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BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT CHENNAI

Application No. 262 of 2017

K.K. Muhammed Iqbal : Applicant
Vs.

Kerala State Pollution Control Board & others : Respondents

AFFIDAVIT FILED BY THE APPLICANT IN THE ABOVE CASE



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I, K.K. Muhammed Iqbal, aged 47 years, S/o. Kochu Muhammed, Janajagratha, Eloor East, Pathalam, Udyogamandal P.O., Ernakulam District, Kerala, do hereby solemnly affirm and state as follows:

1. I am the vehicle the above original application and am conversant with the facts of the case.

2. The reliefs sought in the above original application are as follows:

- 1) Direct the 4th respondent to remove the plastic garbage heaped in their open land beside the river Periyar forthwith and the respondents 1 and 2 may be directed to ensure removal of plastic waste;
- 2) Constitute a joint expert committee with officials of CPCB and senior official of KPCB and two representatives of applicant to assess the status of pollution control measures in the 4th respondent unit and to fix their environmental liability for removing plastic wastes and hazardous sludge;
- 3) Direct the 2nd respondent to assess the total effluents discharged by the industry during its operation for the last 5 years and the 4th respondent may be directed to pay fine at the rate of 10 Paise per litre for the material discharged by the company for the last 5 years into Periyar River Protection Fund;
- 4) Direct the respondents to ensure that all the consent conditions and directions issued by Board vide Annx-A3 and A23 are complied with by the 4th respondent before resuming its operation;
- 5) Direct the respondents to ensure that 4th respondent installs online continuous emission and online continuous effluent monitoring system in the unit in compliance of Annx-A9 before it resumes operation/process;
- 6) Direct the respondents to ensure that 4th respondent installs water intake meters and energy meters before they resume its operation;
- 7) Direct the respondents to ensure that there is no by-pass prior to the ETP or subsequent to the ETP in the premises of the 4th respondent unit and no connectivity by underground or any other drain or storm water drain on the boundary of the industry to the manufacturing processes and there shall be a dedicated line to ETP which shall be operative 24 X 7 without default, before they resume its operation;
- 8) Direct the joint expert committee of Respondents 1 to 3 to conduct a material balance audit and water balance audit and trial test to assess the efficiency and adequacy of the ETP before the 4th respondent is

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permitted to resume their operation/process in the presence of applicant and his two representatives;

- 9) Direct disciplinary action against the 1st respondent for noncompliance of Annx-A9 direction issued by CPCB thereby violating section 18(1)(b) of the Water Act as well as Air Act;*
- 10) Direct disciplinary action against the officers who have issued consent to operate vide Annx-A13 dated 26.07.2010, Annx-A4 dated 25.03.2013 and Annx-A3 dated 06.04.2016 to the 4th respondent violating the provisions of Water Act;*
- 11) Direct the 1st respondent to withdraw the consent to operate issued to 4th respondent, a 17category industry and to forfeit 100% cost of providing online effluent monitoring system in the 4th respondent industry in compliance of Annx-A23 direction;*
- 12) Direct the 1st respondent to forfeit the bank guarantee of Rs.24 Lacs furnished for security for compliance of conditions stipulated in Annx-A4 consent before 30.06.2016;*
- 13) Declare that Annx-A24 order issued by 2nd respondent lifting Annx-23, his own direction issued under section 33A of the Water Act, 1974 is illegal and ultravires.*

3. The first relief sought for removal of plastic waste dumped on the banks of river Periyar by the 4th Respondent and 12th relief sought for Forfeiture of bank guarantee furnished by the 4th Respondent company before the State Pollution Control Board, were allowed by this honourable Tribunal by order dated 29/09/2016. The plastic wastes were removed pursuant to the said order and by the directions issued by honourable High Court of Kerala in W.P. (C) No. 5803/2018 at the cost of 4th Respondent company and also utilizing the bank guarantee furnished to the state board.

4. All other reliefs except relief No. 3 have become infructuous since the company was closed in 2016 pursuant to the closure direction issued by the Pollution Control Board under Section 33A of the Water Act.

5. While admitting the above original application by this honourable Tribunal on 05/08/2016, suo moto directed inspection of all the industries situated on the banks of river Periyar, the quantum of sewage and the effluents generated as well as the efficacy of the effluent treatment plants and also whether the effluents being discharged to the river Periyar within the prescribed parameters by joint team of State and Central Board headed by senior officer of CPCB, widening the scope of the above original application.

6. In compliance to the order of this Tribunal dated 05/08/2016, CPCB inspected all the industries on the banks of river Periyar from Idukki to Kochi and submitted a detailed report before this Tribunal in February 2017.

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7. CPCB found that the effluent treatment plants are the most neglected area in many of the industries in Eloor-Edayar industrial area. Operation and maintenance of ETP are very poor in most of the units. The condition observed during the inspection indicates that the treatment systems are intermittently or rarely operated in many units. Due to unsatisfactory operation and maintenance of ETPs, many of the industries are not meeting the prescribed discharge standards and no action has been initiated by KSPCB.

8. The inspection report gives individual and collective recommendations to the industrial units working on the bank of river Periyar. The inspections were conducted during October 2016. The situation of Periyar is the same and didn't find qualitative change, even during the lockdown period, massive discoloration reported in Eloor region of river Periyar, upon which case has been taken by High Court suo moto.

In the above circumstance, it is most humbly prayed that this Honourable Tribunal may be pleased to keep the above Original Application on files and the Committee constituted by the Tribunal for river Periyar may be directed to inspect and report the compliance of recommendations made in the Inspection report submitted by CPCB in compliance of the orders of this Tribunal in the above case in February, 2017.

All the facts stated above are true and correct.

Dated this the 28th day of January 2021

Deponent: *K.K. Muhammed Iqbal M. Iqbal*

Solemnly affirmed and signed by the literate deponent, who is personally known to me on this the 28th day of January 2021 at my office at Ernakulam.

K.K. Ashkar
K.K. Ashkar
Advocate