

BEFORE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI.

Appeal. No.26 OF 2023 (SZ)

Sri.Seetharam

...Applicant

-Vs-

Karnataka State Pollution Control
Board And Other

...Respondents

INDEX

S.NO.	DESCRIPTION	PAGE NO.
1.	INSPECTION REPORT FILED BY THE RESPONDENT – KARNATAKA STATE POLLUTION CONTROL BOARD	1
2.	PHOTOGRAPHS TAKEN AT THE TIME OF INSPECTION HELD ON 07.12.2023	4
3.	MAHZAR LETTER BY THE RESPONDENT - KARNATAKA STATE POLLUTION CONTROL BOARD	7

Dated at Chennai on this the 18th day of December, 2023



M.R.GOKUL KRISHNAN

COUNSEL FOR THE 1st & 2nd RESPONDENT
(KSPCB)

Regional Office :
Karnataka State Pollution Control Board

Parisara Bhavana, 10B, Baikampady Industrial Area,
Mangaluru - 575 011
Tel.: 0824-2408239
e-mail: manglore@kspcb.gov.in website: http:kspcb.gov.in

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

ಕರ್ನಾಟಕ ರಾಜ್ಯ
ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ



towards a cleaner Karnataka

No. KSPCB/EO/(MNG)/Gurudev Service Sttation/2023-24/2080

Date: 7/12/23

To,
The Member Secretary,
Karnataka State Pollution Control Board,
Bengaluru.

Sir,

//Kind Atten: Legal Cell//

Sub: Submission of latest inspection report with respect to M/s Sri Gurudev Service Station , Baikampady Industrial Area, Mangaluru

- Ref: 1. Interlocutory Application NO.103 OF 2023 AT National green tribunal southern zone, Chennai in Appael NO: 26/2023 (SZ)
2. Inspection of the premises on 05.12.2023 & 07.12.2023.

With reference to the above subject, please find here with enclosed, the latest inspection report of M/s Sri Gurudev Service Station , Baikampady Industrial Area, Mangaluru, for your kind information and further needful action.

Your Faithfully

Encl: As above

Sd/-

ENVIRONMENTAL OFFICER
KSPCB, RO-MANGALURU.

Copy Submitted to:

1. The Senior Environmental Officer, Zonal Office, Mangaluru, for kind information.
2. Case file

ENVIRONMENTAL OFFICER
KSPCB, RO-MANGALURU.



INSPECTION REPORT OF Dr RAVI DR, ENVIRONMENTAL OFFICER, KSPCB, MANGALORE

Name of the industry	M/s Shree Gurudev Service Station Plot No.102, Near Canara Steel Industry Baikampady Industrial Area, Mangalore, D.K District-575 011
Category	Small Orange
Date of Inspection	05.12.2023 & 07.12.2023
Officer Accompanied	Dr. Maheshwari Kumari Singh -DEO
Persons Contacted	Shri. Sitaram S.-Proprietor
Status of consent	Operating without valid Consent of the Board and in spite of issue of Closure Order from the Board Office
Activity	Service station engaged in washing and serving of heavy vehicles and tankers including two wheelers

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 lorries, tankers two wheelers etc. The authorities have submitted the application for obtaining consent (1st CFO) during 03.09.2022, but they have not obtained CFE before establishing the service station and subsequently they have submitted the application for obtaining CFO from the Board.

Even though the authorities 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 vehicle wash water was directly discharge to storm water drain through which it was reaching Gurupura river. The authorities have also not paid the requisite consent fee along with the application. Further, as the action was initiated against the industry as per the law, the application submitted by the industry was also not approved, since the industry was called for Personal hearing and process of issuing closure order was in progress. The Board office has issued Closure Direction under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 vide letter No: PCB/SEO/NEIA-OB/1614/CLOSURE ORDER/2023-24/93, Date:02.08.2022 for the non-compliances observed during the then inspection report and

After issue of Closure Direction from the Board office, the Regional Office has also issued Direction to MESCOM (Electricity Authority) to disconnect the power supply and District Commissioner to seize the service station on 02.09.2023 vide letter No: 1053 and 1054 respectively.

Subsequent to the issue of the Closure Order, the service station authorities have approached Hon'ble High Court in Appeal NO: 18767/2023. The case at Hon'ble High court (WP: 18767 of 2023) was disposed with the following remarks " Considering the peculiar fact of the matter we deem it appropriate to dispose the writ petition with a liberty to the petitioner to avail an efficacious remedy of filing an appeal before Hon'ble NGT within 2 weeks from 30.08.2023 (Date of issue of High court Order). The respondent is directed not to take any coercive action pursuant to the closure order 02.08.2023 for a period of 2 weeks".

The advocate from the industry authorities have submitted the letter on 03.10.2023 and stated that, their client has filed an appeal before NGT on 11.09.2023 with appeal No: 26/2023 requesting the tribunal to issue emergent notice to KSPCB until then not to take any action pursuant to the Closure Order. It was also requested not to take any action against the applicant. Now the time period of 2 weeks given is already completed.

Subsequent to the issue of the Closure Order, the service station authorities have approached Hon'ble National Green Tribunal, Southern zone, Chennai in Appeal NO: 26/2023 (SZ) , Interlocutory Application NO.103 of 2023.This Office has also submitted parawise reply on 26.10.2023 vide No: 1788.

In between this office has also imposed Environmental Compensation for rupees 13,43,750/- for which show cause notice has been issued on 05.08.2023 to pay the Environmental Compensation. Further this Office has also raised the demand note on 21.08.2023 for payment of Rs. 13,43,750/- as Environmental Compensation. This Office has also issued a reminder notice on 14.09.2023 to pay the same. Industry is yet to pay the Environmental Compensation.

This Office has also issued notice to pay an amount of Rs.14,998/- and Rs.40,718/- towards the analysis charges for the waste water collected from the service station premises during different vocations vide Bill No: 1035 Dated: 17.12.2022 and vide bill no: 1088 dated: 09.01.2023 respectively. Since the authorities have not paid the Analysis charges this Office has also issued a reminder on 22.02.2023 and 15.05.2023 respectively to pay the same. In spite of issuing reminder notice industry is yet to pay the Analysis charges.

In view the above said matter, the service station premises was inspected on 05.12.2023 and 07.12.2023 by the Officer of this office to verify the status of Closure Order issued by Board and in pursuant with the para wise reply submitted to the Board, the following observations were made:

The observations made during 05.12.2023;

- The industry is operating and engaged in washing of tankers, tractors, four wheelers and two wheelers in spite of issue of Closure order and the laps of time period given by Hon'ble Court
- The service station was operating without obtaining valid CFE/CFO from Board.
- At the time of inspection, it was observed that, treated water is stored in a collection tank of 1000 Ltr capacity where in fresh water is also mixed. This water being used for washing of vehicles.
- The collection tank provided cannot be assessed as there was no details about the exact quantity of water consumption for vehicle washing.
- They have not provided designated platform with garland canal for collecting the wash water into the collection tank. The washed water was flowing all-around.
- The samples of trade effluent from the final collection tank before entering into ACF and PSF collected on 05.12.2023 and final treated effluent stored in the 1 KL Sintex tank was also collected and sent to Regional Laboratory for analysis, result are awaited.
- The physical observation of washed water indicates oil traces and even the same was observed in all the 03 collection tanks provided within the premises.
- It was apprehended that the waste water generation is more than the capacity of ETP provided by the industry as the authority was fail to submit the documents regarding exact water consumption for service activity.
- The service station authority has not provided either fencing/compound and large number of vehicles are being parked and public will also used this for walking.

- It was informed to isolate this premises by providing compound/barbed iron fence to protect the property.
- The samples of trade effluent after ACF & PSF was collected and submitted to Regional Laboratory Mangalore.
- Photographs were taken during inspection.

Observations made during inspection on 07.12.2023.

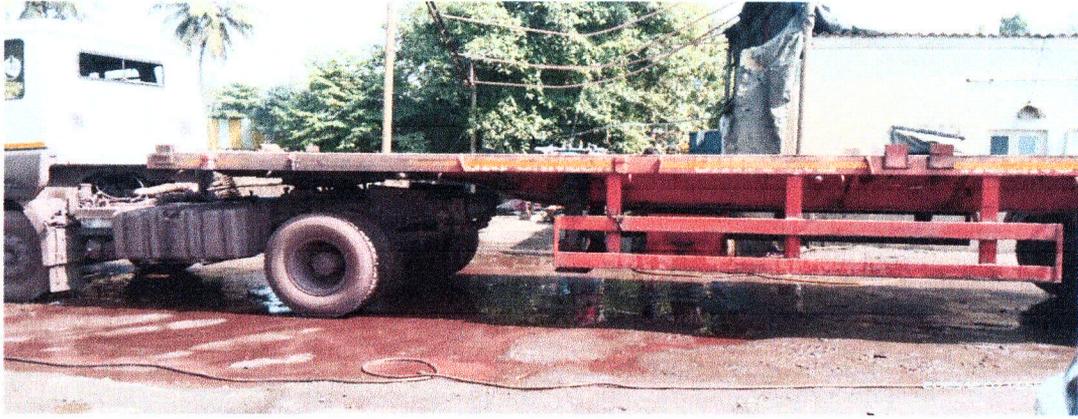
- All the observations stated above remains holds good.
- The industry is operating and engaged in washing of tankers, tractors, four wheelers and two wheelers in spite of issue of Closure order and the laps of time period given by Hon'ble Court
- On the physical observation of washed water indicates red color and industry representative informed that vehicle came from NMPA premises, which they have carried iron ores.
- There are 03 container containing used oil within the premises illegally.
- The Mahazar was drawn and notice of intension of served to the occupier for which he has denied to sign, but put a seal on the notice of intension.
- The legal sample was collected as per act and sent Regional Laboratory, analysis report are yet to be received.

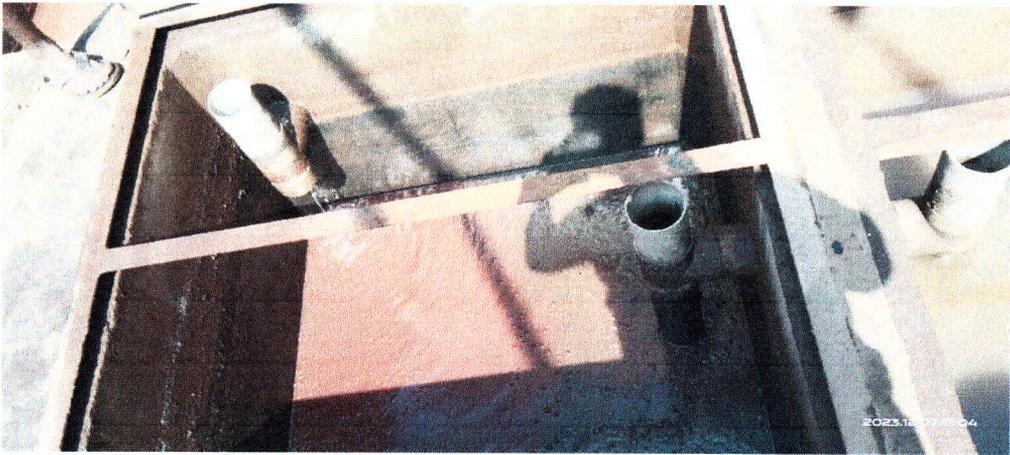
Recommendation: In view of the pending court case at Hon,ble NGT, the latest inspection report is submitted for further needful action and same may be submitted to Hon'ble NGT.

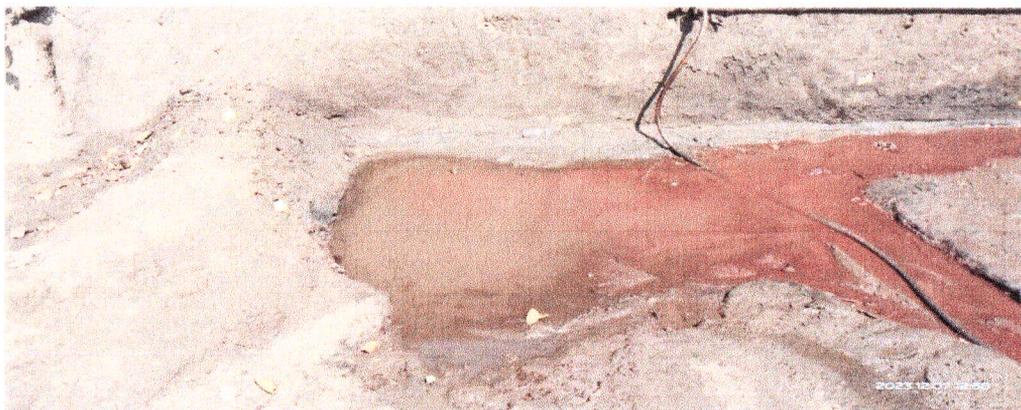
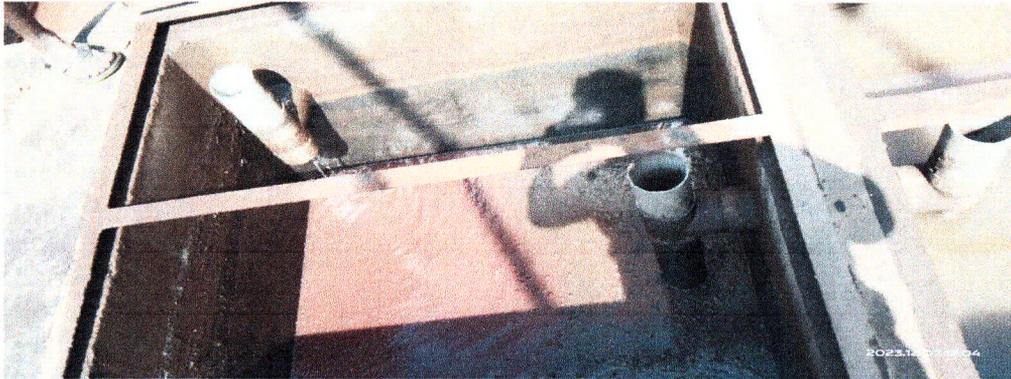


ENVIRONMENTAL OFFICER,
KSPCB, MANGALURU

Photographs taken during inspection on 07.12.2023 at M/s Gurudev Service Station, Bikampady Industrial Area, Baikampady, Mangalore







MAHAZAR

on being called by Dr. Ravi D R, Environmental officer, Karnataka State Pollution Control Board, Regional office, Mangalore [Here after referred as Board] Dr. Maheshwari Singh, Deputy Environmental officer, KSPCB, RO, Mangalore Mr. Jagdish & along with other co-workers of M/s. Crude Service station were assembled, at the premises of M/s. Shree Crude Service station located at Plot No. 102, Near Canara Steel Industry, Baikampady Industrial Area Mangalore on 07/12/2023 at 12:58 PM.

Dr. Ravi D R Environmental officer of the Board disclosed that he has been empowered by the Board to inspect & collect the samples for analysis as per the provision of Water Act & serve the notice of intention in Form - XII

Accordingly, the said officer of the Board collected the samples at following locations.

1. Treated trade effluent from RTP.

During the inspection the sample collected in the plastic can (1 No's - General) of color of the sample is colorless & odourless & stored in the ice box after adding required preservatives.

During the inspection following observations were made.

1. The service station was in operation & engaged in washing containers carrying heavy vehicle without valid consent from the Board.

2. They have not provided designated platform with gashland Canal for collecting the wash water into the collection tank. The washed water was flowing all-around.

3. On the physical observation of washed water indicates red color and industry representative of the service station representative informed that vehicle came from NMPA premises, which may have carried iron ores.

4. There were 3 containers containing used oil within the premises, however upon enquiry, industry author representative informed that the same

were kept by an authorized person.

5. The service station has not provided either fencing/compound around the premises.

As there was no request to divide the sample from the industry representative, the collected samples were labelled signed & sealed in the presence of officers of the Board & representative of service station & witness.

Mr. Sitaram - Owner, is authorized person after rectifying the notice of intension of Mr. Jagadish - worker of the service station is himself accompany for inspection sampling & there during the cause of inspection sampling of Mahazar no damage was caused to person/property. Mahaza is completed on 06.12.2023 at 1:09 PM

Mahazar is written by


[Nisha P K.]

sign & seal of occupier.

Mahazar is conducted by


C.D.R. Ravi D R.]
Environmental Officer
Karnataka State Pollution Control Board
MANGALURU

occupier denied to sign & receive notice of intension

witness :-

Dr. Maheshwar Singh
Deputy Environmental Officer
Karnataka State Pollution Control Board
MANGALURU

2) 
Jyoti (FA)

MAHAZAR

on being called by Dr. Ravi D R, Environmental officer, Karnataka State Pollution Control Board, Regional office, Mangalore [Here after referred as Board] Dr. Maheshwari Singh, Deputy Environmental officer, KSPCB, RO, Mangalore Mr. Jagdish & along with other co-workers of M/s. Crude Service station were assembled, at the premises of M/s. Shree Crude Service station located at Plot No. 102, Near Canara Steel Industry, Baikampady Industrial Area Mangalore on 07/12/2023 at 12:58 PM.

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sign & seal of occupier.

Mahazar is conducted by


C.D.R. Ravi D R.]
Environmental Officer
Karnataka State Pollution Control Board
MANGALURU

occupier denied to sign & receive notice of intension

witness :-

Dr. Maheshwar Singh
Deputy Environmental Officer
Karnataka State Pollution Control Board
MANGALURU

2) 
Jyoti (FA)

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

APPEAL.No.26 OF 2023

Sri Seetharam

...Applicant

-Vs-

Karnataka State Pollution
Control Board

...Respondents

**INSPECTION REPORT FILED ON
BEHALF THE 1ST & 2ND
RESPONDENT**

M.R.GOKUL KRISHNAN

Karnataka State Pollution Control
Board

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