

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

IN

ORIGINAL APPLICATION NO. 34 of 2020

Petitioner : Sajimon Salim

Versus

Respondents : Union of India & Others

VOLUME 1

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Dated this the 25th day of November 2020

Rema Smrithi, Advocate
ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT



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

ORIGINAL APPLICATION NO. 34/2020 (SZ)

Applicant :: Sajimon Salim

Versus

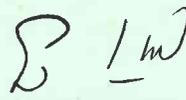
Respondents :: Union of India &Ors

**REPLY STATEMENT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA
STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, IDUKKI, ON
BEHALF OF THE 6th RESPONDENT IN THE ABOVE
APPLICATION**

I Eby Varghese, aged 49 years, S/o Sri. T.V. Varghese, residing at Perumbavoor, am the Environmental Engineer of District Office of the Kerala State Pollution Control Board at Idukki. I am duly authorised to reply on behalf of the 6th Respondent in the above application. I do solemnly affirm and state as follows.

1. The Deputy Director, Periyar Tiger Reserve had obtained approval from the National Tiger Conservation Authority (NTCA) of Ministry of Environment Forests and Climate Change (MoEF&CC) for Tiger Conservation Plan (TCP) in the year 2013. The proposal includes establishment of car parking, refreshment area and sewage treatment plant for which three acres of land has been reported to be marked at Anavachal, which is adjacent to the Kumily town in Idukki District.
2. It is respectfully submitted that as per section 25 of the Water (Prevention and Control of Pollution) Act, 1974,
 - "i. subject to the provision of this section no person shall, without the previous consent of the State Board
 - a. establish or take any steps to establish any industry, operation or process or any treatment and disposal system or an extension or addition there to which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage)
 - b. bring into use any new or altered outlets for the discharge of sewage or
 - c. bring to make any new discharge of sewage




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ENVIRONMENTAL ENGINEER

ii. An application for consent of the State Board under subsection (1) shall be made in such form contain such particulars and shall be accompanied by such fees as may be prescribed."

As per the above provision under Act prior consent has to be obtained from the Board for establishing sewage treatment plant.

3. The Deputy Director, Periyar Tiger reserve had submitted an application on 27/10/2014 for obtaining consent to establish from the Pollution Control Board for the establishment of a sewage treatment plant for parking solution at Anavachal, Thekkady. The application was scrutinized and on finding incomplete, clarification was sought from the applicant as per letter no. PCB/IDK/CTE/113/2014 dated 21/01/2015. True copy of letter is attached herewith and marked as **Annexure R6(a)**. The applicant submitted a reply dated 10/04/2015 stating that there is stay order from the Hon'ble NGT and the decision on the project will be taken only after vacation of stay order from the Hon'ble NGT. It was also informed to hold the processing of the application for consent to establish.
4. In para 53 of order dated 15.11.2017 in O.A. No. 89 and 212 of 2014 (SZ) filed by Mr. M.S. Thankappan and Mr. Abraham before the Hon'ble NGT it is stated that "*the records placed before us also show that the entire sewage of Kumily town which has got large number of resorts, hotels and restaurants, is freely flowing without any treatment since there is no proper sewage system. It is estimated that about 3 Million litres of wastewater is generated per day and the entire sewage water is allowed to enter into the canal to Periyar River and water from the lake is used for drinking purpose. Wildlife mortality due to consumption of contaminated water and throwing of waste materials is not uncommon and ultimately this water is carried to Tamil Nadu, which is the source of drinking water affecting the health of the people in Tamil Nadu also. Construction of Sewage Treatment Plant (STP) is an imminent necessity and we see that such activity, which is environmental friendly, should be allowed to be taken up. We find no merit in the argument made by the learned counsel for the applicant that establishment of such facility is in violation of the Forest (Conservation) Act, 1980*". Also in para 65 of this order it is stated that "*with regard to obtaining consent from the State Pollution Control Board for the establishment and operation of the facilities including STP the*



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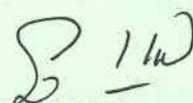
Project Authorities have already submitted proposals and given undertaking that such facilities will be established and operated only after the Board grants consent. We hold that such activities shall be undertaken only after obtaining requisite consent". The application no. 89 of 2014 and application no. 212 of 2014 are disposed accordingly.

5. It is most respectfully reported that Civil Appeal no. 19582 of 2017 was filed by the State of Tamil Nadu in the same matter is pending before the Hon'ble Supreme Court of India. Board is the 6th respondent in this case. True copy of interim order is attached herewith and marked as annexure **Annexure R6(b)**.
6. Two meetings were held with the Tiger Reserve Officials and Local body authorities regarding setting up of Sewage Treatment Plant. True copies of minutes of the meeting on setting up of Sewage Treatment Plant held on 10.01.2019 and 04.03.2020 is attached herewith and marked as **Annexure R6(c)**.
7. The applicant has not submitted the clarification on the application called for by the Board till date and hence the application for consent to establish is pending. The Board shall dispose the application as and when the clarification and subject to the compliance with of the order of the Hon'ble Supreme Court of India and Hon'ble National Green Tribunal.
8. As the matter is pending before Hon'ble Supreme Court, this matter may not be reconsidered as per the principle of **res judicata**.

All statements made above are true to the best of my knowledge information and belief.

Deponent




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 ENVIRONMENTAL ENGINEER