

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

O A.No.188 of 2021

S.Sakthivel,  
Environmental Protection & Anti Pollution Group  
S/o P K Subramaniam,  
Alagu Vinayakar Kovil Street,  
Fairlands, Salem-636016

--- Applicant

-Vs-

Ministry of Environment, Forest & Climate Change (MOEF&CC)  
Represented by its secretary to government,  
Union of India,  
Indira Paryavaran Bhavan,  
Jor Bagh Road, New Delhi-110003  
And 16 Others.

--- Respondents

REPLY & DOCUMENTS FILED BY THE 6TH RESPONDENT

M/s B. RADHAKRISHNAN

K.SIVASUBRAMANIAN

COUNSEL FOR 6<sup>TH</sup> RESPONDENT

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Respondents

**REPLY FILED ON BEHALF OF 6<sup>TH</sup> RESPONDENT**

The 6<sup>th</sup> Respondent above named is Sree Uthradam Thirunal Academy of Medical Sciences & Hospital through its Vice Dean, Vencod, Vattapara, Travandrum, Kerela 695028 beg to state as follows:

The address for service of 6<sup>th</sup> respondent is that their Counsel M/s B.RADHAKRISHNAN, K.SIVASUBRAMANIAN having office at No.75, Law chambers High court Buildings Chennai-600 104 and e mail address is brkrishlaw@gmail.com.

1. It is submitted that 6<sup>th</sup> respondent as such well acquainted with the facts of the case.

2. At the outset on preliminary objection it is submitted that the present application is not maintainable under The National Green tribunal Act 2010. The applicant though filed the above application claims to be a Environmental Protection and Anti Pollution Group from Salem Tamilnadu, however not filed any document to prove the same as bonafide person. Without establishes the same the above applicant has no locus standi and filed this application before this Hon'ble Tribunal. Further it is submitted on preliminary issues that the applicant has not come with clean hands before this Hon'ble Tribunal as they have not disclosed in what way they concerned

with this respondent specifically. The applicant says they are pollution action group but without registered association with public cause and therefore this application not maintainable and liable for rejection.

3. This respondent submits that Sec 14(1) of The National Green tribunal Act 2010 is very clear and any person from anywhere cannot filed and raised disputes and request this Hon'ble Tribunal for implementation of the enactments specified in schedule I of the Act. The applicant nowhere mentioned that how he affected because of running of medical college and hospital by this Respondent in Kerala state.

4. This respondent submits that the application was filed only based on the Application made on 14-4-2021 and Reply dated 4-6-2021 under RTI Act obtained from the office of the 3<sup>rd</sup> respondent. On perusal the said reply it is only stated that out of 12 medical colleges referred in the application under RTI Act the reply stated that only two colleges have been issued environment clearance. That is not mean that the other colleges have not at all applied or pending with 3<sup>rd</sup> respondent etc. Mere based on the incomplete reply under RTI Act the application filed cannot be maintainable. Applicant not raised any substantial question relating to environment and without knowing the pending status to get Environment clearance and its applicability.

5. This respondent submits that as far as the limitation concerned it is submitted that as per sec 14(3) of the Act, No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose. In the present case the 6<sup>th</sup> respondent college is running by the present management only from the year 2020 and application for EC is pending with state authority. The application filed from the date of RTI reply obtained on 4-6-2021 by the applicant cannot be taken in to for limitation purpose. Otherwise any body can apply under RTI act as their whims and fancy and claimed the limitation cannot be acceptable. On the above preliminary issues this application to be treated as only a motivated one and is filed with a malafide intention without any basis by knowingly making false and incorrect statements and in utter disregard of facts and therefore the application is liable to be dismissed.

6. It is submitted that apart from raising the preliminary objection above as on safer side, it is replied on merits of application that the allegations made in the application is not correct without any basis and liable for rejection.

7. It is submitted that there is no valid proof of all allegation against this respondent and based on false knowledge of the applicant files this application with ulterior motives. On the perusal of the given documents, applicant cannot question the running of a Medical college and hospital without knowing actual facts and obtaining of all clearances and pending with authorities. The present application is filed with malafide intentions by hiding the crucial actual facts and hence this application is liable to be dismissed .

8. It is also submitted that the applicant has made scandalous and patently false statements to mislead this Hon'ble Tribunal in spite of knowing the facts. To set the record straight it is submitted that this respondent is operating Medical college and hospital as approved by Medical counsel of India, Ministry of Health and Family Welfare, UGC and State of Kerala under a non profitable trust imparting high quality of Medical Education and providing affordable health care to public. This 6<sup>th</sup> respondent Medical college and hospital was took over by the present management of Moogambikai Chartable and Educational Trust from the year 2020.

9. It is submitted that this respondent applied for consent to operate long back and after complying the defects pointed out by the Pollution control board and after effecting the necessary fees paid the 4<sup>th</sup> respondent issued the consent to operate to this respondent on 19-03-2022. The said Consent is issued after satisfying the provision of STP, ETP, discharge of effluents and facility for bio medical waste treatment and disposal. The consent to operate given to this respondent is marked as **Annexure R1**

10. This respondent submits that the report filed on behalf of 4<sup>th</sup> respondent dated 21-1-2022 before this Hon'ble Tribunal would clearly establishes that this respondent's college provided STP and waste management and further seeking consent to operate is pending with the board after the required compliance.

11. It is submitted that this respondent is constantly monitor that its operations of running Medical college and hospital are in compliance with applicable laws keen to get whatever environment clearance as required. Therefore at this stage the application filed above is frivolous and liable to be dismissed in limini.

12. It is submitted that the statements made by the applicant in Para 1 to 20 and on the grounds raised in a) to e are does not have merits as the applicant made bald statements without providing proof and evidence. The

allegations are false in nature and baseless the allegations made are explicitly denied . The applicant is trying to mislead this Hon'ble Tribunal by stating about RTI application and reply alone is not sustainable and allegations are without any basis.

13. It is submitted that the applicant not even sent any notice to the respondents with ulterior motive of allegations only to file this baseless application cannot be acted upon by the respondents.

14. It is submitted that as evident that our application for consent to operate is pending with the 4<sup>th</sup> respondent and now issued as stated above the question of arriving environmental compensation against this respondent does not arise.

15. It is therefore most respectfully stated that this Original application has been filed out of sheer malice and vengence against this respondent without any valid documents which can clearly be seen from the non filing of any valid documents against this respondent and established the same. It is submitted that this application is a clear abuse of process of law filed with malafide intentions and ulterior motives and therefore ought to be dismissed with exemplary costs .

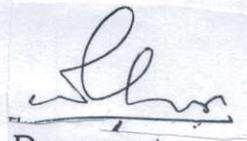
It is therefore most respectfully prayed that the above original application be dismissed for the reasons stated above with costs and pass such further order or orders as this Hon'ble Tribunal deems fit and proper in the circumstances and thus render justice.

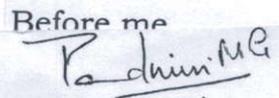
#### VERIFICATION

I Dr.Bhaskar Vice Dean of the 6<sup>th</sup> respondent Sree Uthradam Thirunal Academy of Medical Sciences & Hospital located at Vencod, Vattapara, Travandrum, Kerela 695028 do hereby verify and affirm that the contents of this reply (Counter) in paras 1 to 15 are true to the best of my knowledge belief and information.

Verified at Chennai on this 24<sup>th</sup> day of March 2022.

Dr. Bhaskar. M.K. MBBS, MD, PGD,  
(Cardiology), PGP (Rheumatology)  
Reg: No. 79069  
Vice Dean & Professor of Medicine  
SUT Academy of Medical Sciences  
Vencode, Vattapara,  
Thiruvananthapuram- 695 028

  
Deponent

Before me  


**M.G. PADMINI, M.A., LL.M.**  
**ADVOCATE, A 23, Panikkara Lane**  
**Sasthamangalam**

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**INDEX TO DOCUMENTS**

S.NO.	Date	Particulars	Annexure	Page No.
1	19-03-2022	Consent to Operate issued infavour of 6 <sup>th</sup> respondent	R1	1-5

Dated at Chennai on this 25<sup>th</sup> day of March 2022



COUNSEL FOR 6<sup>TH</sup> RESPONDENT

**FILE NO : PCB/HO/TVM/IC/455/14**

**Date of issue : 19/03/2022**



**KERALA STATE POLLUTION CONTROL BOARD**

**CONSENT TO**

**OPERATE/AUTHORISATION/REGISTRATION**

**ISSUED UNDER**

**The Water (Prevention & Control of Pollution) Act, 1974**

**The Air (Prevention & Control of Pollution) Act, 1981**

**and**

**The Environment (Protection) Act, 1986**

**As per Application No. :163918**

**Dated:04-01-2022**

**TO**

**M/s SUT ACADEMY OF MEDICAL SCIENCES**

**VENCODE,**

**VATTAPPARA,**

**THIRUVANANTHAPURAM-695028.**

**Consent No. :PCB/HO/TVM/ICO/03/2022**

**Valid Upto :28/02/2027**

## 1. GENERAL

1.1. This integrated consent is granted subject to the power of the Board to withdraw consent, review and make variation in or revoke all or any of the conditions as the Board deems fit.

1	<b>VALIDITY</b>	28/02/2027
2	Name and Address of the establishment	SUT ACADEMY OF MEDICAL SCIENCES VENCODE, VATTAPPARA, THIRUVANANTHAPURAM 695028
3	Communication	Telephone :00-8989535707 Fax :0472-9447319739 E-mail:districtjudge4@gmail.com
4	Occupier Details	SPECIAL OFFICER SUT ACADEMY OF MEDICAL SCIENCES, VENCODE, VATTAPPARA, THIRUVANANTHAPURAM
5	Local Body	Nedumangad
6	Survey Number	342/1
7	Village	VATTAPPARA
8	Taluk	NEDUMANGAD
9	District	THIRUVANANTHAPURAM
10	Capital Investment(Rs in Lakhs)	Rs.11000.65 lakh
11	Scale	Large
12	Category	RED
13	Annual fee(Rs)	Rs.2,90,000/-
	Total Fee remitted(Rs)	Rs.24,75,000/-
14	Activity	Hospital with 500 IP beds
15	Mode of disposal of Bio Medical Waste	Common Bio-medical waste treatment and disposal facility

## 2. CONDITIONS AS PER

### The Water(Prevention and Control of Pollution)Act, 1974

- 2.1 Sewage Treatment Plant (STP) consisting of treatment units having adequate capacity shall be functional/ arrangement for sewage treatment shall be provided, as per the Integrated Consent to Establish, at all times during the operation of the establishment. Additional facilities required, if any, to achieve the standards laid down by the Board u/s 17(1) (g) of the Water Act shall also be made along with.
- 2.2 Water consumption: 175 KLD
- 2.3 Effluent generation: 140 KLD
- 2.4 The characteristics of effluent after treatment shall confirm to the following tolerance limits:

SI.NO.	Characteristics	Unit	Tolerance Limits	
			Irrigation/ Soak pit	Flushing/ Gardening/ Reuse
1	pH	-	6.5-9.0	-
2	BOD	mg/l	10	-

3	COD	mg/l	50	-
4	TSS	mg/l	10	-
5	NH4-N	mg/l	5	-
6	N-Total	mg/l	10	-
7	Fecal Coliform	MPN/100 ml	<230	-

2.5 Mode of disposal of treated effluent: Irrigation

### 3. CONDITIONS AS PER

#### The Air(Prevention and Control of Pollution)Act, 1981

3.1 Adequate air pollution control measures shall be operational at all times during the functioning of the industry. Additional facilities required, if any, to achieve the standards laid down by the Board shall also be made along with.

Stack No.	Sources of Emission	Emission Rate(Nm3/Hr)	Stack Height above		Control Equipment
			Ground Level	Roof Level	
1	125 KVA D.G.set	-	-	3 m	Acoustic enclosure

3.2 Emission characteristics shall not exceed the following:

Sl.No.	Parameter	Limiting Standards (mg/Nm3)
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### 4. CONDITIONS AS PER

#### The Environment (Protection) Act, 1986.

4.1 Bio-Medical waste shall be handled, stored and disposed off as per the Bio-Medical Waste Management Rules, 2016.

4.1.1 Activities for which Authorisation is granted:

Collection	transport
Reception	Storage
Treatment	Reprocessing/Disposal

4.1.2 Type, quantity and mode of storage/collection/disposal of hazardous wastes shall be as follows:

Sl.No.	Bio-Medical Waste	Schedule Category	Quantity Tonne/year
		Mode of	
Storage		Disposal	

- 4.2 Used lead acid batteries shall be disposed of as per the Batteries (Management and Handling) Rules, 2001
- 4.3 E-waste shall be disposed off safely as per the E-Waste (Management) Rules, 2016.

## 5. SPECIFIC CONDITIONS

- 5.1. This integrated consent is granted subject to the power of the Board to review and make variation in all or any of the conditions.
- 5.2. The applicant shall comply with the instructions that the Board may issued from time to time regarding prevention and control of air, water, land and sound pollution.
- 5.3. For renewal of the consent, application shall be submitted to the Board through online web portal, in the second month before the expiry of the consent.
- 5.4. No change or alteration is to be made without the prior permission of the Board. Any change in particulars furnished and/or in the identity of the occupier/authorized agent is to be intimated to the Board forthwith.
- 5.5. Trees and curtain plants shall be planted within and along the boundary of the premises and shall be maintained with due care.
- 5.6. In case of discharge/apprehended discharge of any water/air pollutant or hazardous waste due to any accident or other unforeseen act or event, it shall be immediately intimated to the Board and the consentee/authorisee shall make all possible efforts to mitigate/prevent/remediate the discharge.
- 5.7. If operations are done with backup power, the generator shall have adequate capacity to run all associated pollution control devices.
- 5.8. Proper Solid waste management system shall be provided in the unit, arrangements for collection, segregation, storage, handling and disposal of solid Waste including garbage shall be provided as per SWM Rules 2016 and the facility shall be maintained properly.
- 5.9. All the waste generated in the premises shall be disposed off as per the relevant Rules under Environment(Protection) Act, 1986.
- 5.10. Sewage treatment plant shall be functional at all times and shall be maintained properly.
- 5.11. Bio-medical waste shall be handled as per Bio-Medical Waste Management Rules,2016.

DATE :19/03/2022

A B Pradeep  
Kumar

Digitally signed by A B Pradeep  
Kumar  
Date: 2022.03.21 14:43:56 +05'30'

SIGNATURE & SEAL OF ISSUING AUTHORITY  
CHAIRMAN



To

M/s. SUT ACADEMY OF MEDICAL SCIENCES  
VENCODE, VATTAPPARA, THIRUVANANTHAPURAM-695028

- 1. This digitally signed document is legally valid as per the Information Technology Act 2000**
2. For verifying this document please go to [krocmms.nic.in](http://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.