

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI

Original Application No. 19 of 2022 (SZ)

IN THE MATTER OF:

Satish P

....Applicant

Versus

Mr. B. Nagaraj Kamath (Mahesh Cashews) & Ors.

.....Respondents

AFFIDAVIT FILED ON BEHALF 2ND RESPONDENT

I, Dr. H Lakshmikantha s/o. Hanumanthappa aged 50, working as Regional Officer having office at Karnataka State Pollution Control Board, Plot No. 36-C, Shivalli Industrial Area, Manipal, Udupi do hereby solemnly affirm and state as follows:

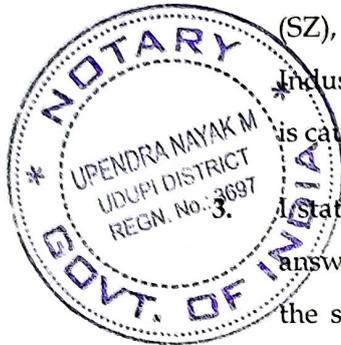
1. I state that I am the Regional Officer at the Karnataka State Pollution Control Board, and hence I am well versed with the facts of this case from its records, and I am competent and authorized to swear this affidavit on behalf of the 2nd Respondent.

2. I state that the Applicant herein, resident of Moodubelle, Udupi has filed petition/application before Hon'ble National Green Tribunal, Southern Zone (SZ), Chennai alleging that the 1st Respondent is illegally running Cashews Industries/Beeja Factory at residential/agricultural, deemed forest zone and is causing air, water and noise pollution in the surrounding areas.

I state that, this Hon'ble Tribunal has directed in Order dated 17.02.2022 this answering Respondent to inspect the said industry. In pursuance of the Order, the site was inspected by Assistant Environmental Officer, Regional Office, Udupi on 04.03.2022. The Inspection Report has been annexed herewith as **Annexure - I.**

4. I state that, the 1st Respondent Factory Authority has obtained Consent for Operation dated 05/11/2003, in No. 115/KSPCB/RO(MNG)/UDP/AEO-2/SG/WPC/2003-04/4011 and 118/KSPCB/RO(MNG)/UDP/AEO-2/SG/WPC/2003-04/4012, from this answering Respondent Board. The factory authority has submitted industrial conversion certificate for obtaining consent from the Board. Copy of land conversion is enclosed herewith as **Annexure II.** The previous Consent for Operation dt: 18/07/2012 in No.

89/PCB/RO-UDP/EO/WPC and APC/2012-2013/486 was expired on 31.12.2021, and this office has issued notice to the industry to obtain the



SIGNED BEFORE ME
[Signature]
09/03/2022
NOTARY
UDUPI

of Corrections

ENVIRONMENTAL OFFICER
Karnataka State Pollution Control Board
Udupi

renewal of consent immediately. Filing of application for renewal of consents through XGN module is under progress by the factory authority. The copy of notice is enclosed herewith as **Annexure III**. The copy of previous consent is enclosed herewith as **Annexure IV**.

5. I state that, the officers of this answering Respondent Board had given directions, vide Notice dated 29.10.2021 in Letter No. PCB/RO/UDUPI/complaint/2021-22/696; to provide dust collector to the boiler chimney and also to assess the quantity of waste water generated from the industry and provide a septic tank followed by soak pit and contain the same within the industry premises and not to discharge untreated waste water outside at any point of time. The Notice dated 29.10.2021 has been annexed herewith as **Annexure - V**.
6. I state that, in compliance of the above Notice the 1st Respondent Factory Authority has installed a septic tank and soak pit, but has requested 6 months time to install a dust collector to the chimney. The letter requesting time of 6 months has been annexed herewith as **Annexure - VI**.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to record the above-mentioned facts, take the Inspection Report of the 2nd Respondent along with Annexures, and pass such order (or) any other orders as this Hon'ble Tribunal may deem fit and proper in this case and thus render justice.




DEPONENT
ENVIRONMENTAL OFFICER
Karnataka State Pollution Control Board
Udupi

VERIFICATION

Dr. H Lakshmikantha s/o. Hanumanthappa aged 50, working as Regional Officer, having office at Karnataka State Pollution Control Board, Plot No. 36-C, Shivalli Industrial Area, Manipal, Udupi, do hereby verify that the above-mentioned contents are true to my knowledge and that I have not suppressed any material fact.

NOTARIAL REGISTER

Sl. No. 149 Dt. 22-3-2022

Dated at Udupi on this the day of 22st March, 2022

of Corrections

M. UPENDRA NAYAK, B.A., LL.B.
ADVOCATE & NOTARY PUBLIC
Near Hotel Narvedya Sri Krishna Building
Court Road, UDUPI - 576 101

SIGNED BEFORE ME

NOTARY
UDUPI


DEPONENT
ENVIRONMENTAL OFFICER
Karnataka State Pollution Control Board
Udupi

Inspection report of Dr. Amritha A.S, AEO, KSPCB, Regional Office, Udupi

| | |
|--|--|
| Name and Address of the Industry inspected | M/s Mahesh Cashew, Nellikatte, Moodubelle, Udipi District-576120 |
| Date of inspection | 04.03.2021 |
| Persons contacted | Sri. Nagraj Kamath- Managing Partner. |
| Capital Investment | Rs. 98.80Lakhs as on 31.03.2020. |
| Category and classification | SmallOrange |
| Consent status | CFO under Water & Air Act is expired on 31.12.2021 and now applied for the renewal in the XGN software and pending for approval. |
| Product manufactured | Cashew Kernal -5.5TPM as per previous consent |

Preamble: M/s Mahesh Cashew located at Nellikatte, Moodubelle, Udupi District – 576120 obtained CFO from the Board vide No. 89/PCB/RO-UDP/EO/WPC & APC/2012-13/486 dated 18.07.2012 for manufacture of cashew kernel of capacity 5.5TPM which is expired on 31.12.2021.

This office has received the several complaints from the Smt. Gulabi Poojari, alleging pollution into bodies of water bodies and soil through improper disposal practices, pollution into air, smoke emission which has adverse effect on animals, crop, plant and humans. Hence the industry was inspected on 16.10.2021 and show Cause notice was issued to the industry vide letter No. PCB/RO/UDUPI/complaint/2021-22/696 on 29.10.2021 for the non-compliances observed during the inspection. The industry authorities have submitted the reply to the said Show Cause Notice on 26.11.2021 this office.

Further, the complainant has been filed at the National Green Tribunal (NGT), South Zone by the above mentioned complainant on the same matter. With respect to this, this office has received the e-mail from the Board office on 22.02.2022 and directed to submit the compliance made by the industry. Hence the industry was again inspected on 04.03.2022 and following observation are made:

Water Pollution Control Management: The source of water to the unit is from open well. The details of water consumption, generation of effluent, mode of treatment and disposal details are as follows (in KLD):--

| Requirement of water | Consumption of water (LPD) | Generation of effluent (LPD) | Mode of treatment and disposal |
|----------------------|----------------------------|------------------------------|---|
| Domestic | 2.7 | 2.16 | The industry has man power of 60 and sewage generated from the industry is treated in septic tank followed by soak pit. |
| Boiler feed | 0.25 | 0.05 | Used for gardening after due treatment |

Air Pollution Control Management: The details of air pollution sources, chimney height and its air pollution control measures installed by the applicant are as follows:-

| Air Sources | Fuel used | Chimney height and equipment provided | Chimney height and equipment stipulated | Remark |
|----------------------------------|-----------|--|---|---|
| Baby boiler of capacity 250Kg/hr | Wood | 11m AGL with cyclone as Dust collector | 15m AGL without dust collector | Inadequate |
| Hot chamber | Steam | - | - | Adequate, since the steam is used as fuel for the hot |

| | | | | |
|--------------|--------|--|--|-----------------------------------|
| | | | | chamber, chimney is not required. |
| 10KVA DG Set | Diesel | 3m ARL chimney with acoustic enclosure | 3m ARL chimney with acoustic enclosure | Adequate |

Sold waste details

Cashew Shell of about 3.5T/Month & husk of about 0.05T/month is generated as solid waste which is being sold to the vendors.

Observations:

- Industry was not in operation.
- Wastewater generated from hand washing, vessel & floor washing is discharged to the septic tank and soak pit.
- No discharge of any waste water was observed to the neighboring property.
- Housekeeping of the industry is satisfactory.

Compliance to the notice No-696 dated 29.10.2021

| Sl.No | Non- compliance observed | Compliance made |
|-------|---|---|
| 1 | There was a baby boiler for cooking the raw cashew for which fire wood is the fuel. Thick smoke coming out of the chimney was observed during the inspection. It was noticed that the industry has not installed the dust collector to control the dust emission | Not provided the dust collector and submitted the letter to this office on 26.11.2021 and requested for the 6 month time. |
| 2 | There is a small canteen to cater to the workers lunch and tea. Wastewater from hand washing, vessel & floor were discharged to outside drain without treatment. | Provided a septic tank followed by soak pit. |
| 3 | Partner's son was directed to provide the dust collector to the boiler chimney & also to assess the quantity of wastewater generated from the industry and provided a septic tank followed by soak pit & contain the same within the premises & not to discharge untreated wastewater outside at any point of time. | <ul style="list-style-type: none"> • Not provided the dust collector and submitted the letter to this office on 26.11.2021 and requested for the 6 month time. • Provided a septic tank followed by soak pit. |

The inspection report is submitted for your kind information and further necessary action.

Amrita

ASSISTANT ENVIRONMENTAL OFFICER
KSPCB, UDUPI