

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
IN
ORIGINAL APPLICATION NO. 12 OF 2020 (SZ)**

**STATEMENT SUBMITTED BY 1ST RESPONDENT / SECRETARY, LOCAL
SELF GOVERNMENT DEPARTMENT**

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Dated at Chennai on this the 1st day of October 2021.

M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

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

Original Application No. 12 of 2020 (SZ)

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 to Kerala,
Thiruvananthapuram,
Kerala and others ... Respondents

**STATEMENT SUBMITTED BY 1ST RESPONDENT / SECRETARY, LOCAL
SELF GOVERNMENT DEPARTMENT**

It is submitted that this Hon'ble Tribunal vide its order dated 23.06.2021 in OA No.12/2020 has directed to submit a report.

1. It is submitted that the four unauthorized Flat apartments in Maradu Municipality in Ernakulam Districts have been demolished by controlled implosion pursuant to the implementation of the judgment dated 8/5/2019 of the Hon'ble Supreme Court in Civil. Appeal 4784-5785/2019 (arising out of SLP(C) No. 4227- 4228/2016. The concrete debris had been removed by the Contracted Company named the Prompt Enterprises.

PLAN OF ACTION

It is submitted that A Joint Committee has been formed comprising of the District Collector, Ernakulam, Sub Collector, Fort Kochi, Municipal Secretary, Maradu Municipality and the Chief Environmental Engineer, Pollution Control Board, Regional Office, Ernakulam as per the direction of this Hon'ble Tribunal for formulating a clear project to do the works of removing the debris within a short span of time and to supervise it by visiting the site.

DIRECTIONS OF STATE LEVEL MONITORING COMMITTEE

It is submitted that the Municipal Secretary, Maradu Municipality as a member of the Joint Committee had filed its report on 12/3/2020 explaining the status of removal of debris at that time. A separate report was filed by the

Chairman, State Level Monitoring Committee also explaining his views on the activities of removal of debris.

It is submitted that the Hon'ble Tribunal, directed the State Level Monitoring Committee 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 time line. 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 of factual action taken report in this regard. This must be done under the supervision of the State Level Monitoring Committee appointed by the Hon'ble Tribunal in O.A. 606/2018. Also the Chief Environmental Engineer, Pollution Control Board, Regional Office, Ernakulam had instructed to carry out certain facilitates to prevent further pollution chances due to the demolition activities mentioned in the subject matter of the directions given during State Level Monitoring Committee meeting conducted on 24/01/2020.

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, Camaras 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 number of vehicles is made available for the transportation of Waste from the site.
5. The Road adjacent to the demolition site along with 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 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 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.

ACTION TAKEN REPORT

It is submitted that 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 Hon'ble National Green Tribunal, Southern Zone, Chennai and instruction 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 thereby preventing pollution 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 neighboring 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 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.

It is submitted that the C&D plan 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.

It is submitted that 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.

It is submitted that the project proponent has maintained a detailed log book of all out going 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.

It is submitted that Maradu Municipality has 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 Short falls identified by the Hon'ble Tribunal 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)

It is submitted that the Short falls 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 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 District Collector was convened and evaluated that the work has been completed satisfactorily and no further activities were needed in connection with the same.

It is submitted that as per the order of the Hon'ble 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 pointing that the said Committee may be convened as per the convenience of the District Collector and the Sub Divisional Magistrate.

It is submitted 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 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

by the Maradu Municipality if any on complying with specific provisions of the said Rule ie. The C&D Waste Management Rules 2016 can be ascertained

It is submitted that the measure 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 for them in this regard.

It is submitted that 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, 76,300 tonnes of debris was in calculation, but only 69600 tonnes were removed from various sites.

It is submitted that Secretary, Maradu Municipality had carried out the duties assigned diligently to ensure all the provisions of the Construction & Demolition Waste Management Rules, 2016

Therefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to take the said Report filed by the Secretary, Local Self Government Department on Record and thus render justice.

Dated at Chennai on this the 1st day of October, 2021



(E.K.Kumaresan)

Counsel for R1

Standing Counsel for State
Government of Kerala

NGT(SZ), Chennai Bench

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...Applicant(s)

With

The Chief Secretary,
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...Respondent(s)

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SELF GOVERNMENT DEPARTMENT**

M/s. E.K.KUMARESAN
Standing counsel for Kerala(SZ)
Counsel for R1, R3, R5