

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

O.A.No. 24 of 2021 (SZ)

IN THE MATTER OF:

O.A.Ninan
Manager Grace Mount Residential School, Kumbanadu P.O.
Thiruvalla, Pathanamthitta,
Kerala - 689 547.

...APPLICANT

v.

The State of Kerala,
Rep. by its Secretary,
Directorate of Environmental and Climate Change,
4th Floor, K.S.R.T.C. Bus Terminal,
Thampanoor, Thiruvananthapuram - 695001 & others

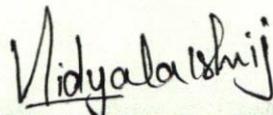
...RESPONDENTS

REPLY FILED ON BEHALF OF THE 2ND RESPONDENT

E-filing No. :

Filed On : 20.11.2021

Place : Chennai



VIDYALAKSHMI VIPIN

Standing Counsel for SEIAA, Kerala and KSBB

No.GF-A, 19, Casa Major Road, Egmore, Chennai -600 008.

Mobile :- +91-91767 90131

E-mail: vidyalakshmi@wialegal.com

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

O.A.No. 24 of 2021 (SZ)

IN THE MATTER OF:

O.A.Ninan
Manager Grace Mount Residential School, Kumbanadu P.O.
Thiruvalla, Pathanamthitta,
Kerala - 689 547.

...APPLICANT

v.

The State of Kerala,
Rep. by its Secretary,
Directorate of Environmental and Climate Change,
4th Floor, K.S.R.T.C. Bus Terminal,
Thampanoor, Thiruvananthapuram - 695001 & others

...RESPONDENTS

REPLY FILED ON BEHALF OF THE 2ND RESPONDENT

Sl. No.	Date	Description	Page No
1.	20.11.2021	REPLY FILED ON BEHALF OF THE 2 ND RESPONDENT	1-4

Dated at Chennai on this 20th day of November, 2021

Vidya Keshmi
COUNSEL FOR 2ND RESPONDENT

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

O.A.No. 24 of 2021 (SZ)

IN THE MATTER OF:

O.A.Ninan
Manager Grace Mount Residential School, Kumbanadu P.O.
Thiruvalla. Pathanamthitta,
Kerala – 689 547.

...APPLICANT

v.

The State of Kerala,
Rep. by its Secretary,
Directorate of Environmental and Climate Change,
4th Floor, K.S.R.T.C. Bus Terminal,
Thampanoor, Thiruvananthapuram - 695001 & others

...RESPONDENTS

REPLY FILED ON BEHALF OF THE 2ND RESPONDENT

I, RANI R.S., wife of Mr. R. Prabodh Chandran, aged about 45 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby solemnly affirm and sincerely state as follows:-

1. I am well acquainted with the facts of the case from the available records and I am authorized to file this Reply on behalf of the 2nd Respondent. I crave leave of the Hon'ble Tribunal to file reply as and when additional facts are available to the Respondent.
2. It is submitted that the above application has been preferred by the Applicant herein for the following relief:-

INTERIM RELIEF

- A. Issue an order of injunction restraining the 4th Respondent from commencing any work at Survey No.53/1, Koipuram Village, Pathanamthitta District, Kerala for the construction of the subject water treatment plant.
- B. Direct the 4th Respondent to maintain status quo as on date
- C. And issue any other order to orders as may be fit, proper and necessary in the facts and circumstances of the case and thus render justice.



R. Rani
RANI. R.S.
Deputy Secretary to Govt. &
Legal Officer
State Environment Impact Assessment Authority
4th Floor, KSRTC Bus Terminal Complex
Thiruvananthapuram-1
Ph: 0471-2334282

PRAYER

- A. Issue an order of permanent injunction restraining the 4th respondent from establishing a water treatment plant at Survey No. 53/1, Koipuram Village, Pathanamthitta District, Kerala as it is in inland and contrary to the siting guidelines issued by Central Public Health Engineering & Environmental Organisation (CPHEEO).
- B. Direct the 4th respondent not to discharge waste generated from the water treatment plant including any rejects, sludge on land or in pond or in lake or inland water body.
- C. Direct the 4th respondent to conduct an exhaustive EIA study to assess the impact of all aspects of the project from water with drawl to disposal of wastes.
- D. Direct the 4th respondent to establish the water plant strictly in accordance with the Central Public Health Engineering & Environmental Organisation (CPHEEO) manual including siting requirements.
3. It is submitted that this respondent denies all the allegations and averments raised against this Respondent by the Applicant except that are specifically admitted. It is submitted that the 2nd Respondent submit certain facts, which are necessary for the present application, are placed hereunder in seriatim.
4. It is submitted that the above Application has been filed by the Applicant before this Hon'ble Tribunal against the establishment of a Water Treatment plant at Survey No. 53/1 of Koipuram Village, Pathanamthitta District and State of Kerala.
5. It is submitted that Applicant, Manager, Grace Mount Residential Secondary School, Kumbanad had filed a representation against the setting up of Water Treatment Plant (WTP) by the Kerala Water Authority adjacent to the School Building. The said representation had been forwarded to the Director Directorate of Environmental and Climate Change vide Letter No.1072/A2/2019/SEIAA dated 30.04.2019 and the matter was informed to the Applicant accordingly. Subsequently the Applicant filed a Writ Petition before the Hon'ble High Court.



Rani R.S.
RANI. R.S.
 Deputy Secretary to Govt. &
 Legal Officer
 State Environment Impact Assessment Authority
 4th Floor, KSRTC Bus Terminal Complex
 Thiruvananthapuram-1
 Ph: 0471-2334262

The Hon'ble High court in its Judgement dated 10.05.2019, inter alia ordered that, the 2nd Respondent i.e. Chairman SEIAA to take up the representation submitted by the Applicant with notice to the Applicant as well as the 3rd Respondent i.e. Kerala Water Authority and to pass orders thereon within a period of three weeks from the date of receipt of the copy of the Judgment.

6. It is submitted that the main objection raised by the Applicant is that, the proposed plant is adjacent to the school. In addition to that he also raised another point with regard to the disposal of solid waste.

7. It is submitted that notice had been given to the Applicant and 3rd Respondent to attend the hearing scheduled on 14.08.2019 by the Chairman, SEIAA as directed by the Hon'ble High Court. However, it is submitted that the Applicant did not appear for the hearing.

8. It is submitted that the main contentions of the Applicant in W.P. (C) No.13408/2019 is as follows:-

“ The petitioner is aggrieved by the proposal of Kerala Water Authority for the establishment of a proposed Water Treatment Plant near to the compound of petitioner's school. The proposed water Treatment Plant consisting of 40 MLD (Million Litres per Day) for a small and medium scale industries to dispose of their effluents when there are space constraints. Kerala Water Authority has proposed a WTP with zero waste system for the present plant. EIA study is not mandatory in this case as water supply project is not an enlisted activity as per EIA Notification 2006. Also, in connection with land acquisition, EIA study as per rule has been conducted by the requisitioning authority. The sludge from wash water recycling plant has no similarity to the common effluent treatment plant waste. The residue from a Water Treatment Plant will contain nontoxic clay/sand. KWA had neither proposed to discharge the wash water from the Treatment Plant nor dispose the sludge from the recycling plant to the nearby land. The calculation presented by the petitioner regarding quantity of water and chemicals is not correct. Kerala Water Authority is not proposing to discharge the wash water after water treatment to the nearby land or stream.”



R. Rani
RANI, R.S
Deputy Secretary to Govt. &
Legal Officer
State Environment Impact Assessment Authority
4th Floor, KSRTC Bus Terminal Complex
Thiruvananthapuram-1
Ph: 8471-2334262

9. It is submitted that as per EIA Notification 2006, setting up of Water Treatment Plant (WTP) is not a schedule activity and hence no need to obtain EC.
10. It is submitted that as per the decision of 97th SEIAA meeting held on 24.09.2019 a reply in this regard was given to the Applicant and disposed of the representation.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to pass such order or orders as this Hon'ble tribunal may deem fit and proper in circumstances of the case and thus render justice.

Dated at Chennai on this the 20th day of November, 2021

Rani R.S.

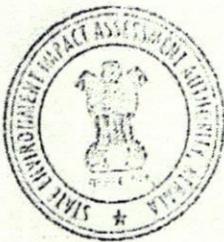
2ND RESPONDENT

VERIFICATION

RANI. R.S
Deputy Secretary to Govt. &
Legal Officer
State Environment Impact Assessment Authority
4th Floor, KSRTC Bus Terminal Complex
Thiruvananthapuram-1
Ph: 0471-2334262

I, RANI R.S., wife of Mr. Prabodh Chandran, aged about 45 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby verify that the contents of paras 1 to 10 are true to the best of my personal knowledge and paras 1 to 10 believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 20th day of November, 2021.



2ND RESPONDENT

Rani R.S.

RANI. R.S
Deputy Secretary to Govt. &
Legal Officer
State Environment Impact Assessment Authority
4th Floor, KSRTC Bus Terminal Complex
Thiruvananthapuram-1
Ph: 0471-2334262