

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION NO. 208 of 2021 (SZ)

IN THE MATTER OF:

Srikanth Madhyastha

...APPLICANT

VERSUS

The District Collector Udupi District, Karnataka and Ors

...RESPONDENTS

MEMO FILED ON BEHALF OF THE 3RD AND 4TH RESPONDENTS

It is most humbly submitted that:

1. The question of how Consent to Operate was issued to the 11th and 12th Respondent Industries is under consideration before this Hon'ble Tribunal. It is most humbly submitted that the 11th and 12th Respondent Industries, whilst applying for the Consent Order on 29.11.2004 by submitting the following documents:
 - i. Form-XIII,
 - ii. Sale Deed dated 14.012.1999 between the M/s India crafts, Hungarkatta and B. Keshav Kundar for the Sy.No. of 72/4, 72/3, 72/22B, 72/21B and 71/6.
 - iii. CA certificate dated 26.11.2004
 - iv. License for industries and traders issued by 5th Airody village panchayat dated 10.06.2004.
 - v. Certification letter issued by the 5th Airody village panchayat office dated 24.11.2004.
 - vi. Certified copy of the building tax register 1989-90 issued on 26.10.2004 for the door No: 1-41by Secretary 5th Airody village panchayat .
 - vii. Certified copy of survey sketch of Sy.No-71-6, 72-3 and 72-21B issued by village Accountant of Airody-Balekudru.
 - viii. RTC copy of 72/4, 72/3, 72/22B, 72/21B and 71/6.

Furthermore, in the letter issued by the 5th Airody Village Panchayat office dated 24.11.2004, it was certified that the fish cutting industry is located at Sy.No.71-6, 72-3 and 72-21B/Door No. 1-41 since 1989. Factory Authorities also submitted the certified copy of the building tax register 1989-90 issued on 26.10.2004 for the Door No: 1-41

2. It is most humbly submitted that from the above documents it was seen that the industry had been operation much before CRZ Notification in 1991. The first CFO was issued, No. 170/KSPCB/EO(MNG)/UDP/AEO-1/SR/2004-05/4398 dated 09.12.2004 to M/s Yashaswini Fisheries, Sy.No.71-6, 72-3 and 72-1B (Door No. 1-41), Balekudru Village, Udupi Taluk & District which was valid till 30.06.2005. Accordingly further renewal was issued.
3. It is submitted that the following documents indicating the status of the 11th and 12th Respondent industries have been annexed herewith:
 - (1) Status Report of Unit I – Inspected on 16.08.2022 (Not operating since 30.05.2022 after Interim Order of this Hon’ble Tribunal)
 - (2) Status Report of Unit II – Inspected on 16.08.2022
 - (3) Combined Consent Order issued to the 11th and 12th Respondents dated 13.08.2019
 - (4) Corrigendum to the above Consent Order dated 12.08.2021

It is most humbly prayed that this Hon’ble Tribunal may be pleased to record the above mentioned facts and pass such order or orders as this Hon’ble Court may deem fit and proper in the interest of justice.

Dated at Chennai on this the 21st day of August, 2022

A handwritten signature in black ink, appearing to read 'M.R. Gnanichann', is written over a horizontal line. The signature is enclosed in a thin black rectangular border.

Counsel for 3rd and 4th Respondent

**Inspection Report of Dr. Amritha A.S, Assistant Environmental Officer,
Regional Office, KSPCB, Udupi.**

Name of the industry	M/s. Yashaswini Fisheries (Unit I), Balekudru Village, Hangarkatte, Udupi Taluk & District.
Category & classification of industry	Small-Orange
Date of inspection	16.08.2022
Persons contacted & discussions held	Sri B. Keshava Kundar – Proprietor's Husband
Consent status	CFO under Water Act is valid for the period upto 30.09.2022
Activity	Fish cutting of capacity 750TPM
Reference	NGT court Order dated 01.08.2022 regarding the O.A No. 208/2021 and final hearing dated 23.08.2022.

Preamble: M/s Yashaswini Fisheries (Unit I), is located at Balekudru Village, Hangarkatte, Udupi Taluk & District. They have obtained the CFO from the Board , No: W-314247 dated 13.08.2019 for the fish cutting activity of capacity 750TPM which is valid for the period upto 30.09.2022.

The industry authority obtained the corrigendum No: PCB/SEO-MNG/SO-UDP/Corrigendum/2021-22/71 dated 12/08/2021 to the Consent for Operation order No: W-314247 dated 13.08.2019 to treat the overflow of setting tanks of fish cutting unit M/s Yashaswini Fisheries Unit, Balekudru Village, Hangarkatte, Udupi Taluk & District in the new ETP of M/s Yashaswini Fisheries Unit-II.

Manufacturing activity: The details of the manufacturing activity consisting of procurement of raw materials (fish), cutting and packing.

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

Requirement of water	Consumption of water	Generation of effluent	Mode of treatment and disposal
Domestic purposes	2.0	1.8	Sewage generated from the industry is treated in septic tank followed by soak pit.
Manufacturing process	5	5	Overflow of setting tanks is treated in the ETP of M/s Yashaswini Fisheries Unit-II of capacity 30KLD.

Air Pollution Control Management: There are no air pollution sources in the industry.

Observations:

- The industry is not in operation.
- The industry authorities informed that, it is not in operation since 30.05.2022 because of NGT directions .
- The industry authorities have provided the settling tank for the treatment of the trade effluent and trade effluent is not observed in the settling tanks.


**Assistant Environmental Officer
KSPCB, Udupi.**

Inspection Report of Dr. Amritha A.S, Assistant Environmental Officer,
Regional Office, KSPCB, Udupi.

Name of the industry	M/s. Yashaswini Fisheries (Unit II), Sy. No.71/3, Balekudru Village, Hangarkatte, Udupi Taluk & District.
Category & classification of industry	Small-Orange
Date of inspection	16.08.2022
Persons contacted & discussions held	Sri B. Keshava Kundar – Proprietor’s Husband
Consent status	CFO under Water and Air Act expired on 30.09.2019. Consent for further period was refused by the Board on 06/02/2020 vide No: PCB/RSEO (MNG)/CFE-REFUSAL/2019-20/174 based on public complaint.
Activity	Manufacturing of Fish Waste Powder of capacity 8 TPD
Reference	Order dated 01.08.2022 regarding the O.A No. 208/2021 and final hearing dated 23.08.2022.

Preamble: The project proponent has obtained CFE from the Board vide No: 35 PCB/SEO-MNG/CFE/SO/2015-16/127, dt: 23/07/2015 in the name of M/s. Yashaswini Fisheries Unit II., for production of Fish Waste powder of capacity 8 TPD and established the industry at Sy. No.71/3 of Balekudru Village, Hangarkatte, Udupi Taluk & District.

Industry authorities has applied and obtained CFO of this Board vide Combined Consent Order No: AW-307002 dated 27.07.2018, which was expired on 30.09.2019. Further, they applied for renewal of CFO which was refused by RSEO Mangalore on 06.02.2020, No: PCB/RSEO (MNG)/CFE-REFUSAL/2019-20/174. Consent refusal order is upheld by the Board vide letter No: KSPCB/SEO/NEIA-OB/REVIEW/2020-21/06 dated 01.04.2021.

Now, the industry was inspected on 16.08.2022 to verify the present status of the unit and following observations were made;

1. Installations of machineries are completed and plant is ready for commissioning.
2. The unit was not under operation and it was noticed that, the unit is not operated till now.
3. Industry authorities provided scrubber and condenser for drier outlet vapour to control odor nuisance.
4. Industry authorities provided 30MAGL chimney with dust collector to Boiler and chimney is provided with port hole and platform facility.
5. Civil works and installations of machineries in the ETP unit is completed.
6. The industry authority of M/s Yashaswini Fisheries Unit I has obtained the corrigendum, No: PCB/SEO-MNG/SO-UDP/Corrigendum/2021-22/71, dt:12.08.2021 to the Consent for Operation order No: W-314247, dated 13.08.2019 to treat the overflow of settling tanks from fish cutting unit in the new ETP of M/s Yashaswini Fisheries Unit-II,
7. The aeration tank of ETP is under operation to maintain the MLSS concentration. .
8. The 30 KLD ETP Plant consists of following units:
 - FS & OG Trap
 - Equalization Tank
 - Primary Settling Tank

- Intermediate Tank
- Anaerobic Digester
- 2 Stage Aeration Tank (SBR)
- Decant Tank
- Sludge holding tank
- Sludge drying beds
- Pressure Sand Filter & Activated Carbon Filter

Amritha
**Assistant Environmental Officer
KSPCB, Udupi.**



Consent For Operation (CFO-Air,Water)

Karnataka State Pollution Control Board
Zonal Office : Mangalore,
Plot No.10B, Parisara Bhavana, Baikampady Industrial
Area, Mangalore-575011
Tele : 0824-2408420

Industry Colour:
ORANGE

Industry Scale: SMALL

(This document contains 8 pages including annexure & excluding additional conditions)

Combined Consent Order No: W-314247 PCB ID: 17390 Date: 13/08/2019

Combined consent for discharge of effluents under the Water (Prevention and Control of Pollution) Act, 1974 and emission under Air (Prevention and Control of Pollution) Act, 1981

- Ref: 1. Application filed by the industry / organization on 15/07/2019
2. Inspection of the Industry/organization/by RO, on 20/07/2019

Consent is hereby granted under Section 25(4) of the Water (Prevention & Control of Pollution) Act, 1974 (herein referred to as the Water Act) & Section 21 of Air (Prevention & Control of Pollution) Act, 1981, (here in referred to as the Air Act) and the Rules and Orders made there under and subject to the terms and conditions as detailed in the Schedule Annexed to this order.

The Occupier is authorized to operate /carryout industry/activity & to make discharge of the effluents & emissions confirming to the stipulated standards from the premises mentioned below:

Location:

Name of the Industry: **Yashaswini Fisheries**
 Address: Balekudru Village,, Hangarkatte
 Industrial Area: Not In I.A, Balekudru,
 Taluk: Udupi, District: Udupi

Discharge of effluents under the Water Act:

Sr	Water Code	WC(KLD)	WWG(KLD)	Remark
1	Domestic Purpose	2.000	1.600	Septic Tank & Soak Pit
2	Manufacturing Processes	5.000	5.000	To be used for gardening after due treatment

Discharge of Air emissions under the Air Act from the following stacks etc.

Sl. No.	Description of chimney/outlet	Limits specified refer schedule
The details of Sources, control equipments and its specification, type of fuel, rate of emissions, constituents to be controlled in emissions etc. are detailed in Annexure-I.		

The consent for operation is granted considering the following activities/Products;

Sr	Product Name	Applied Qty/Month	Unit
1	fish cutting	750.0000	TON

This consent is valid for the period from 20/07/2019 to 30/09/2022



**Consent For Operation
(CFO-Air,Water)**

Karnataka State Pollution Control Board
Zonal Office : Mangalore
Plot No.10B, Parisara Bhavana, Baikampady Industrial
Area, Mangalore
Tele : 0824-255555

Industry Colour:
ORANGE

Industry Scale: SMALL

(This document contains 8 pages including annexure & excluding additional conditions)

To,
Yashaswini Fisheries
Udupi

NOTE:

The following Conditions A(2b, 2c & 3c) mentioned above are not applicable.

Additional Conditions:

1. The applicant shall treat the trade effluent to the standard stipulated in Annexure-I,
2. The applicant shall take suitable measures to control foal Smell nuisance from the industrial activities.

COPY TO:

1. The Regional Officer, **Udupi** for information and necessary action.
2. Master Register.
3. Case file.

Consent Fee paid : Rs. 100

**Consent For Operation
(CFO-Air,Water)**

**Karnataka State Pollution Control Board
Zonal Office : Mangalore
Plot No.10B, Parisara Bhavana, Baikampady Industrial
Area,Mangalore-575011
Tele : 0824-2408420**

Industry Colour:
ORANGE

Industry Scale: SMALL

(This document contains 8 pages including annexure & excluding additional conditions)



**Consent For Operation
(CFO-Air,Water)**

Karnataka State Pollution Control Board
Zonal Office : Mangalore
Plot No.10B, Parisara Bhavana, Baikampady 1
Area, Mangalore
Tele : 0824-234222

Industry Colour:
ORANGE

Industry Scale: SMALL

(This document contains 8 pages including annexure & excluding additional conditions)

SCHEDULE

TERMS AND CONDITIONS

A. TREATMENT AND DISPOSAL OF EFFLUENTS UNDER THE WATER ACT.

1. The discharge from the premises of the occupier shall pass through the terminal manhole/manholes where from the Board shall be free to collect samples in accordance with the provisions of the Act/Rules made there under.
- 2(a). The sewage/domestic effluent shall be treated in septic tank and with soak pit. No overflow from the soak pit is allowed. The septic tank and soak pit shall be as per IS 2470 Part-I & Part-II.
- 2(b). The treated sewage effluent discharged shall conform to the standards specified in Annexure-I.
- 3(a). The trade effluent generated in the industry shall be treated in the ETP and treated effluent shall conform to the standards stipulated by the Board in Annexure-1
- 3(b). The trade effluent shall be handed over to CETP and maintain logbook of effluent generated & sent every day.
4. The occupier shall install flow measuring/recording devices to record the discharge quantity and maintain the record.
5. The occupier shall not change or alter either the quality or the quantity or the place of discharge or temperature or the point of discharge without the previous consent/ permission of the Board.
6. The Occupier shall not allow the discharge from the other premises to mix with the discharge from his premises. Storm water shall not be allowed to mix with the effluents on the upstream of the terminal manhole where the flow measuring devices are installed.

B. EMISSIONS:

1. The discharge of emissions from the premises of the applicant shall pass through the air pollution control equipment and discharged through stacks/chimneys mentioned in **Annexure-II** where from the Board shall be free to collect the samples at any time in accordance with the provisions of the Act and Rules made there under.
2. The occupier shall provide port holes for sampling of emission, access platforms for carrying out stack sampling, electrical points and all other necessary arrangements including ladder as indicated in Annexure-II.
3. The Occupier shall upgrade/modify/replace the control equipment with prior permission of the Board.

C. MONITORING & REPORTING:

1. The occupier shall get the samples of effluents & emissions collected and get them analyzed **once a month/ Indicated in Annexure** for the parameters.



Consent For Operation (CFO-Air,Water)

Karnataka State Pollution Control Board
Zonal Office : Mangalore
Plot No.10B, Parisara Bhavana, Baikampady Industrial
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Tele : 0824-2408420

Industry Colour:
ORANGE

Industry Scale: SMALL

(This document contains 8 pages including annexure & excluding additional conditions)

D. SOLID WASTE (OTHER THAN HAZARDOUS WASTE) DISPOSAL:

1. The Occupier shall segregate solid waste from Hazardous Waste, Municipal Solid Waste and store it properly till treatment/disposal without causing pollution to the surrounding Environment.
2. The solid waste generated shall be handled & disposed by scientific method without causing eye sore to the general public and to the surrounding environment.

E. NOISE POLLUTION CONTROL:

1. The industry shall ensure that the ambient noise levels within its premises shall not exceed the limits i.e 75 dB(A) Leq during day time and 70 dB(A) Leq during night time as specified in the Environment (Protection) Rules.

F. GENERAL CONDITIONS:

1. The Board reserves the right to review, impose additional conditions, revoke, change or alter terms and conditions of this consent.
2. The Occupier shall forthwith keep the Board informed of any accidental discharge of emissions/effluents into the atmosphere in excess of the standards laid down by the Board. The applicant shall also take corrective steps to mitigate the impact.
3. The Occupier shall provide alternative power supply sufficient to operate all Pollution control equipments.
4. The entire premises shall always be kept clean. The effluent holding area, inspection chambers, outlets, flow measuring points should made easily approachable.
5. The Occupier shall display the consent granted in a prominent place for perusal of the inspecting officers of the Board.
6. The Occupier his heirs, legal representatives or assigns shall have no claims what so ever to the continuation or renewal of this consent after expiry of the validity of consent.
7. The Occupier shall make an application for consent at least 45 days before expiry of this consent.
8. The occupier shall maintain register recording the ambient air quality and stack monitoring. The register shall be open for inspection by the Board Officers at all time.



Consent For Operation (CFO-Air,Water)

Karnataka State Pollution Control Board

Zonal Office : Mangalore

Plot No.10B, Parisara Bhavana, Baikampady 1st

Area, Mangalore

Tele : 0824-2511111

Industry Colour:
ORANGE

Industry Scale: **SMALL**

Industry Colour:
ORANGE

(This document contains 8 pages including annexure & excluding additional conditions)

ANNEXURE-I

Sl no	Characteristics	Tolerance Limits
1	Suspended solids mg/l, Max.	200
2	pH Value	5.5. to 9.0
3	Oil and grease mg/l Max.	10
4	Biochemical oxygen demand (3 days At 27 deg C (mg/l, Max.)	100

Note: All efforts should be made to remove colour and unpleasant odour as far as practicable.

Annexure-II

Chim. No.	Chimney attached to	KVA Rating/ Capacity	Minimum chimney height to be provided above ground level (in Mtr)	Constituents to be controlled in the emission	Tolerance limits mg/NM3	Air pollution Control equipment to be installed, in addition to chimney height as per col.(4)	Date on which air pollution control equipments shall be provided to achieve the stipulated tolerance limits and chimney heights conforming to stipulated heights.
1	D.G. Sets	Not Applicable		0 PM(mg/NM3), SO2(PPM), NOx (PPM)	150, 100, 50	N.A	--

Note:

N.A : Not Applicable

Note:

- The Noise levels within the premises shall not exceed 75 dB (A) leq during day time and 70 dB(A) leq during night time respectively.
- The DG set shall be provided with acoustic measures as per SI.No.94 in Schedule-I of Environment (Protection) Rules.
- There shall be no smell or odour nuisance from the industry.

**Consent For Operation
(CFO-Air,Water)**

Karnataka State Pollution Control Board
Zonal Office : Mangalore,
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Tele : 0824-2408420

Industry Colour:
ORANGE

Industry Scale: SMALL

(This document contains 8 pages including annexure & excluding additional conditions)

LOCATION OF SAMPLING PORTHOLES, THE PLATFORMS, THE ELECTRICAL OUTLET.

1. Location of Portholes and approach platform:

Portholes shall be provided for all chimneys, stacks and other sources of emission. These shall serve as the sampling points. The sampling point should be located at a distance equal to atleast eight times the stack or duct diameters downstream and two diameters upstream from source of low disturbance such as a Bend, Expansion, Construction Valve, Fitting or Visible Flame for rectangular stacks, the equivalent diameter can be calculated from the following equation.

$$\text{Equivalent Diameter} = \frac{2 (\text{Length} \times \text{Width})}{(\text{Length} + \text{Width})}$$

- The diameter of the sampling port should not be less than 3". Arrangements should be made so that the porthole is closed firmly during the period when it is not used for sampling.
- An easily accessible platform to accommodate 3 to 4 persons to conveniently monitor the stack emission from the portholes shall be provided. Arrangements for an Electric Outlet Point off 230 V 15 A with suitable switch control and 3 Pin Point shall be provided at the Porthole location.

For and on behalf of the
Karnataka State Pollution Control
Board



**Consent For Operation
(CFO-Air,Water)**

Karnataka State Pollution Control Board
Zonal Office : Mangalore,
Plot No.10B, Parisara Bhavana, Baikampady Industrial
Area, Mangalore-575011
Tele : 0824-2408420

Industry Colour:
ORANGE

Industry Scale: SMALL

(This document contains 8 pages including annexure & excluding additional conditions)

Signature Not Verified

Digitally signed by
Date: 2019.08.16 17:45:01
+05:30

Zonal Office:

Karnataka State Pollution Control Board
Parisara Bhavana, Block No. 23 & 24, 1st Floor,
4th Cross, Near ESI Hospital, Industrial Area,
Baikampady, Mangaluru - 575 011
Tel.: 0824-2408420
e-mail: seomangala@kspcb.gov.in

ವಿಭಾಗೀಯ ಕಛೇರಿ:

"ಪರಿಸರ ಭವನ", ಬ್ಲಾಕ್ ನಂ. 23&24,
1ನೇ ಮಹಡಿ, 4ನೇ ಅಡ್ಡ ರಸ್ತೆ,
ಇ.ಎಸ್.ಐ. ಆಸ್ಪತ್ರೆ ಹತ್ತಿರ
ಕೈಗಾರಿಕಾ ಪ್ರದೇಶ, ಬೈಕಂಪಾಡಿ,
ಮಂಗಳೂರು - 575 011

ಕರ್ನಾಟಕ ರಾಜ್ಯ
ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ



No. PCB/SEO-MNG/SO-UDP/Corrigendum/2021-22/71 towards a cleaner Karnataka
DATE: 12/08/2021

CORRIGENDUM

Sub: Issue of Corrigendum to Consent for Operation issued to M/s Yashaswini Fisheries at Balekudru Village, Hangarakatte, Udupi Taluk and District.-reg.

- Ref: 1. Personal hearing held on 17/09/2019 and proceeding No. 1918 dated 20/06/2019
2. Combined Consent order no. W-314247, Date: 13.08.2019.
3. Letter submitted by the Proprietor, Yashaswini Fisheries to Regional Office (R.O.), Udupi on 11-08-2021.
4. R.O Udupi letter No. PCB/DUPI/EO/LO/Letter/2021-22/418 dated: 11.08.2021.

With reference to the above, it is to be informed that M/s Yashaswini Fisheries at Balkudru Village Hangarakatte, Udupi taluk and District is a Small Orange fish cutting unit and the industry has obtained the consent vide ref (2) which is valid up to 30.09.2022.

Now, the proprietor, Yashaswini Fisheries has submitted a letter to R.O., Udupi vide ref (3) stating that, they are operating the fish cutting unit and the effluent generated in the unit is being treated in 5 KLD ETP consisting of three settling tanks and over flow of which is taken into the new ETP of M/s Yashaswini Fisheries Unit-II. But, in the Consent issued to the industry vide ref (2) the above facts such as treating of overflow of settling tanks from the fish cutting unit in the New ETP of M/s Yashswini Fisheries Unit-II has not been reflected.

Further the Occupier has requested in the letter submitted vide ref(3) to issue a corrigendum to the consent issued to the industry vide ref (2) with inclusion to treat the overflow of settling tanks of Fish Cutting unit (i.e. M/s Yashaswini Fisheries- Unit-I) in the new ETP of M/s Yashaswini Fisheries, Unit - II.

The Regional Office, Udupi the vide ref (4) has recommended for the issue of corrigendum to the consent issued vide ref(2) with conditions not to operate M/s Yashaswini Fishmeal-unit-II. Hence, the following order,

ORDER:

In view of the above, this corrigendum is issued to the Consent for Operation order No. W-314247 dated 13/08/2019 cited under ref (2) to treat the overflow of settling tanks of fish cutting unit of M/s Yashaswini Fisheries, Balekudru Village, Hangarakatte, Udupi taluk and district in the new ETP as per personal hearing proceedings dated 20/06/2019 cited at reference(1), subjected to the condition that new unit namely M/s Yashaswini Fisheries, Unit - II shall not be operated at any point of time. This order is issued without prejudice to any of the cases pending before the Hon'ble Court of law.

All other terms and conditions as stipulated vide reference (2) remains unaltered.

Sd/-

SENIOR ENVIRONMENTAL OFFICER,
KSPCB, MANGALURU

To,

The Proprietor
M/s Yashaswini Fisheries
Balekudru Village, Hangarakatte,
Udupi Taluk and District.

"ಪ್ಲಾಸ್ಟಿಕ್ ಬಳಕೆ ನಿಲ್ಲಿಸಿ, ಪರಿಸರ ಹಾನಿ ತಪ್ಪಿಸಿ"

Avoid use of Plastics - Be "Eco" Friendly

Copy to:

1. Regional Officer, Udupi for information & necessary action.
2. Master file
3. Case file



**SENIOR ENVIRONMENTAL OFFICER,
KSPCB, MANGALURU**