

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL

CHENNAI

Original Application No.262 of 2017 (SZ) &

M A No. 215 of 2017 (SZ)

Appellant : K K Muhammed Iqbal

Versus

Respondents : The Kerala State Pollution Control Board & Others

**REPORT FILED BY THE CHIEF ENVIRONMENTAL ENGINEER, KERALA STATE
POLLUTION CONTROL BOARD, REGIONAL OFFICE, ERNAKULAM AS PER THE
ORDER DATED 03.03.2022 IN THE ABOVE APPLICATION**

Standing counsel for the 1st respondent

**Rema Smrithi. V. K., Advocate
Additional Standing Counsel,
National Green Tribunal, (SZ), CHENNAI**

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

Original Application No.262 of 2017 (SZ) &

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VOLUME - I

INDEX

Sl. No.	Description	Page
1.	Report submitted by the Chief Environmental Engineer on Application No. 262 of 2017 filed by Sri. Muhammed Iqbal.	1 -5

Dated this the 30th day of March, 2022.

Rema Smrithi. V. K., Advocate
Standing Counsel for the 1st Respondent

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

Original Application 262/2017 (SZ)

K Muhammed Iqbal Vs Kerala State Pollution Control Board & Others

**REPORT FILED BY THE CHIEF ENVIRONMENTAL ENGINEER, REGIONAL
OFFICE, ERNAKULAM FOR AND ON BEHALF OF THE KERALA STATE
POLLUTION CONTROL BOARD AS PER THE ORDER DATED 03.03.2022**

I, M.A Baiju, 55 years, S/o M.K Aravindakshan, now working as the Chief Environmental Engineer, Regional Office, Kerala State Pollution Control Board, Ernakulum. I am competent to and duly authorized to represent the Board. I know the facts and circumstances of the case. The factual submissions made here under are true and correct to the best of my knowledge, information and belief. In these circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying information on file and it is so humbly prayed in the interests of justice in this case.

1. I may humbly submit that the latest order dated 03.03.2022 mentioned above was effected after conducting hearing on the above-mentioned application on 03.03.2022 and order was delivered wherein the Hon'ble Tribunal stated as follows,

4th respondent has filed their objection to the Joint Committee report.

Learned Counsel appearing for the Central Pollution Control Board and State Pollution Control Board wanted to give their views on the objections filed by the 4th respondent.

So, under such circumstances, we feel that the Joint Committee appointed by this Tribunal can go into the objections filed by the 4th respondent to the report submitted by them and give their views on the objections and file a further report.

Also directed that,

In the meantime, the Pollution Control Board is also directed to produce all the pervious proceedings initiated by them leading to the closure of the unit and thereafter invoking the bank guarantee as directed by this Tribunal and what is the nature of further steps taken by them to remedy the situation till the Hon'ble High Court of Kerala interfered in this regard.




M. A. BAIJU
Chief Environmental Engineer

2. It is respectfully submitted that the Board had initiated several actions to bring the pollution generated from the industry in question which include following notices and directions as well in which specific reasons were illustrated for such notices,

- i. Closure intention Notice dated 29.10.2014
- ii. Show Cause Notice dated 17.09.2015
- iii. Show Cause Notice dated 06.02.2016
- iv. Show cause Notice dated 18.03.2016
- v. Direction to close down the unit and to stop discharge to Periyar river dated 04.05.2016
- vi. Direction to close down the unit and to stop discharge to Periyar river dated 24.05.2016
- vii. Direction to stop illegal operation of the unit dated 27.06.2016
- viii. Letter to Bank Forfeiting Bank guarantee dated 03.12.2016
- ix. Letter to Bank Forfeiting Bank guarantee dated 22.12.2016

Accordingly, closure of the unit in question was effected and they made a request to release the bank guarantee vide their letter dated 27.07.2016. It is true that the Hon'ble Tribunal directed the KSPCB to inform the 4th respondent to remove the plastic deposited there. The Hon'ble tribunal also directed vide order dated 29.09.2016 in Application No. 409 of 2016 that KSPCB to take appropriate action against the 4th respondent company for the removal of the same, failing which KSPCB should remove the plastic wastes through local body and the cost should be realized from the bank guarantee. It is pertinent to note that the Board had initiated actions to invoke the bank guarantee asking the bank to do so vide the letter dated 22.12.2016. Copies of all notices / directions are attached as **Annexure 1**.

3. It is respectfully submitted that regarding writ petition filed by Shri.P.E Shamsudheen, it may be noted that it was filed inter-alia for a direction to M/s Sree Sakthi Paper Mill (Now renamed as M/s. Cella Space Limited) to remove the plastic wastes from the river side of its premises to M/s. KEIL, Ambalamughal within a specified time frame under the supervision of the PCB where the Board had filed a report intimating the actions/ action plans. Again, a report was filed by the Board on 22.09.2020 in continuation to the report filed on 27.03.2019 explaining the actions initiated by the Board till that date.




M. A. BAIJU
Chief Environmental Engineer

4. I may humbly submit that the Hon'ble Court of Kerala vide orders dated 13.07.2018,08.10.2018, 16.11.2018 and 04.02.2019 in WP© 5803 of 2018 specifically directed M/s Sree Sakthi Paper Mills to shift the plastic wastes stored in the premises situate at the bank of River Periyar and also directed the Board to release money as instalment to M/s KEIL from the bank guarantee forfeited (Rs. 24 lakhs) from the Company. It was reported earlier that 1452.76 MT tones of waste was shifted by M/s Sree Sakthi Paper Mills as on March, 2019. The Board paid a total amount of Rs. 13 Lakh to the 8th respondent as on March, 2019. Hence, an amount of Rs.11 lakhs was remained as balance amount with the Board as on March, 2019.

5. It is respectfully submitted that the entire wastes were shifted under strict supervision of the Board and the amount already released were in accordance with the directions issued by the Hon'ble High Court. The unit had shifted 6713.250 MT of wastes to KEIL. The shifting was completed on March 2020. Details of shifting of waste on various months are as follows,

<i>SL No</i>	<i>Month</i>	<i>Quantity of wastes shifted (MT)</i>
1	September 2018	265.035
2	November 2018	284.48
3	December 2018	252.58
4	January 2019	218.855
5	February 2019	333.965
6	March 2019	308.360
7	May 2019	377.810
8	July 2019	221.865
9	August 2019	113.810
10	September 2019	656.770
11	November 2019	1023.785
12	December 2019	131.995
13	January 2020	123.215
14	February 2020	2391.22
15	March 2020	9.505
	Total	6713.250

6. It is respectfully submitted that the Committee constituted by the Hon'ble NGT had inspected the industry on 19.02.2020 and noted that the




M. A. BAIJU
 Chief Environmental Engineer

company had completely removed the plastic waste stored along the river bank in compliance with the Order of Hon'ble Court of Kerala. Also, as a follow up action, the site was inspected by the Board's Environmental Surveillance Centre at Eloor on 21.01.2021 and noticed that entire plastic wastes accumulated along the river banks were already transferred to KEIL (the CTSDF Project at Ambalamughal for secured land fill). M/s KEIL has shifted 6713.250 MT in total of contaminated mixed plastic, paper and other miscellaneous imported paper waste from the premises of M/s. Sree Sakthi Paper Mills. The entire quantity was lifted during the period from September 2018 to February 2020. As per the KEIL report, the total invoice for the disposal and transportation of 6713.250 MT was Rs. 1,53,07,252/-. It may be noted that as per the order of the Hon'ble High Court of Kerala in WPC 5803 of 2018, the Board had paid the balance amount of Rs. 11 Lakhs on 04.10.2021 out of the total 24 Lakhs to M/s KEIL which was originally forfeited from the bank guarantee submitted by M/s. Sree Sakthi Paper Mills. Copies of all the orders dated 13.07.2018, 08.10.2018, 16.11.2018 and 04.02.2019 of the Hon'ble High Court are attached as **Annexure 2, 3, 4 and 5**.

4. It is respectfully submitted that the industry has successfully completed the transfer of wastes and there is no chance of any waste flow to river Periyar as the new industry in the name and style M/s Cella Space Ltd. has taken over the said land and completed certain construction works, a warehouse for which Consent to Operate was issued by the Board. It may also be noted that there is a proposal from the unit to convert the emptied plastic dumpsite to vehicle parking area. Also, the new unit M/s Cella Space Limited has submitted a request before the Board explaining all the matters related to this case especially to construct a compound wall and tree plantations along the banks of the river Periyar to prevent further flow of water in any form to river from their place. Copy of the request from M/s Cella Space Limited is attached as **Annexure 6**.

5. I may humbly submit that a committee was constituted as per the order dated 20.01.2020 of the Hon'ble Tribunal in OA 262/2017 to report the environmental issues due to the unscientific disposal of plastic waste by M/s. Sreesakthi Paper Mills. This committee consists of Sri. Jowin Joseph, NEERI, Sri. Deepesh V, CPCB and Smt. K S Vinaya is now jointly investigating this issue. It may also be important to note that the environmental issues of River Periyar is being investigated by two Committees ie Joint Committee constituted as per the order dated 19.08.2020 of the Hon'ble Tribunal in OA 395 of 2013 and Supervised Committee in OA 396 of 2013. The Committee already completed their visit to every Tributary, Major drains and the entire




M. A. BAIJU
Chief Environmental Engineer

stretch of River Periyar and several samples were collected from almost all these points.

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

Dated this the 30th day of March 2022.




Deponent
M. A. BAIJU
Chief Environmental Engineer