed before the controlled implosion. The said debris had been stored at the yard at Chandiroor in Alappuzha District and thereafter in connection with the road construction, basement filling etc. of Industrial Park of Kerala State Industrial Development Corporation. The removal of said debris and works for scientific reuse of the same had been done in strict adherence to the directions of Hon'ble National Green Tribunal, Southern Zone, Chennai, instructions provided by the State Pollution Control Board. Apart from that, the debris was moved in covered vehicles after making the area wet, at the time of segregation and transportation and thereby prevented pollutions including air pollution. Strict directives have


DISTRICT COLLECTOR
ERNAKULAM


M. MOHAMMED ARIF KHAN, M.A., M.F.E., D.P., LL.B.
MUNICIPAL SECRETARY
MARADU MUNICIPALITY


M. A. BAJU
Chief Environment Engineer

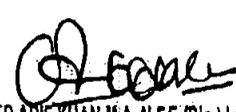

STATE POLLUTION CONTROL BOARD

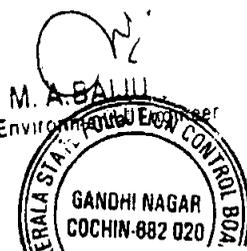
given to the service provider in connection with the conditions to be complied while removing the debris and the project report of the same has been submitted before the SLMC, State Pollution Control Board, Maradu Municipality etc.

The safety measures adopted in connection with the removal of debris are detailed hereunder –

1. The Service provider Prompt Enterprises has spread water in road continuously so as to prevent air pollution.
2. All vehicles are covered, so as to prevent air pollution.
3. Though metal barriers having a height of 35 feet were required, in accordance of the common nature of the sites, metal barriers of various heights had been installed and the said sites had been covered in the requisite manner.
4. Directions had been given to sprinkle water using water sprinkler so as to prevent dust nuisance from the debris. But the entire debris was not able to make wet by using water sprinkler and high energy water pumps were used for the said purpose. No complaints have been received from the neighbouring people in connection with the same.
5. Precautionary measures have been taken to prevent the water used for removing debris, falling back in to the lake.
6. All debris of the flats demolished by controlled implosion, which fallen in to the lake has been removed. Out of the demolished flats, the debris from Alpha Serene Flat is mostly seen fallen in to the lake. The said debris had been removed completely. The debris from the lake was removed after removing the entire debris from the sites.
7. The said activities have been done under the supervision of officers deputed from Maradu Municipality.
8. Apart from that, the directions given by the Monitoring committee to Maradu Municipality was intimated to the Contract workers and it had been implemented. The exclusions as directed by the Technical Committee after site inspection have only been dispensed with.


DISTRICT COLLECTOR
ERNAKULAM


M. MOHAMMED ARIF KHAN J.A., N.F.E. (Dip.), LL.B.
MUNICIPAL SECRETARY
MARADU MUNICIPALITY



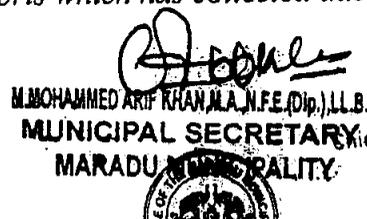
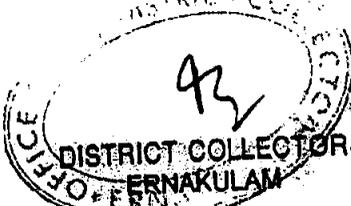
9) A detailed action plan was presented and submitted by the project proponent in front of the Chairman of Pollution Control Board and the Member Secretary of the same at Thiruvananthapuram before the commencement of the debris removal, after the demolition of the four flats took place. In the action plan it was mentioned that the debris which can be recycled (the debris from Alpha Serene and Golden Kayaloram can't be recycled as it is not pure concrete but mix of red bricks) will be done either at the proposed C&D plant at Kumbalam or using conventional crushers at Chundamala, Pattimattom and RM Crusher, Maneed.

The C&D plant at Kumbalam could not be established due to resistance from the local residents and Panchayath. So the alternate means of using conventional crusher to recycle the debris was used. The debris was sent to Chundamala and RM crushers and Hollow Blocks was made.

Due to high volume of the debris and limited time to remove, it was decided by the joint committee to ask for a weekly action taken plan from the project proponent. All other places other than the recycling units were asked by the project proponents to be intimated prior to using them. Permission was given to the project proponent to use such places only after vetting it by the revenue officials that the place does not come under wet land category. The weekly action taken plan was sent by the project proponent without fail and was forwarded to Pollution Control Board officials. The officials from PCB monitored and vetted these places after the work was done on a weekly basis.

10) The project proponent has maintained a detailed log book of all outgoing vehicles and the same was monitored by Municipality officials on a daily basis. A scanned copy of the log book was submitted to the joint committee on a weekly basis along with the action taken plan.

Though Maradu Municipality initiated all possible steps to control the pollution caused in removing the debris which has collected due to the demolition



of buildings, The Hon'ble NGT only considering the report submitted by the Joint Committee as well as the Chairman of State Level Monitoring Committee pointed some serious lapses from the part of Municipality and Service provider

The Shortfalls identified by the Hon'ble NGT are as follows.

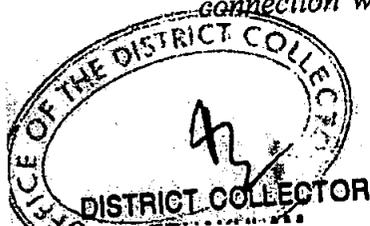
- a. Debris fallen into the Kayal is not removed till date
- b. Steel debris is seen stored at different sites.
- c. Concrete wastes are not seen removed fully.
- d. No specific waste management plan submitted prior to transfer of wastes.
- e. An action plan was not submitted before the removal of debris.
- f. A proper logbook was not maintained.

Your good self also noticed some facts and intimated this office Vide references (3), (4)

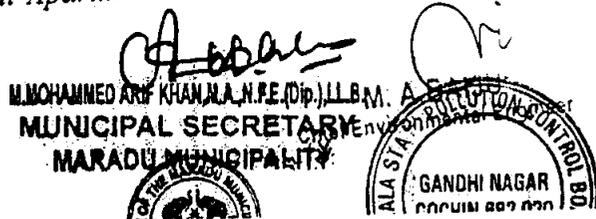
The Shortfalls identified by the Hon'ble NGT were completely rectified and all the wastes were removed from the site as well as kayal. In order to evaluate the prescribed work, a group consisting of Hon. Sub Collector, Chief Engineer of State Pollution Control Board, Secretary of Maradu Municipality jointly inspected the sites on 17.6.2020 and ensured that the debris had been removed completely. On 18.6.2020, a joint committee presided by Hon'ble District Collector was convened and evaluated that the work has been completed satisfactorily and no further activities were needed in connection with the same.

As per the order of the Hon'ble National Green Tribunal dated 11-08-2020, your good self had intimated the Secretary, Maradu Municipality to suggest a convenient date to convene a meeting of the Joint Committee to discuss about the follow up actions to be initiated in compliance with the order. It was duly replied vide reference (6) pointing that the said Committee may be convened as per the convenience of the Honourable District Collector and Sub Divisional Magistrate.

The measures to redress the environmental issues and related matters in connection with the demolition of Flat-Apartments had been adopted within the



Heavily
[Handwritten signature]



purview of Maradu Municipality itself. At present, the works in connection with removal of debris has been completed. It is also hereby reported that, the service providers have completed the removal of debris as per the agreement entered with Maradu Municipality and the Municipality has given Completion Certificate to them in this regard.

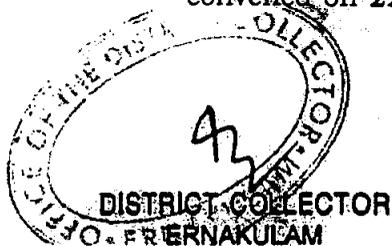
The mission vested with Maradu Municipality was properly completed. It is hereby specified that, the directives and supervision of State Pollution Control Board were available for the Maradu Municipality in connection with the removal of debris and it was helpful for the completion of this huge task. As part of the preliminary estimate, 76300 metric tonnes of debris was in calculation; but only 69600 metric tonnes were removed from various sites".

6. It is respectfully submitted that since the restrictions imposed due to lockdown and the widespread of COVID-19 were more severe here in Kochi during the last couple of months, there were difficulties in convening meeting of the Committee before the allowed time of two months from the date of the order ie, 11.10.2020 by the Hon'ble Tribunal for detailed discussions and filing status report. However the Committee identified following specific points from the correspondences of the Nodal Officer after visiting the site on 03.09.2020 and 12.09.2020 by the Surveillance team of the Pollution Control Board and on 30.09.2020 along with the Chairman, SLMC.

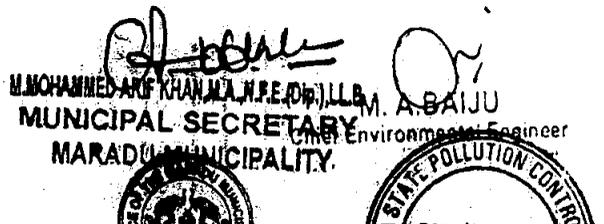
i). Though the Secretary, Maradu Municipality was asked to submit action plan for the removal of debris remains after this has been identified by the Chairman, SLMC during his visit on 30.09.2020, this has not been submitted prior to removal of debris and hence the disposal sites could not be identified in advance.

ii). Total quantity of debris removed from the Kayal after 18.06.2020 could not be verified as no logbook were kept there or not produced before the Pollution Control Board or before the Committee as directed by the Hon'ble Tribunal.

iii). Though the Secretary, Municipality was specifically asked to report about the disposal of dredged debris and mud as seen during the visit of the Chairman, SLMC, no such specific details are submitted till date before the committee. It is also important to note that a meeting of the committee was convened on 22.10.2020 and the committee specifically asked the Secretary



Handwritten signature of the District Collector.



to submit his views or reports if he is disagreeing the comments already made by the committee in this regard.

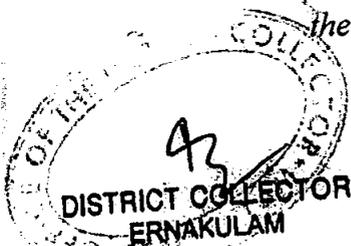
7. It is respectfully submitted that the Secretary has submitted a letter dated 20.10.20 through mail on 24.10.20 to the Nodal Officer which is explained as follows

"Your kind attention is invited to the reference cited above

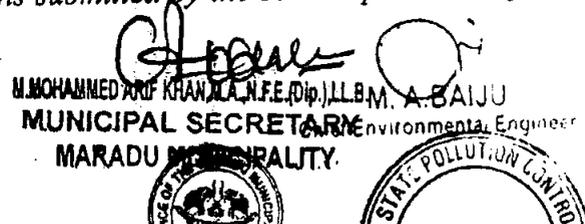
The Status report prepared by the Committee member as per the order dated 11-08-2020 in the OA 12/2020(SZ) was sent for necessary corrections and approval. I have perused the draft report prepared by the Committee member regarding the removal of debris. Some clarifications are required regarding the points noted in paragraph 6. In the said paragraph the Committee member have made three observations. This is to be clarified properly.

1. *After the visit of the Honourable Chairman no communication or observation has been made to submit an action plan for removal of debris. The Honourable Chairman has found that all debris have been removed.*
2. *The debris removed from the Kayal is comparatively negligible and it is shown to the Honourable Chairman and the officers accompanied. They have taken photographs of the same. As it is the only situation, there is no necessity to keep any separate log book for recording a single item*
3. *No such suggestion was made during the inspection by the Honourable Chairman. At the time when the Honourable Chairman has inspected the entire debris removed and there was no occasion for any further removal of debris.*
4. *In the Joint Committee report submitted on 14-05-2020 Section 4 Sub-section (f) and (g) reads as below*

(f). Through the service provider for removal of concrete debris or the Secretary, Maradu Municipality had not submitted any proposals as to where these debris are disposed of, The Secretary was often forwarded the details of disposal locations submitted by the service providers after



Heart



such works. Hence the Committee was able to supervise the activities partially. It is also identified that the generated waste which was taken to multiple sites and not to one specific C&D waste processing facility. This was mainly due to the fact that the waste was suitable to be used as it is, and it didn't need further processing. Even though there was some processing required, an authorisation was given for the same by the Kerala State Pollution Control Board but the service provider has not provided this facility at Kumbalam pointing out some complaints from local people.

(g) Log book was maintained by the agency doing the debris removal and the same was verified by the Maradu Municipality

The draft report made by the joint Committee member is contradicting the earlier report already submitted

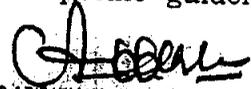
5. It was jointly decided by the members that an action taken plan is to be submitted on a weekly basis which is fulfilled by the project proponent via Maradu Municipality and the said action taken report was verified by the officials from the Pollution Control Board.

The above noted points are to be considered. The Honourable Chairman has found that the entire debris has been removed. The Statements by the PCB officials are contrary to the observations. So considering it as baseless, it is requested that it should be removed from the report.

Copy of the letter dated 12.09.2020, report dated 02.10.2020 submitted by the Chief Environmental Engineer, Kerala State Pollution Control Board (Nodal Officer) before the Chairman, SLMC and attendance sheet of the meeting of the committee held on 22.10.2020 are produced herewith and marked as **Annexure A, B & C** respectively.

8. We may humbly submit that though the Board had instigated action to obtain specific advice/ guidelines from Central Pollution Control Board on imposing environmental compensation if any for the violations committed by the Secretary, by way of not submitting periodical reports viz. Action plans, Data on removal and disposal of steel as well as concrete debris, Replies to the queries raised by the Board, no such specific guidelines or model


DISTRICT COLLECTOR
ERNAKULAM


M. MOHAMMED ARIF KHAN, N.F.E. (Dip.) LL.B. M. A. BAIJU
MUNICIPAL SECRETARY
MARADU MUNICIPALITY
Chief Environmental Engineer
Kerala State Pollution Control Board

calculations are obtained or available for the same and is not found to be practiced anywhere. On receiving such a document the shortfalls/violations committed the Maradu Municipality if any on complying with specific provisions of the said Rule ie, the C&D Waste Management Rules 2016 will be addressed accordingly.

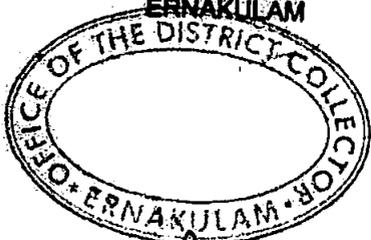
9. It is also respectfully submitted that we the committee had carried out the duties assigned diligently to ensure all the provisions of the Construction & Demolition Waste Management Rules,2016 to the maximum extent possible and the shortfalls if any will be addressed after discussed in detail during Hon'ble State Level Monitoring Committee forum.

Dated this the 27th October 2020.

[Signature]
District Collector
Ernakulam

[Signature]
Sub Divisional Magistrate
Ernakulam

DISTRICT COLLECTOR
ERNAKULAM



Secretary

[Signature]

Maradu Municipality
M.MOHAMMED ARIF KHAN M.A.N.FE/D.P.I.LL.B.
MUNICIPAL SECRETARY
MARADU MUNICIPALITY



Chief Environmental Engineer
M.A.BAIJU
KSPCB, Ernakulam (Social Officer)



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

in

ORIGINAL APPLICATION NO.12/2020(SZ)

Applicants(s): Tribunal on its own motion "Suo Motu" based on the News item in Mathrubhumi, Malayalam Newspaper dt:19.01.2020, "The removal of debris in Maradu not according to Norms- National Green Tribunal".

Versus

Respondents(s): The Chief Secretary, Kerala & others

VOLUME 2

Index

Sl.No	Description	Pages
1	Annexure A - Copy of the letter dated 12.09.2020, send to the SLMC Chairman	1-6
2	Annexure B - Copy of the letter dated 02.10.2020, send to the SLMC Chairman	7-11
3	Annexure C - Copy of the Join Committee Attendance sheet of the meeting convened on 22.10.2020	12

Dated this, the 27th day of October 2020

Rema Smrithi, Advocate
ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT

**KERALA STATE POLLUTION CONTROL BOARD**
REGIONAL OFFICE, GANDHI NAGAR, ERNAKULAM - 682 020

www.keralapcb.org

File No. PCB/RO-EKM/ GEN- 276/2020

12.09.2020

From

The Chief Environmental Engineer

To

The Chairman

State Level Monitoring Committee (NGT)

Sub: Removal of Debris from Kayal - Alfa Serene Flats at Maradu-O A 12-2020 -
Reg.

Ref: 1. Instruction given by your good self on 12.09.2020.

Respected Sir,

In response to the enquiry by your good self I may report as follows, Inspection was already conducted on 03.09.20 by the Surveillance team of Regional Office at the site. During the visit it was found that removal of debris from Kayal was being carried out. They were using JCB type earth mover as seen in the photographs enclosed. It was informed by the operator of JCB that they had started the works on 29th August 20. As per them the works should have been completed by 07.09.20 Monday. But during the visit done today it was intimated by Sugunanandan, the complainant that they were removing the debris till yesterday. As per Mr Harichandra Sai, another complainant the municipality was not able to remove debris completely as they were using JCB type earth mover operating from the bank. It may be noted in the photograph that they have constructed a temporary bund in the Kayal. It is seen that the temporary bund is still existing there showing that they have not completed the works till now. The complainant Mr Sugunanandan informed that they are planning to conduct a search tomorrow morning (ON 13.09.20) to check whether some debris remains are still there in the Kayal. I may inform your good self that we will also allocate our Surveillance team

- 2 -

during such process if any carrying out tomorrow. However, further verification can be done once the report from the Secretary, Maradu municipality is received after the complete removal of debris from the Kayal. It is sad to note that they have not submitted any action plans for such removal and transfer of debris till date though we specifically insisted the Secretary accordingly. Also, it may be seen that the debris removed from the Kayal is still there which need to be transferred to some safer areas. It may also be noted that they have not intimated the action plans for the removal of debris from kayal or about the disposal sites and hence unable to verify to where these debris will be transferred. Copy of photographs taken during the visit on 03.09.20 and 12.09.20 are attached.

Yours faith fully

M A BAIJU

Digitally signed by M A BAIJU
Date: 2020.09.12 17:30:01 +05'30'

Chief Environmental Engineer

Encl as above.

- Copy to: 1. The Member Secretary, KSPCB, Thiruvananthapuram.
2. The District Collector, Ernakulam
3. The Sub Divisional Magistrate, Kochi
4. The Secretary, Maradu Municipality (**For urgent action plan / action taken report about removal and transfer of debris**)
5. The Environmental Engineer, District Office-1, Ernakulam.

CEE : 0484 2207782
Phone : 0484 - 2207783 - 86
Fax : 0484 - 2207782
e-mail:pcbrokekm@gmail.com



KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, GANDHI NAGAR, ERNAKULAM - 682 020

www.keralapcb.org

File No. PCB/RO-EKM/ GEN- 276/2020

02.10.2020

From

The Chief Environmental Engineer

To

The Chairman

State Level Monitoring Committee (NGT)

Sub: Removal of Debris from Kayal - M/s Alfa Serene Flats at Maradu-O A 12-2020
-Reg.

Ref: 1. Instruction given by your good self during the visit on 30.09.2020.

Respected Sir,

As instructed by your good self during the visit at the demolition site of the apartment M/s Alfa Serene at Maradu I may report as follows,

The site was inspected on 03.09.20 along with your good self. Though no report on action plan or action taken on the activities of removal of debris remains from the Kayal, have been submitted by the Secretary, Maradu Municipality, it was appeared during the visit that the removal of debris from Kayal has been completed. They were using JCB type earth mover as seen in the photographs enclosed which was identified by the surveillance team of Regional Office during their visits, the intimation letters on which were already submitted. It was informed by the contractor that the removal of debris was being carried out during the period from 24.08.2020 to 15.09.2020. It was also found that some more portion of the artificially constructed mud bund is protruded into the Kayal but cannot be ensured whether this is illegal as no details on extent of land area acquired by the apartment in question which need to be verified by the revenue department.

- 2 -

It was also seen that dredged debris (mud/brick etc.) deposited at the site which need to be removed urgently as it can cause leachate during heavy rain. Also, Sri. Muhammad, Kattingal House, Nettoor who was present at the site during the visit informed that the Gate of the property is always kept open which allow antisocial people enter in to the premise and make annoyance to the public residing nearby. Copy of photographs taken on 01.09.2020, 04.09.2020, 08.09.2020 by surveillance squad and during the visit of the Hon'ble Justice A V Ramakrishna Pillai on 30.09.20 are attached.

This is for information and further directions

Yours faith fully

M A BAIJU

Digitally signed by M A BAIJU
Date: 2020.10.02 22:39:08 +05'30'

Chief Environmental Engineer

Encl as above.

- Copy to:
1. The Member Secretary, KSPCB, Thiruvananthapuram.
 2. The District Collector, Ernakulam .
 3. The Sub Divisional Magistrate, Kochi
 4. The Secretary, Maradu Municipality (For urgent action taken report about removal and transfer of debris)
 5. The Environmental Engineer, District Office-1, Ernakulam.

Joint committee meeting in O.A.No.12/2020

ATTENDANCE SHEET

Venue: Chamber of District Collector, Collectorate, Kakkanad
Date: 22.10.2020

Sl.No	Name & Address	Signature
1	Sri.S.Suhas IAS District Collector, Ernakulam	
2	Sri.Haris Rasheed IAS Sub Collector, Kochi	
3	Sri.M.A.Baiju Chief Environmental Engineer, Regional Office, KSPCB, Ernakulam	
4	Sri.Mohammed Arif Khan Secretary, Maradu Municipality	