

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

Appeal No. 50 of 2021(SZ)

Environmental Engineer & Others : Respondent(s)

Report filed by the Environmental Engineer, Kerala State Pollution Control Board, District Office, Kottayam on behalf of the Kerala State Pollution Control Board, in Appeal No. 50 of 2021(SZ).

Adv. Rema Smrithy  
STANDING COUNSEL



  
A. M. HAREES  
Environmental Engineer

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL  
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Dated this the 09<sup>th</sup> day of September, 2021



  
**A. M. HAREES**  
Environmental Engineer

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**Appeal No. 50 of 2021(SZ)**

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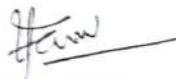
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Dated this the 09<sup>th</sup> day of September, 2021

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**VERIFICATION**

I, A. M. Harees, Environmental Engineer, Kerala State Pollution Control Board, District Office, Kottayam, do hereby verify on this dated the 09<sup>th</sup> day of September 2021, that all what is stated above are true and correct to the best of my knowledge, information and belief.



A. M. Harees  
Environmental Engineer  
Kerala State Pollution Control Board  
District Office, Kottayam



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Environmental Engineer

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**Report filed by the Environmental Engineer, Kerala State Pollution Control  
Board District Office, Kottayam in Appeal No. 50 of 2021(SZ)**

1. M/s. Palackal Timbers, Cheruvandoor, Kottayam is a Veneer and plywood Products production unit in Peroor village, Kottayam Taluk, Kottayam District. Based on an application from Shammy A. Sahib, consent to establish a veneer unit was issued on 03.10.2016 for establishing a veneer unit in sy.no.124/2 of Peroor village. Later, on 20.12.2017, consent to operate of the Board was issued for production of 500 cu.ft. of veneer and plywood products in sy.no.124/2, 125/4-1, 124/1-1 of Peroor village. Later based on a complaint received, an inspection was conducted and noticed that they had violated the distance norms and boundary conditions for establishing a plywood manufacturing unit. Hence consent withdrawal intention Notice dated 27.09.2018 was issued since the documents submitted in connection with the lease agreement was found false thereby misleading the Board and for not providing adequate set back. Copy of the consent withdrawal intention notice is attached and marked as Annexure I. Then the owner of the unit approached the Hon'ble High court and filed a case WP(C) No.3315/2018. The court disposed of the matter with a direction to the Pollution Control Board to attain finality to the Exhibits produced and to conduct hearing with the affected parties within 2 months. As such a hearing was conducted in the Head Office, of the Kerala State Pollution Control Board, Thiruvananthapuram on 10.12.2018. Based on the hearing the Chairman of the Board directed the vigilance and surprise squad of the Board to conduct enquiry and they conducted an inspection on 01.01.2019. Based on the inspection, the vigilance and surprise squad instructed the District office to issue show cause notice to the company since they have violated the

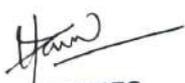


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Environmental Engineer

distance norms and boundary conditions. A Copy of the show cause notice issued dated 03.04.2019 is attached and marked as Annexure II. Again Shammy A. Sahib, the owner of the unit filed a case in the High Court WP(C) No.1934/2019 and the honourable court directed the Board to finalise the proceedings based on the hearing conducted by the chairman and the reply submitted by the owner of the unit within 2 months after conducting a hearing. On 02.05.2019 another hearing was conducted. The complainant did not attend the hearing and requested to grant 10 days time for attending the hearing. Also they informed that there is a case in the High court WP(C) No.13038/2019 filed by Sri. K.G.Rajappan.

2. The owner of the unit informed that he will soon purchase the nearby land and submitted the copy of the agreement in Rs.100/- stamp paper. Since he had not submitted any proper documents substantiating the authenticity in the survey no of the lease agreement submitted earlier, the matter was reported to the standing counsel of the Board for further follow up action to be taken in this regard.
3. Since the Hon'ble High Court has directed this office to take decision in the matter after hearing all the concerned parties, a hearing was again conducted on 27.05.2019 for giving an opportunity to the complainants. The complainants repeatedly informed that the lease document which was produced earlier is a forged one and the unit had been established by suppressing the actual facts regarding the set back and the distance norms. Since the referred site didn't satisfy the norms applicable to plywood units and the owner of the unit has failed to submit the required documents, closure order had been issued to the unit on 30.05.2019. A copy of the closure order issued dated 30.05.2019 is attached herewith and marked as Annexure III. The Hon'ble High Court disposed of both the cases filed and ordered the Pollution Control Board to ensure the closure ordered by the PCB.

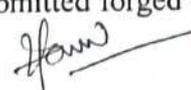


  
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4. Then the applicant filed an appeal (Appeal no.9/2019) before The Air Appellate Authority, Thiruvananthapuram. In WP(C) No.11198/2021, filed by Sri. Shammy A. Shahib, the owner of the unit, the Hon'ble High Court of Kerala on 16.07.2021 issued order in favour of the petitioner to continue the functioning of the unit till 30.07.2021, the date on which his appeal filed before the Hon'ble NGT comes up for hearing. The appeal filed before The Air Appellate Authority, Thiruvananthapuram was dismissed as the same was found to be devoid of any merit vide order dated 26.03.2021. A copy of the judgement is attached and marked as Annexure IV.
5. As per Court order in WP(C) No. 20042/2020, on 29.07.2021 The Director of Industries and Commerce had conducted a hearing of the Pollution Control Board and the owner of the industry Shammy M. Sahib, the minutes of which is still awaited as intimated by the Member Secretary of the Board vide letter PCB/HO/EE1/KTM/GEN/2008 (Vo.2) dated 12.08.2021. During this hearing the unit owner claimed that he had obtained license for veneer product from the Panchayat which is a proof for considering it as a unit existing prior to the circular issued by the Board, ie the distance criteria of 50 meter & set back of 25meter. As a proof for this, he had submitted the copy of the license from the Panchayat. The Chief Environmental Engineer, Regional Office, Ernakulam and Environmental Engineer, District Office Kottayam are delegated to check the veracity of the document submitted.
6. On 30.07.2021 this Hon'ble Tribunal had issued an order upholding the closure order issued by the Pollution Control Board and to file a reply statement on 12.08.2021 another site inspection was conducted at the unit along with the Chief Environmental Engineer, Kerala State Pollution Control Board Regional Office, Ernakulam as per the direction of the Member Secretary of the Board. During the inspection, the following observations were made:

The said industrial unit is a combination of a saw mill and plywood unit. The complainants/ residents of nearby dwellings were also present during the inspection and alleged that the industry had submitted forged documents and are experiencing



  
**A. M. HAREES**  
Environmental Engineer

pollution problems due to the improper operation of the unit. Details of the complainant's houses are illustrated as follows:

1. Josemon Jacob (newly built)

House No- 402, Ward 26, Ettumanoor Municipality

Distance to the residence from the factory (North –East)- 47.60 M

2. Chacko (old home)

House No- 403, Ward 26, Ettumanoor Municipality

Distance to the residence from the factory (North –East)- 44.90M

3. Mathew (opposite to Palackal timbers)

House No- 158, Ward 25, Ettumanoor Municipality

Distance to the residence from the factory (South)- 48 M

A verified site plan showing the above distances from the industrial unit is submitted herewith and marked as Annexure V.

A detailed examination and recommendations from Revenue department is required to address the land dispute between the unit owner & the nearby residents.

With reference to pollution control facilities, the unit authorities have provided certain arrangements viz. dust collector for boiler/sanding machines, water scrubber etc. which are satisfactory, but enclosure provided for the factory shed, hard surface for the loading and unloading area etc. are to be improved. Wash water discharge facilities provided are also to be improved.

All that stated above are true to the best of my knowledge and belief.

Dated this the 09<sup>th</sup> day of September 2021.



  
A. M. Harees  
Environmental Engineer  
Kerala State Pollution Control Board  
District Office, Kottayam.

**A. M. HAREES**  
Environmental Engineer

Solemnly affirmed and signed by the deponent who is known to me on this the 09<sup>th</sup> day of September 2021.