

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

Original Application No. 188 of 2021 (SZ)

S.Sakthivel Salem : Applicant

Vs.

MoEF& CC, Rep. by its Secretary to : Respondents
Government New Delhi and others

COUNTER AFFIDAVIT FILED BY THE 10th RESPONDENT

**M/s. Babu Karukapadath (B-13)
M.A. Vaheeda Babu (V-4)
Vaisakhi.V (K/860/2013)
Arya Raghunath (A-1883)
T.M. Muhammed Musthaq (M-1380)
&
P.Lakshmi (K/1868/2021)**

Advocates

M/s. Karukapadath Law Chambers,
First Floor, Empire Building,
Opp. Central Police Station,
Ernakulam 682 018.

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INDEX

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Counter Affidavit	1-5
2.	<u>Exhibit R10(a)</u> :- A True Copy of the Consent No. PCB/HO/MLPM/ICO-R/03/2019 dated 13/02/2019 issued by the 4 th respondent/ Kerala State Pollution Control Board to the 10 th respondent.	6-8
3.	<u>Exhibit R10(b)</u> :- A true copy of the acknowledgement letter No. PCB/MLPM/DD/2021 dated 25/04/2023 issued by the 4 th respondent/Kerala State Pollution Control Board to the 10 th respondent.	9
4.	<u>Annexure R10(c)</u> :- A true copy of the email dated 16/11/2022 received by the 10 th respondent from the office of the SEIAA.	10
5.	<u>Annexure R10(d)</u> :- A true copy of the email dated 07/09/2023 received by the 10 th respondent from the office of the SEIAA.	11-12

Dated this the 12th day of September, 2023.


Counsel for the 10th respondent
P. Lakshmi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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Original Application No. 188 of 2021 (SZ)

S.Sakthivel Salem : Applicant

Vs.

MoEF& CC, Rep. by its Secretary to Government New Delhi and others : Respondents

**COUNTER AFFIDAVIT FILED BY THE 10th RESPONDENT IN
THE ABOVE ORIGINAL APPLICATION**

I, Dr. Girish Raj, aged 54 years, S/o Dr. C.M. Rajan, Vrindavan Lane, Pookotoor Road, Manjeri-676 121, Dean, MES Medical College, Palachodu Post, Malaparamba, Perinthalmanna, Malappuram – 679338, do hereby solemnly affirm and state as follows: -

1. I am the dean of 10th respondent in the above Original Application. I am conversant with the facts of the case. I am swearing this affidavit for and on behalf of the 10th respondent, as I am duly authorized and competent to do so. The 10th respondent denies all the averments and allegations in the Original Application, except those which are specifically admitted or otherwise dealt with hereunder, as they are absolutely incorrect and baseless. The above Original Application is filed without any bonafide and only on an experimental basis.
2. The above Original Application is filed by the applicant inter alia for a declaration that the operation of the respondents Nos. 5 to 17 is illegal, unauthorized and in violation of the environment (protection) Act, 1986. It is submitted that, except certain general averments and allegations that, the operation of the respondents 5 to 17 colleges are illegal and contrary to the established principles of law and in violation to the mandatory provisions under the scheme of the Environment Protection

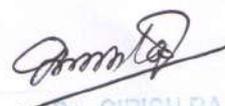


Girish Raj
Dr. GIRISH RAJ MBBS, MS
DEAN
M.E.S MEDICAL COLLEGE, PERINTHALMANNA
MALAPPURAM DISTRICT - 679 338

Act, 1986, the Water (prevention and control of pollution) Act, 1974 and the Air (prevention and control of pollution) Act, 1981, there is absolutely no specific allegation against any of the respondents, much less, against the 10th respondent. This itself would indicate that, the petitioner has made such wild allegation and sought the intervention of this Hon'ble Tribunal without collecting any materials, details and datas with respect to the institutions and moved this Hon'ble Tribunal without any justification.

3. It is submitted that, the 10th respondent Medical college and Hospital is functioning strictly in terms of the mandatory provisions under the environmental Laws. So also, this respondent has valid consents and necessary clearances issued by the various Statutory Authorities, including the Kerala State Pollution Control Board. All the allegations of the applicant in this Original Application against the 10th respondent are totally baseless and without any justification and, as such, they are denied by the 10th respondent. The 10th respondent has not made any construction in its premises after the year 2006. All the constructions of the 10th respondent were undertaken before 2006. All the contentions to the contrary are totally false and they are hereby denied.
4. As stated in the OA, in exercise of the powers conferred by the provisions of the Environment (Protection) Act 1986 and the Environment (protection) Rules 1986, the 1st respondent issued Notification S.O. 1533 (E) dated 14/09/2006, making it clear that, the notification was brought into force only in the year 2006. The aforesaid notification has identified the projects and activities for which prior Environmental Clearance (EC) is required. According to the said notification, environment clearance is required for all new projects or activities listed in the schedule to the notification and for expansion and modernization of existing projects or activities listed in the schedule to





Dr. GIRISH RAJ MBBS, MD
DEAN
M.E.S MEDICAL COLLEGE, PERINTHALMANNA
MALAPPURAM DISTRICT - 679 333

- the notification with addition of capacity beyond the limits specified for the concerned sector and for any change in product – mix in an existing manufacturing unit included in schedule beyond the specified range.
5. It is submitted that, after the issuance of aforesaid notification in the year 2006, no construction of any new projects or activities or expansion or modernization of any existing projects are undertaken by the 10th respondent. It is relevant to point out that, all constructions in the 10th respondent institution were conducted prior to the notification dated 14/09/2006.
 6. It is submitted that, the 4th respondent/Kerala State Pollution Control Board issued an Integrated Consent to Operate-Renewal dated 13/02/2019 to the 10th respondent, as Consent No.PCB/HO/MLPM/ICO-R/03/2019, which was valid up to 30/06/2023. A True Copy of the aforesaid Consent No. PCB/HO/MLPM/ICO-R/03/2019 dated 13/02/2019 issued by the 4th respondent/ Kerala State Pollution Control Board to the 10th respondent Medical College & Hospital is produced herewith and marked as **Exhibit R10 (a)**. As can be seen from the said consent, the 10th respondent was operating with necessary permission from the pollution control board at the time of filing the above OA and this fact is admitted by the 4th respondent/ Kerala State Pollution Control Board in its Report.
 7. In the meanwhile, as the validity of Exhibit R10(a) was to be expired on 30/06/2023, the 10th respondent has already submitted an application, on 25/04/2023, to the 4th respondent Pollution Control Board for renewal of the Exhibit R10 (a) consent which is pending consideration before the 4th respondent. So also, along with the aforesaid application, the 10th respondent has made a payment of Rs.11,50,000/- as the fee for the same. After receiving the aforesaid application from the 10th respondent medical college, 4th respondent issued an acknowledgement letter



(Signature)
DR. GIRISH RAJ MBBS, MS
DEAN
 M.E.S MEDICAL COLLEGE, PERINTHALMANNA
 MALAPPURAM DISTRICT - 679 338

acknowledging the receipt of our Application inter alia for consent to establish/operate under Water/Air Act along with bank Draft No.311869 dated 25/04/2023 for Rs.11,55,000/-. A true copy of the aforesaid acknowledgement letter No. PCB/MLPM/DD/2021 dated 25/04/2023 issued by the 4th respondent/Kerala State Pollution Control Board is produced herewith and marked as **Exhibit R10 (b)**.

8. So also, the 10th respondent has submitted an application No. SIA/KL/INFRA2/404063/2022 dated 16/11/2022, on Parivesh Portal under the Ministry of Environment, for Environmental Clearance for expansion of the institution by additional constructions. After receiving the aforesaid application from the 10th respondent institutions, a confirmation message was received from the official mail id of Monitoring department for environmental clearance under Ministry of Environment, acknowledging the receipt of proposal submission from the 10th respondent. A true copy of the email dated 16/11/2022 received by the 10th respondent from the office of the SEIAA monitoring-ec@nic.in produced herewith and marked as **Exhibit R10 (c)**.
9. On the basis of the aforesaid application No. SIA/KL/INFRA2/404063/2022 dated 16/11/2022 submitted by 10th respondent, Environmental Impact Assessment Authority has conducted inspection of the site of the 10th respondent institutions on 30/03/2023 and Environmental Clearance for expansion of the institution by additional constructions is awaited. In the meanwhile, the office of the SEIAA pointed out certain deficiencies/defects and they were also cleared by the 10th respondent. Later, an email dated 07/09/2023 was received from the office of the SEIAA proposing to consider the application of the 10th respondent for Environmental Clearance in its 150th meeting to be held in September 2023. A true copy of the email dated 07/09/2023 received by the 10th respondent from the office of the



Amritha

Dr. GIRISH RAJ MBBS, MS
DEAN

M.E.S MEDICAL COLLEGE, PERINTHALMANNA
MALAPPURAM DISTRICT - 679 338

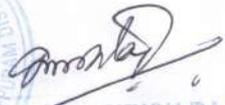
the office the SEIAA, the representatives of the 10th respondent appeared on 08/09/2023 and provided further informations, as sought for by them. Accordingly, the Environmental Clearance for expansion with additional construction is expected soon. It is submitted that, the 10th respondent will commence the additional construction for expansion only after getting Environmental Clearance from Environmental Impact Assessment Authority in terms of the notification.

10. The claim of the applicant that, he is interested in the protection of the environment is without any basis. Such a claim is raised only as a camouflage to file the OA. All the medical colleges in the state of Kerala, including the 10th respondent is dragged to this Hon'ble Tribunal without any reason or justification. There is no basis for the allegation of the applicant that, the activities of the respondents 5 to 17 are illegal and they are conducting the institutions without necessary statutory clearance. There is no merit in the OA. It is filed without any bonafides.

Hence, it is humbly prayed that, this Hon'ble Tribunal may be pleased to dismiss the Original Application with cost to this respondent.

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 12th day of September 2023.


Deponent


Dr. GIRISH RAJ MBBS, MS
DEAN
M.S. MEDICAL COLLEGE, PERINTHALMANNA
ERNAKULAM DISTRICT - 670 330

Solemnly affirmed and signed before me by the deponent who is personally known to me at my office at Ernakulam on this the 12th day of September 2023.


P. Lakshmi
Advocate



KERALA STATE POLLUTION CONTROL BOARD

FILE NO. :PCB/HO/MLPM/IC/2270/13

Date of issue :13/02/2019

INTEGRATED CONSENT TO OPERATE - RENEWAL

Consent No : PCB/HO/MLPM/ICO-R/03/2019

Validity upto:30/06/2023

Ref : 1) Consent no.PCB/HO/MLPM/ICO-R/ /2016 dated 28/03/2016 with validity upto 30/06/2018.

2) Your application no. 7272194 dated 05/04/2018.

The ' Integrated Consent to Operate' issued as per reference above to M/s M/S MES MEDICAL COLLEGE & HOSPITAL,PALACHODE.PO, KOLATHUR.VIA,MALAPPURAM-679338, is hereby renewed up to 30/06/2023 and issued to M/s M/S MES MEDICAL COLLEGE & HOSPITAL,PALACHODE.PO, KOLATHUR.VIA,MALAPPURAM-679338. The consent(s)/ variation order(s) cited under reference are integral part of this renewal order and this order is subject to the conditions stipulated therein and the following modifications/ additions.

I. GENERAL

S.No.	Items	Description
1	Validity	30/06/2023
2	Annual Fee	Rs. 2,30,000/-
3	Capital Investment	Rs.7083 lakh
4	Activity	Hospital having 550 beds.
5	Water consumption	510 KLD
6	Effluent generation	450 KLD
7	D.G sets	250 KVA-1 no., 500 KVA- 1 no., 1010 KVA-1 no.
8	Fee remitted	Rs.12,23,335/-

7.

No.	Source of Emission	Emission Rate(Nm ³ /Hr)	Stack Height above		Control Equipment
			Ground Level(In Meters)	Roof Level(In Meters)	
As per the previous consent					

III. CONDITIONS

1. All the waste generated shall be treated and disposed off as per the relevant Rules under Environment (Protection) Act, 1986.
2. The two sewage treatment plants of capacities 400 KLD and 500 KLD respectively shall be functional and be maintained.
3. The approved outlet location shall be as shown in the drawing attached.
4. The characteristics of effluent after treatment shall confirm to the following tolerance limits. For achieving these standards additional control measures, if required shall be provided.

Sl. No. Parameters	Irrigation/ Soak pit	Reuse/ Flushing
1 pH	6.5 - 9.0	6.5 - 8.5
2 BOD (mg/l)	30	3
3 COD (mg/l)	250	-
4 Suspended Solids (mg/l)	100	10
5 Oil & Grease (mg/l)	10	1

All other conditions of the Integrated Consent to Operate issued as per reference above remain unchanged.

DATE :13/02/2019

K SAJEEVAN Digitally signed by K SAJEEVAN
Date: 2019.02.22 13:25:31
+05'30'
SIGNATURE & SEAL OF ISSUING AUTHORITY
CHAIRMAN



To
M/S MES MEDICAL COLLEGE & HOSPITAL
PALACHODE.PO,
KOLATHUR.VIA,
MALAPPURAM-679338.

1. This digitally signed document is legally valid as per the Information Technology Act 2000

For verifying this document please go to krocmms.nic.in and search using date of issue/name of the unit/Application Number in "Consent Granted Applications" link in the home page of the Board's Online Consent Management and Monitoring System.



KERALA STATE POLLUTION CONTROL BOARD

DISTRICT OFFICE, 10/269 A, PERINTHALMANNA ROAD, UP HILL, P.O. MALAPPURAM - 676 505

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

മുഴുവൻ മലിനീകരണ നിയന്ത്രണ ബോർഡ്, കുന്നത്തുരുത്ത്, പി.ഒ, മലപ്പുറം - 676 505

ഫോൺ (Phone): 0483-2733211, ഫാക്സ് (Fax): 0483-2733211 Email: kspcbmlpm@gmail.com

PCB/MLPM/DD/2021

Date: 25/04/2023

From,

The Environmental Engineer

To,

MES Medical College
Perinthalmanna

Sub:-Application For Consent to Establish/Operate under Water/Air Act renewal,
Authorization under SWM, Bio Medical Waste Waste/Hazardous Waste Authorisation,
Plastic Registration and Battery Registration.

Ref:-Your application dated: 25/04/2023

Sir,

The receipt of your consent to Establish/Operate under Water/Air Act renewal,
authorization under SWM, Bio Medical Waste/Plastic Registration and Battery Registration
application dated 25/04/23 along with Bank Draft No. 311869 Dated 25/04/2023 for
Rs 11,50,000/- (Rupees Eleven Lakh Fifty Thousand Only
)

Is acknowledged

The application is being processed.

Yours faithfully



[Signature]
for ENVIRONMENTAL ENGINEER

9/13/23, 10:08 AM

Confirmation for Proposal submission. - maintenance@mesams.com - MESAMS Mail

EXHIBIT R10(c)

Gmail

monitoring-ec@nic.in

X

Google

- Compose
- Mail
- Inbox
- Starred
- Sent
- More
- Spaces
- Labels
- Meet

54

Confirmation for Proposal submission. External Inbox x

8 of 11

X Print Share



monitoring-ec@nic.in via nic.in to me

Wed, Nov 16, 2022, 7:06 PM

Successful submission of application

Your application on PARIVESH Portal for Form-1 (Part-A): Information for Scoping (for Category – A/B1) / Appraisal for Category – B2 (including Building & Construction projects under 8 (a)) has been successfully submitted on 16-11-2022. MoEFCC.



maintenance maintenance <maintenance@mesams.com> to sameerbabuaripra

Sat, Nov 19, 2022, 8:41 AM

Reply Forward

9/11/23, 9:08 AM

Proposal(SIA/KL/INFRA2/404063/2022) Considered in next EAC meeting on dated- 07/09/2023 - maintenance@mesams.com - MESAMS Mail

11.

EXHIBIT K10(d)-1



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Compose



Inbox

Starred

Sent

More

Labels

55

Proposal(SIA/KL/INFRA2/404063/2022) Considered in next EAC meeting on dated- 07/09/2023 External Inbox x



monitoring-ec@nic.in via nic.in

to me, monitoring-ec, pamidimuneel, Jude.emmanuel, beenagovindan2020, dileeppcb, harilalseac, vaspi2, raghuavseac, krishnakumarseac, sheiksear

Thu, Sep 7, 11:58 AM (4 days ago)

Email alert to Proponent, It is to inform that the proposal with the details given below will be consider in the next EAC meeting dated(from 07/09/2023 to 08/09/2023)

- 1. Proposal No. : SIA/KL/INFRA2/404063/2022
- 2. File No. : 2133/EC6/2022/SEIAA
- 3. Category of the Proposal : INFRA-2
- 4. Name of the proposal :
- 5. Date of submission of EC : 16 Nov 2022
- 6. Subject : AGENDA FOR 150TH SEAC MEETING TO BE HELD FROM 07th to 08th SEPTEMBER 2023- PART- 1
- 7. Venue : CONFERENCE HALL, STATE ENVIRONMENT IMPACT ASSESSMNT AUTHORITY-KFRAI A

12.

EXHIBIT R 10(d)-2

9/11/23, 9:05 AM

Proposal(SIA/KL/INFRA2/404063/2022) Considered in next EAC meeting on dated- 07/09/2023 - maintenance@mesams.com - MESAMS Mail

Gmail

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- Sent
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- Labels

18 of 7,502

6. Subject : HELD FROM 07th to 08th SEPTEMBER 2023- PART- 1

7. Venue : CONFERENCE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY-KERALA

8. Form Date : 07/09/2023

9. To date : 08/09/2023

10. Name of the Project proponent along with contact details

a) Name of the proponent : THE MUSLIM EDUCATIONAL SOCIETY
: REGD

b) Mobile No. : 9446414628

c) State : Kerala

d) District : Kozhikode

e) Pincode : 679338

Note: ***This is an automatically generated email, please do not reply***

Reply Reply all Forward