

BEFORE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
APPEAL. No.26 OF 2023 (SZ)

Sri.Seetharam

...Applicant

-Vs-

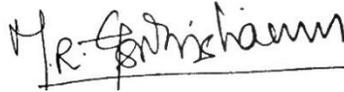
Karnataka State Pollution Control Board

...Respondents

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Dated at Chennai on this the 22nd day of November, 2023



M.R.GOKUL KRISHNAN

COUNSEL FOR 1ST & 2ND RESPONDENT

(KSPCB)

Notarial Reg. No.,

8157/2023

21/11/2023

BEFORE THE HON'BLE GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI.

APPEAL No.26 of 2023

Sri Seetharam

S/o Veerappa Gowda,

M/s Shree Gurudev Service Station

Baikampady, Mangaluru - 575011

...Appellant

-VS-

1. The Chairman,

Karnataka State Pollution Control Board

Parisara Bhavan, 4th and 5th Floor,

Church Street, Bengaluru - 560001

2. The Senior Environmental Officer,

Karnataka State Pollution Control Board,

Parisara Bhavan, 10B, Baikampady

Industrial Area, Mangaluru - 575011.

...Respondent



Environmental Officer
Karnataka State Pollution Control Board
MANGALURU

Ramanna Gowda P.

BA, LL.B
ADVOCATE & S.O. OF INDIA
BANTWAL, MANGALORE DIST

No. of Corrections: 2

**REPLY AFFIDAVIT FILED ON BEHALF OF THE 1ST AND 2ND
RESPONDENT**

I, Dr.Ravi D R, S/o late Ramachandrayya Aged about 53 Years, having office at Regional Office, Karnataka State Pollution Control Board, Parisara Bhavana, 10B, Baikampady Industrial Area Mangaluru – 575011, do hereby solemnly affirm and sincerely as follows:

1. I state that I am working as Environmental Officer, at regional Office, Karnataka State Pollution Control Board, Mangaluru and I am authorized to swear this affidavit on behalf of the Respondent, I am conversant with the fact and circumstances of the present case do hereby solemnly affirms:
2. The above appeal been filed against the order of the Closure Direction issued under **section 33(A) of the Water (Prevention & Control of Pollution) Act 1974, Read with rule 34 of Karnataka Board for the prevention and control of water pollution (Procedure for Transaction of Business) and the Water (Prevention & Control of Pollution) rules, 1976.** And also against the imposing of Environmental Compensation (EC) for the non-compliances **under the provision of Water (Prevention & Control of Pollution) Act 1974, Air (Prevention & Control of Pollution) Act,1981 and Environment (Protection) Act,1986.**

PARAWISE REPLY FOR THE FACTS OF THE CASE:-

1. That the contents of the para no. i are matter of record and as such need no

reply.

2. That the contents of the para no. ii are matter of record and as such need no

reply.



[Signature]
20/11/21

Environmental Officer
Karnataka State Pollution Control Board
MANGALURU

[Signature]
21/11/2021
E.A., LL.B
ADVOCATE & NOTARY (GOVT. OF INDIA)
BANTWAL, MANGALORE DIST

No. of Correntions: 2

3. That the contents of the para no. iii are matter of record and as such need no reply.
4. That the contents of the para no. iv are matter of record and as such need no reply.
5. That the contents of the para no. v are matter of record and as such need no reply.
6. That in reply of the contents of the para no. vi, it is denied and submitted that the service station has been discharging untreated effluent and also operating without obtaining CFE/CFO from the Board and for other non-compliances, Regional Senior Environmental Officer Mangaluru has issued Notice of proposed direction Vide letter No: 110 Dated: 21.07.2022 as (ANNEXURE -1), based on the recommendation of Regional office, Mangaluru vide letter No: 320 Dated 05.06.2022.
7. That in reply of the contents of the para no.vii, it is denied and submitted that the industry, the appellant have stated that, they are going to comply with the direction of the Board and have state the following in their letter dated 22.08.2022 " **Hazardous waste will be segregated and will be stored in a secured manner, we ensure that oil mixed sludge will be stored in as secured manner etc**" for which the Board Office has called the appellant for personal hearing on 05.11.2022. The copy of the reply submitted by the appellant is enclosed.




 Environmental Officer
 Karnataka State Pollution Control Board
 MANGALURU


 Ramanna Gowda P.
 BA., LL.B
 ADVOCATE & NOTARY (GOVT. OF INDIA)
 BANTWAL, MANGALORE DIST

No. of Corrections

8. I humbly state that with respect to the application submitted by the industry for obtaining consent, it is submitted that, they should have obtained CFE before establishing the service station and subsequently after providing required water pollution control measures, they would have submitted the application for obtaining CFO from the Board.
9. I humbly state that even though the appellant have submitted the application through XGN, the application was submitted only after commissioning the service station. The same was not approved, as there were non-compliances and there was no ETP for treating the trade effluent generated from the service station and the appellant have also not paid the requisite consent fee along with the application. Hence the application submitted is not "complete in every respect as per section 25/26 of the water act and section 21 of the Air act.

Hence the claim of the industry appellant that, they have submitted the application and the same was not refused since more than 8 months (Which is in other words a deemed consent) cannot be accepted, as the application was not accepted in the XGN portalit self due to non compliances.

10. That in reply of the contents of the para no. viii, it is denied and submitted that the treated water sample collected by the Board on 22.08.2022 (Analysis report received on 28.09.2022) reveals that the parameters Viz SS,COD,BOD, Oil and Grease and Nitrate is exceeding the prescribed standard, for which notice has been issued to the appellant on 03.12.2022 vide letter No:1347. Subsequently based on the analysis report of the

Ramanna Gowda P.

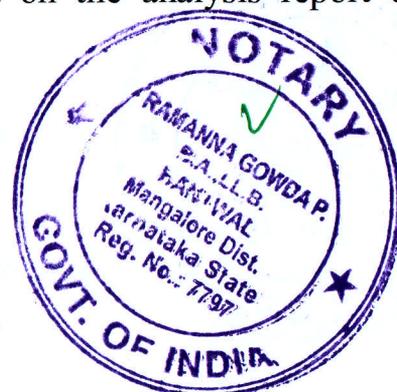
BA., LL.B

ADVOCATE & NOTARY (GOVT. OF INDIA)
BANTWAL, MANGALORE DIST

[Signature]
20/11

Environmental Officer
Karnataka State Pollution Control Board
MANGALURU

No. of Corrections: 1



sample collected from the open well, the office has issued notice once again on 13.02.2023 vide letter: 1844.(ANNEXURE-2)

11. That in reply of the contents of the para no. ix and x, it is denied and submitted that in the backdrop of Gurupura river pollution, Common Notice for waste water generating industries operating within Baikampady Industrial area was issued to ensure prevention of waste water in to storm water drain and finally to gurupura river.

The reply was submitted by the Appellant industry, without submitting action taken report along with photographic evidence for complying with the direction to the observation mentioned in the notice.(ANNEXURE-3)

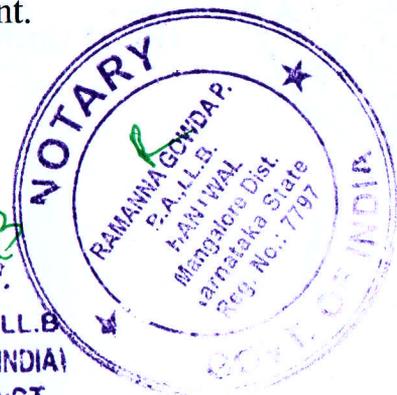
12. That in reply of the contents of the para no. xi, it is denied and submitted that there is no concern with the Respondent.

13. That in reply of the contents of the para no. xii, it is denied and submitted that in the earlier observation by the Regional Officer reveals that, the untreated waste water is being discharged outside through a channel which ultimately joins Baggundi Lake during over flow, for which the Board has issued closure direction.(ANNEXURE-4)

14. That in reply of the contents of the para no. xiii, it is denied and submitted that there is no concern with the Respondent.

Environmental Officer
Karnataka State Pollution Control Board
MANGALORE

Ramanna Gowda P.
BA., LL.B.
ADVOCATE & NOTARY (SOVT. OF INDIA)
BANTWAL., MANGALORE DIST



No. of Corrections: *2*

15. That the contents of the para no. xiv are matter of record and as such need no reply.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the present Appeal as devoid of merits with exemplary costs and to pass any further order or any other orders that this Hon'ble Tribunal may deem fit and necessary and thus render justice.

Solemnly affirmed at Mangaluru
On this the day of November 2023
And signed his name in my presence
Mangaluru

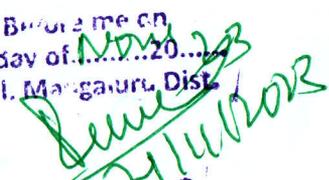

Environmental Officer
Karnataka State Pollution Control Board
MANGALURU

Before Me

Notary public:


SUCHITRA K.
BA., LL.B.
ADVOCATE, B.C. ROAD

Notary stamps are not available. No stamps to be affixed.
NOTARY
BANTWAL
D.K.

Sworn Before me on
this 21 day of Nov 2023
at Bantwal, Mangaluru, Dist.

RAMANNA GOWDA P.
Notary, Bantwal, D.K.

NOTARY
RAMANNA GOWDA P.
B.A., LL.B.
BANTWAL
Mangalore Dist.
Karnataka State
Reg. No.: 7797
INDIA

No. of Corrections: 0

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



towards a cleaner Karnataka

NO.: PCB/SEO/(MNG)/NPD/2022-23//110

DATE: 21/07/2022

//BY RPAD//

NOTICE OF PROPOSED DIRECTIONS UNDER SECTION 33(A) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974, READ WITH RULE 34 OF THE KARNATAKA STATE BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION (PROCEDURE FOR TRANSACTION OF BUSINESS) AND THE WATER (PREVENTION AND CONTROL OF POLLUTION) RULES 1976.

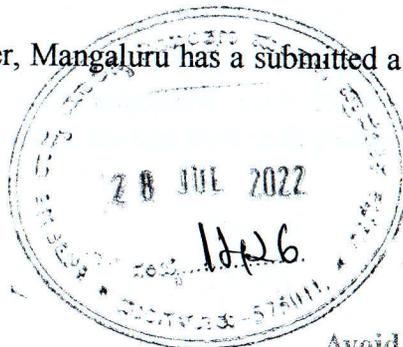
Sub: Non-compliance to the provisions of the Water (Prevention and Control of Pollution) Act, 1974, by M/s Shree Gurudev Service Station, Plot No.102, Near Canara steel industry, Baikampady Industrial Area, Mangalore, D.K. District-575011- reg.

- Ref:**
1. Inspection of the industry by DEO of the RO-Mangalore on: 10.03.2022.
 2. Hon'ble Supreme Court in W.P No.375 of 2012- Paryavaran Suraksha Samiti and another V/s Union of India & others. National Green Tribunal Principal Bench Order dated: 08.05.2013 in application No: 37/2013, in case of Wasan Singh v/s State of Punjab and others.
 3. National Green Tribunal Principal Bench Order dated: 08.05.2013 in Application No: 37/2013, in case of Wasan Singh v/s State of Punjab and others.
 4. Central Pollution Control Board Directions No B29016/04/06IPC- I/10597-10636 dated 3.3.2017 issued under section 18(1) (b) of the Water (Prevention & Control of Pollution) Act-1974 and the Air (Prevention and Control of Pollution) Act,1981.
 5. Show Cause Notice issued to the industry from RO Mangaluru vide No. 293 dated: 31.05.2022
 6. Letter from RO Mangaluru vide No.PCB/RO(MNG)//NPD/2022-23/320 dated:02.06.2022

Preamble:

M/s Shree Gurudev Service Station, Plot No.102, Near Canara steel industry, Baikampady Industrial Area, Mangalore, D.K. District-575011 is an existing service station engaged in washing of heavy vehicles like lorry, trucks etc. without valid Consent to operate from the Board. This Board is in receipt of repeated complaints through various publics, industrialists and local representatives alleging pollution due to discharge of industrial effluents, domestic effluents to the storm water drains and nalas ultimately leading to contamination of the water bodies.

Further, Regional officer, Mangaluru has a submitted a letter cited at ref (6) with the following observations: -



10-1) 11/2/2022

- The industry is operating in the name and style of M/s Shree Gurudeva Service Station and engaged in heavy vehicle service station without valid Consent from the Board.
- During the inspection it was observed that the industry authorities have not obtained CFE/CFO from Board. At the time of inspection, the service station was discharging untreated washing effluent outside through channel which ultimately joined Baggundi lake during over flow.
- The solid waste/ hazardous waste was dumped openly in the premises.
- The oil mixed sludge was found stored in the premises in open condition.
- At the time of inspection, the sample of the untreated trade effluent was collected and submitted to Regional Laboratory, Mangaluru for analysis. As per the analysis report, the effluents are not meeting the stipulated standards.
- During inspection, Mahazar was drawn and samples were collected and photographs were taken.
- Further, industry authorities have failed to obtain prior CFE and CFO from the Board as required under the Water Act and continued to operate without any treatment facility and being discharged outside premises without any treatment and also failed to comply with directions of Hon'ble High court, NGT and CPCB as cited at ref (2,3 and 4).

Based on the above observations, Regional Office, Mangaluru has issued show cause notice (SCN) to your industry vide ref (5). However, you have failed to submit your replies to the said SCN. The above act of yours is in violation of the provisions of Section 33(A) of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981. Hence, R.O. Mangaluru has recommended issuing Notice of Proposed Direction (NPD) under the Section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 vide letter ref (6). Your unit has also failed to obtain Consent for establishment/consent to operation of the Board as required under the Water Act & Air Act and also failed to comply to directions of Hon'ble High Court, Hon'ble NGT and CPCB cited at ref (2,3 & 4).

Based on the above facts, this office is of the opinion that there is likelihood of grave injury to the environment & in view of above, this Board is left with no other option than to initiate action under Section 33(A) of Water (Prevention & Control of Pollution) Act, 1974, read with Rule 34 of the Karnataka State Board for Prevention and Control of Water Pollution (Procedure for Transaction of Business) Rules, 1976 which includes power to issue directions to close down your industry.

In the circumstances explained above and in exercise of the powers conferred under section 33(A) of Water (Prevention & Control of Pollution) Act, 1974 read with Rule 34 of the Karnataka State Board for Prevention and Control of Water Pollution (Procedure for Transaction of Business) and the Water (Prevention & Control of Pollution) Rules, 1976, **show cause** within 15 days of the receipt of this notice as to why this Board shall not issue directions to,

1. The Occupier, M/s Shree Gurudev Service Station, Plot No.102, Near Canara steel industry, Baikampady Industrial Area, Mangalore, D.K. District-575011 to close down the operation of the said industry forthwith and until further orders.

The Managing Director Mangaluru Electricity Supply Company Ltd., MESCOM BHAVAN, Kavoor Cross Road, Near KSRTC Bus stand, Bejai-Mangaluru-575010 to issue necessary direction to the concerned Executive Engineer and Asst Executive Engineer for withdrawal/disconnection of power supply to the above said industry, forthwith and until further orders.

3. **The Deputy Commissioner**, Mangalore, Dakshina Kannada District to seize the industry forthwith and until further orders.

If no objections are received within 15 days, action as (1) and/or (2), (3) will be confirmed. The receipt of this notice may kindly be acknowledged.

**FOR AND ON BEHALF OF
KARNATAKA STATE POLLUTION CONTROL
BOARD**

Sd/-

**SENIOR ENVIRONMENTAL OFFICER
KSPCB, MANGALURU.**

To:

The Occupier,
M/s Shree Gurudev Service Station,
Plot No.102, Near Canara steel industry,
Baikampady Industrial Area, Mangalore, D.K. District-575011

Copy submitted to:

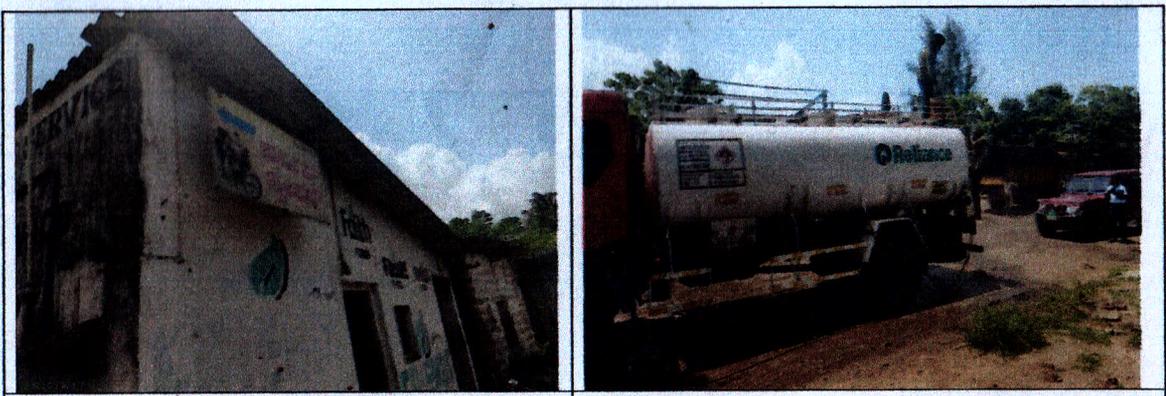
1. The Member Secretary, KSPCB, Bengaluru (Kind attention; SEO-NEIA (OB), section) for kind information and needful to call for personal hearing.

Copy to:

1. The Regional Officer, KSPCB, Mangaluru- for information & necessary action to recommend for further action within time by collecting necessary evidences.
2. Master file.
3. Case file


**SENIOR ENVIRONMENTAL OFFICER
KSPCB, MANGALURU.**

Photographs of M/s. Shree Gurudeva Service Station, Plot No.102, Near Canara Steel Industry Baikampady Industrial Area, Mangalore, D.K



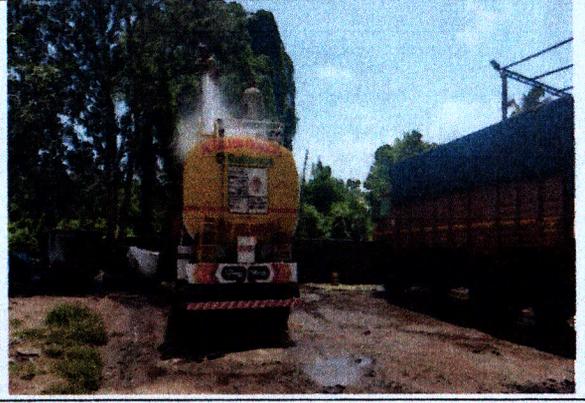
Untreated Trade effluent channelized outside Premises



Samples of untreated trade effluent



Oil Sludge along with solid waste dumped openly



Tankers Washing at the time of inspection



KARNATAKA STATE POLLUTION CONTROL BOARD

No 10 B, Industrial Area Baikampady Mangalore 575011 Ph No: 0824-2408420

CB/RO(MNG)/VWE-455/2022-23/R No : 305

Date: 28/9/2022

ANALYSIS REPORT OF WATER QUALITY REGIONAL LABORATORY

NAME OF THE LOCATION :		M/s. Sri Gurudev Service Station Plot No. 102 Baikampady Indl Area Industrial main road, Mangaluru		
SAMPLE COLLECTED BY :		EO, Mangaluru.		
DATE OF COLLECTION :		20.08.2022		
DATE OF RECEIPT :		20.08.2022		
SAMPLE NO & PARTICULARS OF SAMPLE COLLECTED:		Vehicle Washing Effluent (455)		
No.	Parameters Analysed	Unit	Standard *	Results
				Sample No.455
1	pH	pH unit	5.5 - 9.0	6.8
2	Suspended Solids	mg/L	100	7200
3	BOD (3 days @ 27 ^o C)	mg/L	30	375
4	COD	mg/L	250	906
5	Sulphide	mg/L	2	BDL
6	Ammoniacal Nitrogen	mg/L	50	10
7	TKN	mg/L	100	15
8	Free Ammonia	mg/L	5	0.0566
9	Dissolved Phosphate	mg/L	5	0.3456
10	Total Residual Chlorine	mg/L	1	BDL
11	Oil and Grease	mg/L	10	54
12	Flouride	mg/L	2	0.75
13	Nitrate	mg/L	10	12.1
14	Total Dissolved Solids	mg/L	2100	1680
15	Sulphate	mg/L	1000	976
16	Copper	mg/L	3	BDL
17	Total Chromium	mg/L	2	BDL
18	Cadmium	mg/L	2	0.02
19	Nickel	mg/L	3	0.037
20	Lead	mg/L	0.1	BDL
21	Zinc	mg/L	5	0.159
22	Iron	mg/L	3	3.616
INFERENCE				

Note:

1. The above results pertain only to the sample tested.
2. The method of analysis is as per the Standard Method for the examination of Water and Waste Water, and Indian Standard Publication.
3. ND: Not detected.
4. BDL: Below detection limit
5. Sample was Untreated hence the inference of report is not declared


Scientific Assistant

ANALYSED BY


Scientific Assistant

VERIFIED BY

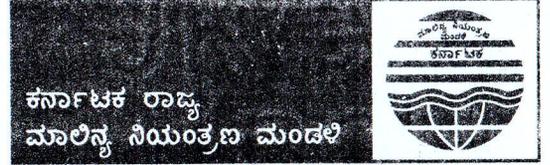

Scientific Officer

LAB HEAD

Regional Office :

Karnataka State Pollution Control Board
Parisara Bhavana, 10B, Baikampady Industrial Area,
Mangalore - 575 011
Tel.: 0824-2406586, 2408239, Fax: 2406586
e-mail: manglore@kspcb.gov.in website: http:kspcb.gov.in

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ :
ಪರಿಸರ ಭವನ, 10ಬಿ
ಬೈಕಂಪಾದಿ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶ
ಮಂಗಳೂರು - 575 011



towards a cleaner Karnataka

No. PCB/ RO/MNG/Samples/SCN/2022-23/ 1317

Date: 03 DEC 2022

To,

The Partner

M/s. Sri Gurdev Service Station,
Plot No.102,
Baikampady Indl Area,
Mangaluru-575011,D.K.District.

Sir,

Sub: Non-compliances to the provisions of Water (Prevention & Control of Pollution) Act, 1974-reg

Ref: 1. Vehicle Washing effluent collected by the officers of this office on 20.08.2022
2. Analysis report received from Regional Laboratory, Mangalore dated:28.09.2022

This is to bring to your kind notice that this office has collected Untreated Vehicle Washing Effluent sample from your industry on 20.08.2022 and submitted to the Regional Laboratory for analysis. The sample was analyzed at the Regional Laboratory, Mangaluru and as per the analysis report cited vide ref (2) following parameters are exceeding to the prescribed standards stipulated by the Board.

Sl No.	Source of sample	Parameters	Standard	Results of the treated trade effluent
1	Vehicle Washing effluent	Suspended Solids	100	7200
		BOD	30	375
		COD	250	906
		Oil & Grease	10	54
		Nitarate	10	12.1

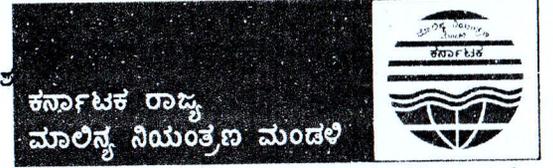
From the above, it is clear that you are operating the service station without obtaining valid CFE/CFO from the Board and discharging the vehicle washing effluents outside premises without treatment. Hence, you are called upon to **show cause within 7 days time** and submit the action taken report to rectify the problem failing which further action as per the provisions of the Water (Prevention & Control of Pollution) Act, 1974 shall be initiated.

Your's faithfully


REGIONAL OFFICER
KSPCB,MANGALURU.

Regional Office :
Karnataka State Pollution Control Board
 Parisara Bhavana, 10B, Baikampady Industrial Area,
 Mangalore - 575 011
 Tel.: 0824-2406586, 2408239, Fax: 2406586
 e-mail: mangalore@kspcb.gov.in website: http:kspcb.gov.in

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ :
 ಪರಿಸರ ಭವನ, 10ಬಿ
 ಬೈಕಂಪಾದಿ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶ
 ಮಂಗಳೂರು - 575 011



towards a cleaner Karnataka

Dated: 13.2.2023

No. PCB/MNG/EO/SCN//2022-23/ 844
 To, //Notice//

The Occupier
 M/s. Sri Gurudev Service Station
 Plot No. 102, Baikamapady Indl Area
 Mangaluru Taluk- D.K Dist- 574212

Sir,

Sub: Non-compliances to the provisions of Water (Prevention & Control of Pollution) Act, 1974-reg

Ref: 1. Open well water collected by the officers of this office on: 03.11.22.
 2. Analysis report received from Regional Laboratory, Mangalore dated: 07.12.22.

This is to bring to your kind notice that, this office has collected open well water from your unit premises on: 03.11.2022 and submitted to the Regional Laboratory for analysis. The sample was analyzed at the Regional Laboratory, Mangaluru and as per the analysis report cited vide ref (2) following parameters are exceeding to the prescribed standards stipulated by the Board.

Sl. No.	Source of sample	Parameters	Tolerance Limit	Results of the Treated trade effluent
1	Open well	Sulphate	400	455
		Turbidity	5mg/L	6.9
		Iron	0.3mg/L	0.395

From the above it is clear that, your open well water indicates above permissible & indicating poor quality & informed to take remedial measures to restore the water quality within standards. Hence, you are called upon to Show cause within 7 days' time and submit the action taken report to rectify the problem failing which further action as per the provisions of the Water (Prevention & Control of Pollution) Air Act,1974 shall be initiated.

Your's faithfully

REGIONAL OFFICER
 KSPCB, MANGALURU

Regional Office :**Karnataka State Pollution Control Board**Parisara Bhavana, 10B, Baikampady Industrial Area,
Mangalore - 575 011

Tel.: 0824-2406586, 2408239, Fax: 2406586

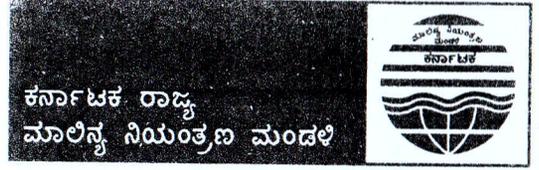
e-mail: manglore@kspcb.gov.in website: http:kspcb.gov.in

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ :

ಪರಿಸರ ಭವನ, 10ಬಿ

ಬೈಕಂಪಾಡಿ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶ

ಮಂಗಳೂರು - 575 011



towards a cleaner Karnataka

No. KSPCB/RO(MNG)/Notice/2022-23/೨11೮

Date: 31.3.2023

NOTICE

Sir,

Sub: Pollution of Gurupura/Phalguni River due to discharge of alleged discharge of effluents-reg.**Ref:** 1. Complaint regarding blackening of the Gurupura River water received by this office on 27.03.2023

2. Various Media reports alleging pollution from Baikampady Industrial Area dated: 28.03.2023 & 29.03.2023

3. Inspection of the location and industrial area on 27.03.2023, 28.03.2023, 29.03.2023 & 30.03.2023

4. NGT OA 307/2022 vide order dated: 21.11.2022

With respect to above subject, your attention is invited regarding fish killing and blackening of the Gurupura River at downstream of Maravooru Vented Dam on 27.03.2023 cited vide ref (1). Also, various articles alleging pollution from Baikampady Industrial Area were reported in media cited vide ref (2). It is to be brought to your notice that blackening of Gurupura river water has taken place in the downstream of the Maravoor vented dam with foul smell/ septic condition in the surrounding area.

Detailed preliminary report was submitted to Hon'ble Deputy Commissioner of Dakshina Kannada where in he has directed this office to initiate action against the violating industries in the industrial area.

Further during, random inspection, it was noticed that few of the industries were found discharging the untreated sullage and sewage to storm water drain outside industrial premises. Many pipelines leading to storm water drain/back water of Gurupura river are also seen during inspection of the area.

The matter of discharge of industrial effluents without any treatment to water bodies ultimately leading to contamination of Gurupura (Phalguni river) is **dealt seriously by Hon'ble NGT in the matter of OA No. 307/2022 pertaining to the flow of industrial/sewage effluent into Phalguni River (Gurupura river). This kind of discharge and repeated violation of the consent conditions and also prevailing NGT Orders restricting the discharge of effluents without treatment to water bodies are liable to attract Environmental Compensation.**

In view of the above, you are hereby directed to

8/c

1. Remove all pipelines leading to storm water drain/back water of Gurupura river from your industry .
2. Stop discharge of any kind of treated/untreated effluent/sewage is generated from your industry premises into any water source and storm water drain immediately,
3. Submit the details of existing treatment facility with respect to domestic and industrial effluent generated within your industry with water balance statements.
4. Submit the short term and long term action plan to mitigate the pollution/discharge to Gurupura/Phalguni river.

Failing which this office shall initiate strict action for issue of closure direction under the provision the section 33(A) of Water (Prevention and Control of Pollution) Act, 1974 without giving any further opportunity.

Please acknowledge the receipt of this Notice and submit the above sought details within 3 days failing which further action deemed fit will be initiated as per the provisions of the Act.

Yours faithfully,

[Handwritten Signature]
30/3/2023

**ENVIRONMENTAL OFFICER (A/C)
KSPCB, MANGALURU**

To,

1. The Managing Director, M/s Mangalore Refineries & Petrochemical Limited(MRPL), Kuthethoor, Via Katipalla, Mangaluru
2. The Site Director, M/s BASF India Limited, Bala Village, Surathkal -Bajpe Road, Mangaluru
3. The Chief Executive Officer, M/s Mangalore Refineries & Petrochemical Limited (ONGC Mangalore Petrochemical Limited OMPL), Permude Village, MSEZ Phase-I, Mangaluru
4. The General Manager (HR & Admin), M/s Cardolite Speciality Chemicals India LLP, IP-1 & IP-2, MSEZ, Paila, Bajpe Village & Post, Mangaluru, D. K. District
5. The Director - Works, Mangalore Chemical & Fertilizers Limited (MCF), Sy.No.14-22. 24, 25, Panambur, Mangaluru-575010.
6. The General Manager,M/s Sequent Scientific Ltd.Plot No. 120A & B, 121& Plot No. 36 Baikampady Industrial Area, Mangaluru, D.K District.
7. The Authorized Signatory, M/s Kudremukh Iron Ore Company Limited,(KIOCL), Pellet Plant, Sy No. 47(P), 45(P), 49(P), 50(P), Padukodi Village & Sy No. 47(P), 75(P), Panambur, Mangalore-575010.
8. The General Manager (Civil & Environment), Mangalore SEZ Limited, 3rd Floor, MUDA Building, Urwa Store, Mangalore -575006.
9. The Chief Manager, M/s Hindustan Petroleum Corporation Limited, Mangaluru LPG Import Facility, Bala Village, Katipalla, Mangaluru, D. K. District - 575 030
10. The Chief Terminal Manager, M/s Indian Oil Corporation Ltd., Mangalore Terminal , P. B. No. 6, Panambur, Mangaluru, Dakshina Kannada District.
11. The Chief Installation Manager, M/s Hindustan Petroleum Corporation Limited,

- (HPCL) POL Terminal, Bala Village, Katipalla, Mangaluru, D. K. District - 575 011
12. The General Manager, M/s Indian Strategic Petroleum Resources Limited, Permude Village, Bajpe, Mangaluru.
 13. The Deputy General Manager, M/s IMC Limited, Inside New Mangalore Port Trust, Near Oil jetty, P.B. No. 31, Panambur, Mangaluru – 575 010, D. K. District
 14. The Chairman, M/s New Mangalore Port Trust, Panambur, Mangaluru,
 15. The Territory Manager, M/s Bharath Petroleum Corporation Ltd. (Coastal Installation), Near APMC Yard, Baikampady, Mangaluru – 575 011, D. K. District
 16. The Plant Manager, M/s, Hindustan Petroleum Corporation Limited, (Mangalore LPG Bottling Plant), Bala Village, Via Katipalla Mangaluru -575 030, D.K District.
 17. The Plant Manager, M/s Bharath Petroleum Corporation Ltd., (LPG Filling Plant) Baikampady Industrial Area, Mangalore- 575011
 18. The Occupier, M/s Total Oil India Pvt Ltd. (ELF Gas India Ltd.), LPG Division, No. 62, Thokur Village, Baikampady Industrial Area, Mangaluru
 19. The General Manager, M/s Ruchi Soya Industries Ltd., Sy. No. 2(P), 3(P) & 4(P), KIADB Industrial Area, Baikampady, Mangaluru, D. K. District
 20. The General Manager, M/s Adani Wilmar Limited, Sy. No. 5, 6, 7, Baikampady Industrial Area, Mangaluru, D. K. District
 21. The Authorized Signatory, M/s Hindusthan Unilever Limited, (HLL), Boloor, Mangalore
 22. The Managing Partner, M/s Eswari Global Metal Industries Private Limited, Plot No.96 &97, Baikampady Industrial Area, Mangalore-575011.
 23. The Authorized Signatory, M/s United Breweries Ltd., Baikampady Industrial Area, Baikampady, Mangaluru
 24. The Authorized Signatory, M/s Indian Port Warehousing Corporation (IPWC), NMPT premises, Panambur, Mangaluru.
 25. The Director, M/s Jonas Petro Products Private Limited, D.No. 6-64/1, Plot No. 277, Baikampady Industrial Area, Mangaluru-575011, Dakshina Kannada District.
 26. The Director, M/s Anagha Refineries (P) Ltd, Baikampady Industrial Area, Mangaluru
 27. The Occupier, M/s Ocean Proteins Pvt. Ltd., Plot No.281/282, Baikampady Industrial Area, Mangaluru, D.K District – 575 011
 28. The Occupier, M/s Viceroy Exports India Pvt Ltd, Sy No. 25, Plot No 55 Baikampady Industrial Area , Mangaluru
 29. The Occupier, M/s Everest Sea Food (formerly Kalimiya Exports), Plot No. 413(P) & 414, Baikampady Industrial Area, Mangaluru
 30. The General Manager, M/s Baby Marine Sarass, Plot No.7 B, Baikampady Industrial Area, Mangaluru
 31. The Occupier, Marine Food Packers, Plot No.55, Baikampady Industrial Area, Mangaluru
 32. The Occupier, M/s Sunrise Mats Pvt Ltd, Plot No 6-16, Baikampady Industrial Estate Area, Mangaluru, Dakshina Kannada District-575011
 33. The Occupier , M/s. Shree Gurudeva Service Station, Plot No. 102, Near Canara Steel Industry, Industrial Area, Baikampady, Mangaluru, Dakshina Kannada District - 575011.
 34. The Occupier, M/s R K Industries , Plot No.191-A Baikampady Industrial Area, Mangalore, D.K District-575011
 35. The Partner, M/s. Stems 'N' Leaves International (Sunshine Enterprises), Plot No.152-C, Bykampady Indl Area, Mangaluru-11

36. The Occupier, M/s Reliable Cashew Co Pvt Ltd, Plot No 425, Baikampady Industrial Area, Baikampady, Mangalore-575011
37. The Occupier, M/s Mangala Bleaching & Dyeing Industry, Plot No.288, Baikampady Industrial Area, Mangalore-575011
38. The Occupier, A.K Venners Pvt Ltd , M/s Plot No.449-A, Baikampady Industrial Area, Mangalore
39. The Occupier, M/s Manjunath Rubber, Plot No.393-B2, Baikampady Industrial Area, Mangalore-575011
40. The Occupier, M/s Kalbavi Cashews, Unit No 3, Plot No 149-B, Baikampady Industrial Area, Mangaluru-575011
41. The Occupier, M/s Brightflexi International Pvt Ltd , Plot No 161-B, Baikampady Industrial Area, Mangalore -575011
42. The Occupier, M/s Lamina Suspensions Products Ltd. Plot No.17-19, Baikampady Industrial Area, Mangalore-575011
43. The Occupier, M/s Pollali Industries, Plot No 442-A, Baikampady Industrial Area, Mangaluru-575011
44. The Occupier, M/s Sri Ram Enterprises, Plot No 292-A, Baikampady Industrial Area, Mangaluru-575011
45. The Occupier, M/s Shariff Enterprises Sy No 110-(P), Plot No 141-C, Baikampady Industrial Area, Mangaluru-575011
46. The Occupier, M/s Moogambigai Metal Refineries (Unit-3) Plot No 174, Baikampady Industrial Area, Mangaluru-575011
47. The Occupier M/s Souza Picardo Enviro Solutions Pvt. Ltd., Sy No.93, Plot No.193, KIADB Industrial Area, Baikampady, Mangaluru, D.K. District-575 011.

Copy submitted to:

1. The Deputy Commissioner, Dakshina Kannada District, Mangaluru for kind information

D. N. S. - 4
20/2/2022

ENVIRONMENTAL OFFICER *A/c*
KSPCB, MANGALURU

ಹೆಲ್ಪ್ ಲೈನ್ / Helpline : 080-25582559
 ಈಮೇಲ್ / Email : contact@kspcb.gov.in
 ವೆಬ್‌ಸೈಟ್ / Website : kspcb.karnataka.gov.in

080-25581383, 25589112
 080-25589113, 25589114



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ Karnataka State Pollution Control Board

"ಪರಿಸರ ಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ. 49, ಚರ್ಚ್ ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಭಾರತ
 "Parisara Bhavan", 1st to 5th Floor, # 49, Church Street, Bangalore - 560 001, Karnataka State, India

// BY REGD. POST WITH ACK.DUE//

NO.KSPCB/SEO/NEIA-OB/1614/CLOSURE ORDER/2023-24/ 93

DATE: 02 AUG 2023

CLOSURE DIRECTIONS UNDER SECTION 33(A) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974, READ WITH RULE 34 OF KARNATAKA BOARD FOR THE PREVENTION AND CONTROL OF WATER POLLUTION (PROCEDURE FOR TRANSACTION OF BUSINESS) AND THE WATER (PREVENTION & CONTROL OF POLLUTION) RULES, 1976.

Sub: Non-compliance with the Provisions of the Water (Prevention & Control of Pollution) Act, 1974 by M/s. **Shree Gurudev Service Station .**, Plot No 102, Near Canara Steel Industry, Industrial Area, Baikampady Mangaluru, D.K district-575011-reg.

Ref:

1. Inspection of the Service Station by the EO, KSPCB, Mangaluru, on 30.05.2022.
2. Show Cause Notice No. 293 issued by the Environmental Officer, Mangaluru to the Service Station dated: 31.05.2022.
3. NPD RSEO No.110 dated: 21.07.2022 issued from Mangaluru.
4. Inspection of the Service Station by the Officers of RO, Mangaluru on 20.08.2022
5. Proceedings No. 5882 of the personal hearing held on 05.11.2022 dated: 01.12.2022.
6. NGT Order in respect of OA No.307/2022 dated 21.11.2022.
7. RO, Mangaluru letter No. 2007 forwarded to Board Office dated 08.03.2023.
8. Office Memorandum on Delegation of powers for disposal of Consent application and issue /revocation of closure directions under the provisions of Water (P & CP) Act 1974 and Air (P & CP) Act 1981, No.1965 dated: 24.06.2019 and OM No. 4839 dated 18.10.2022.

PREAMBLE:

M/s. Shree Gurudeva Service Station, located at Plot No. 102, Near Canara Steel Industry, Industrial Area, Baikampady, Mangaluru, Dakshina Kannada District - 575011, is an existing Service Station engaged in washing of heavy vehicles like lorry, trucks etc. without obtaining Consent for establishment and Consent for Operation from the Board which is in violation under the provisions of the Water Act, 1974 and Air Act, 1981 respectively.

Regional Office, Mangaluru has received repeated complaints through various publics, industrialists and local representatives against the said Service Station alleging pollution due to discharge of industrial effluents, domestic effluents to the storm water drains and nals

ultimately leading to the contamination of water bodies. Based on this, Environmental Officer (EO) of Regional Office (RO), Mangaluru has inspected the Service Station on 30.05.2022 vide ref (2) and has recorded the following non compliances observed during inspection;

1. The service station is operating in the name and Style of M/s. Shree Gurudeva Service Station and engaged in four wheel vehicle service station without obtaining Consent for establishment and Consent for Operation from the Board which is in violation under the provisions of the Water Act, 1974 and Air Act, 1981 respectively.
2. At the time of inspection, the service station is discharging the untreated washing effluent outside through channel which ultimately joins Baggundi lake during over flow.
3. The solid waste/hazardous waste is dumped in open place of the premises.
4. The oil mixed sludge was found stored in the premises in open conditions.

In view of the above non-compliances, RO-Mangaluru issued a Show Cause Notice to the service station on 31.05.2022 vide ref (2) to the Service Station authorities. However the Service Station authorities have failed to submit reply to the Show Cause Notice. The Environmental Officer of jurisdictional Regional Office, Mangaluru has recommended RSEO, Zonal Office, Mangaluru to issue Notice of Proposed Direction(NPD) vide letter dated: 02.06.2022. Accordingly, the RSEO, Zonal Office-Mangaluru has issued Notice of Proposed Direction on 21.07.2022 vide ref(3).

Further the EO has again inspected the service station on 20.08.2022. In spite of issue of the service station to NPD, the service station authorities continue to operate without obtaining prior consent of the Board, continue to make discharge the untreated washing effluent outside through channel which ultimately joins Baggundi lake during over flow.

Further the analysis report of the sample of untreated trade effluent being discharged outside through channel which ultimately joins Baggundi lake during over flow which was collected on 30.05.2022 show that the parameters such as Suspended Solids with values of 3646 mg/L, BOD with 510 mg/L, COD with 3224 mg/L are very much exceeding the standards. The service station authorities are discharging the effluent having parameters very much exceeding the standards to the outside channels leading to Baggundi lake. Also the authorities have failed to submit the compliance to the NPD. In view of the repeated non compliances even after issue of SCN and NPD and non compliance to the directions issued by Hon'ble NGT and the Central Pollution Control Board(CPCB) in the matter of operating without consent from the Board, the EO vide letter dated: 23.08.2022 has recommended the Board to issue Closure directions under the provisions of Water Act, 1974 & to call the service station authority for the personal hearing to give an opportunity of hearing. Accordingly the service station authorities were called for Personal hearing on 05.11.2023 as an opportunity of being heard.

In view of the above, the Presiding Officer issued the following directions in the proceedings of personal hearing vide ref (5), as follows;

1. *Directed the Officers of the Board to take action for such units operating without consent of the Board as per the direction of Hon'ble NGT Order dated 08.05.2013 in the matter of OA No.37/2013 without giving an opportunity of hearing.*
2. *The Environmental Officer, Regional Office, KSPCB, Mangaluru to assess and Levy the Environmental Compensation against the Service Station authorities for establishing and operating the Service Station without obtaining prior consent of the Board.*
3. *The issue/refusal of consent to be considered as per the delegation of powers after verifying the latest status of compliance.*

The proceedings of the personal hearing were communicated to the Service Station vide ref (5). As per the proceeding, Environmental Officer has calculated the Environmental Compensation for the non- compliances recorded under Water (Prevention & Control of Pollution) Act, 1974 vide ref (7).

Also, the above observation clearly shows that the Service Station is not complying to the proceedings, this shows the negligent attitude of the Service Station in complying Board directions thereby violating provisions of Water (P & CP) Act 1974 and Air (P & CP) Act 1981, Hence the Environmental Officers, Regional Office, Mangaluru has recommended to issue **"Closure order" to the said Service Station under Section 33 (A) of Water (Prevention & Control of Pollution) Act, 1974 vide ref(8).**

Further, Hon'ble NGT (PB), New Delhi in the matter of OA No.307/2022 Suo- moto case registered on New item published in The Hindu 26.04.2022 titled "*Flows of industrial effluent in to Phalguni results in fish kills*" based on the joint committee report has passed order 24.11.2022 with directions to submit latest compliance status by the violations.

Inspite of ample opportunity given to Service Station, the Service Station authority continued to operate without obtaining Consent for establishment and Consent for Operation from the Board which is in violation under the provisions of the Water Act, 1974 and Air Act, 1981 respectively and the direction issued by the Board. Hence, it is decided to issue closure order under section 33 (A) of Water (Prevention & Control of Pollution) Act, 1974 to the Service Station for violating the section 24/25 of the Water (Prevention and Control of Pollution) Act, 1974 and related consent Conditions.

Hence, as per the delegation of powers vested for issue of Closure Order vide ref (8), the following order is issued;

Hence, the following order is issued.

ORDER

In Exercise of the powers conferred under Section 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974, read with Rule 34 of Karnataka State Board for the Prevention and Control of Water Pollution (Procedure for Transaction of Business) and The Water (Prevention & Control of pollution) Rules, 1976 & Karnataka State Pollution Control Board, hereby issues the following directions to;

1. The Proprietor, by **M/s. Shree Gurudev Service Station .**, Plot No 102, Near Canara Steel Industry, Industrial Area, Baikampady Mangaluru, D.K district-575011, to **close down the operation of the Service Station forthwith and until further orders.**
2. **The Managing Director** MESCOM, Near KSTRC Bejai, Mangaluru, D.K District to issue necessary direction to the concerned Executive Engineer / Assistant Executive Engineer for withdrawal/disconnection of power supply to the above said unit, forthwith and until further orders.
3. **The Deputy Commissioner**, Mangaluru, Dakshina Kannda District, to seize the unit, forthwith and until further order.

FOR AND ON BEHALF OF THE KARNATAKA STATE
POLLUTION CONTROL BOARD
BENGALURU-560001

Sd/-

Dr. Shanth A. Thimmaiah, M.Tech, Ph.D
Chairman

To,

1. **The Proprietor,**
M/s. **Shree Gurudev Service Station .**,
Plot No 102, Near Canara Steel Industry,
Industrial Area, Baikampady Mangaluru,
D.K district-575011,
2. **The Managing Director,**
Mangaluru Electricity supply company ltd
Near KSRTC, Bejai,
Mangaluru, D.K District.
3. **The Deputy Commissioner,**
Mangaluru, D.K District.

This order is issued with the prior approval of the competent authority viz., Chairman, KSPCB

Copy to:

1. The Senior Environmental Officer, Mangaluru Zone for information
- ✓ 2. Regional Office, KSPCB, RO- Mangaluru for information & directed to confirm the closure directions & report the compliance.
3. Law Officer, Legal Section, KSPCB, Bengaluru for information.
4. Case file.

MEMBER SECRETARY

21/07/23



Adv Shakti Vel



9 November 2023

Messages and calls are end-to-end encrypted. No one outside of this chat, not even WhatsApp, can read or listen to them. Tap to learn more.

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NGT SZ Court-2 (Hybrid) video conference link

<https://nationalgreentribunal.webex.com/join/filing-ngtsz>

10:46 am



Today

Notarial Reg No., 8157/2023
21/11/2023

BEFORE THE HON'BLE GREEN TRIBUNAL
 SOUTHERN ZONE, CHENNAI.
 APPEAL No.26 of 2023

Affidavit With Annexures.pdf
 18 MB • PDF

6:17 pm

Sir Appeal 26 of 2023 - Reply Affidavit

6:17 pm

Message



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

APPEAL.No.26 OF 2023

Sri Seetharam

...Applicant

-Vs-

Karnataka State Pollution
Control Board

...Respondents

**REPLY AFFIDAVIT FILED ON
BEHALF THE 1ST & 2ND
RESPONDENT**

M.R.GOKUL KRISHNAN

Karnataka State Pollution Control
Board

**COUNSEL FOR 1st & 2nd
RESPONDENT**