

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN
ZONE BENCH AT CHENNAI**

APPEAL NO.26 (SZ) OF 2023

IN THE MATTER OF:

Sri. Seetharam

Appellant

VERSUS

Karnataka Pollution Control Board

And another

Respondents

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Dated at Chennai on this 29th day of April 2024

Praveen
Counsel for Appellant

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MEMO SUBMITTED BY THE APPELLANT

The appellant humbly submits that the following

1. That the appellant has preferred the above appeal being highly aggrieved by the impugned closure order passed by the 1st respondent having number KSPCB/SEO/NEIA-OB/1614/CLOSURE ORDER/2023-24 /93 Dated 02-08-2023 (Annexure A). The appellant has also questioned the consequential demand notice dated 31-08-2023 having number KSPCB/EO/(MNG)/ Shree Gurudev/ EC/ 2-23-24 /1039 and sought an order to set aside the same Annexure B.
2. That the respondent subsequently withdrawn the closure order on as per Annexure R dated 18-3-2024. In view of the same nothing survives for consideration in the appeal as impugned closure order presently is not in existence and the demand notice has also become infructuous.

Seetharam

(2)

3. Hence the appeal may be dismissed with liberty to recourse the remedy in the vent the respondent take further process if any in the matter to meet the ends of justice and equity.

Chennai

Dated 29 -04-2024

Shri G. V. S.
Appellant

Praveen Kumar

Counsel for Appellant

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ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
Karnataka State Pollution Control Board

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

// BY RPAD//

NO. PCB/1614/SEO(NEIA)/2023-24/ 172

DATE: 18 MAR 2024

REVOCAION OF CLOSURE DIRECTIONS ISSUED UNDER SECTION 33(A) OF 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.

Sub: Revocation of Closure Direction under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 to M/s. Shree Gurudev Service Station Plot No. 102, Near Canara Steel Industry, Baikampady Industrial Area, Baikampady, Mangaluru Taluk, Dakshina Kannada District - reg.

- Ref:
1. Proceedings No. 5882 of the personal hearing held on 05.11.2022 dated: 01.12.2022
 2. Closure directions issued by the Board under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 to the Service Station No. 93 dated: 02.08.2023.
 3. Show Cause Notice No.922 dated 05.08.2023
 4. Demand Notice No. KSPCB/EO(MNGV) Shree Gurudev/EC/2023-24/ 1104 imposing Environmental Compensation dated 14.08.2023
 5. Request letter submitted by the Service Station authorities to the Board Office, Mangaluru on 25.08.2023.
 6. Board Office Memo No.3530 dated 26.09.2023
 7. Request letter submitted by the Service Station authorities to the Regional Office, Mangaluru on 27.12.2023.
 8. Board Office letter to the SEO, Zonal Office, Mangaluru No. 5134 dated: 28.12.2023.
 9. Inspection of the Service Station by the SEO, Zonal Office, Mangaluru on 20.12.2023
 10. SEO, Zonal Office, Mangaluru letter No. 501 to the Head Office dated: 03.01.2024.
 11. Proceedings of 7th SLEC Meeting(Other than Govt. Projects) continued on 31.01.2024, 01.02.2024 & 02.02.2024 dated 12.02.2024

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Preamble:

M/s. Shree Gurudev Service Station Pkt No. 102, Near Canara Steel Industry, Baikampady Industrial Area, Baikampady, Mangaluru Taluk, Dakshina Kannada District is a Service Station engaged in water servicing of outer body of vehicles operating without consent of the Board. In view of repeated complaints through various public, 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 culas ultimately leading to the contamination of water bodies, as per the Proceedings of the personal hearing held on 05.11.2022 cited at ref(1), Board had issued Closure Directions under Section 31 (A) of the Water (Prevention and Control of Pollution) Act, 1974 to the Service Station vide ref (2) for not providing effluent treatment plant for treating wastewater generated from vehicle washing and for operating the Service Station without obtaining valid Consent for Operation from the Board.

Also as per the proceedings, RO, Mangaluru has issued demand notice for the Environmental Compensation of ₹13,43,250/- (Rupees Thirteen Lakh Forty Three Thousand Seven Hundred and Fifty only) vide ref.(4) quoting the reference of Hon'ble NGT dated 23.11.2022 in the matter of OA No. 307/2022 vide ref(4).

Subsequent to the Closure Directions and Industry's Occupier submitted request to the Board vide ref(5), mentioning former references of compliance to the Notice of Proposed Directions dated 21.07.2022 of the Board, applying for consent for operation, providing of ETP, complete recycling of treated water and requested for issue of consent to the Service Station and not to close and impose the penalty. In this regard, memo was addressed to Regional Office, Mangaluru vide ref.(6) seeking latest compliance made by the Occupier along with recommendation through SEO, Mangaluru. Meanwhile, the Environmental Officer, Regional Office, Mangaluru has received the industry's interim application from Hon'ble NGT that "The Occupier of the Service Station has first approached the Hon'ble High Court in WP No. 18767 of 2023 (GM-POL) and the Hon'ble High Court on 22.09.2023, has redirected the occupier of the Service Station to approach Hon'ble NGT as per section 33 (B) of the Water Act, 1974 for an efficacious remedy."

Once again, the Occupier of the Service Station has made submission to the Board in the letter dated 27.12.2023 vide ref.(7) informing about the deemed status of his consent application and his compliance towards providing the ETP and complete recycling of the treated wastewater(washing) and has requested the Board for revoking the Closure Order. Hence, Board sought latest compliance made by the Service Station authorities from the RSEO, Zonal Office, Mangaluru vide ref. (8) In reply to the Board Office Memo, the Service Station was inspected by the SEO, ZO, Mangaluru on 20.12.2023 vide ref.(9). The inspection report with following observations recorded during the inspection is forwarded to Head Office;

1. The Service Station was in operation and engaged in washing of the four-wheeler lorry.
2. Only outer body water wash was being done, there was no other servicing of the vehicle undertaken at the site.

3. The proprietor has taken on lease a small piece of land in the Plot No. 102 of KIADB Industrial area and engaged in washing of the vehicles which are coming to industrial area.
4. Capital investment of the industry is only the annual lease value on land and three pumps and his ETP, there is no other investment.
5. Service Station has provided two oil and grease traps in series followed by a collection/equalization tank and three types of filters like, Pressure sand filter, Activated sand filter and Micron filter and final collection tank (syntex tank)
6. Treated wash water was being collected in a syntex tank of 1000 litres capacity and the same water was being reused for washing the vehicles. In case if the treated water was not available, then they used the fresh water pumped from the bore well in the premises.
7. Industry uses about 2000 litres of water for washing every day and provided 5KLD capacity ETP and is adequate.
8. This is a Service Station where outer body of the vehicles are only water washed and it is not a sales and service centre and hence, there is no generation of waste engine oil or oil filters or contaminated cotton rags etc., in the industry.
9. While washing the outer body, if there is any oil stuck to the Engine side due to leakage or otherwise, wash water gets mixed up with oil and for this reason, ETP has been provided with oil and grease traps of sufficient capacity.
10. The treated wash water collected on 5.12.2023 and 07.12.2023 clearly indicates there is no traces of oil in the treated wash water, which indicates the oil traps are working well. Only suspended solids are marginally exceeding, i.e., showing 58 mg/l in the sample collected on 07.08.2023 as against standard of 50 mg/l for service stations.
11. As per the occupier, they wash up to 4-5 vehicles every day. It was true that in the beginning, the Proprietor started his business without CFE or CFO from the KSPCB and was discharging this wash water to a pit within the premises, but, once the Service Station was issued with Notice of Proposed Directions from the Board on 21.07.2022, the proprietor has immediately awakened to the notice and taken action to create adequate treatment facility to treat the wash water and also to apply for consent through online XGN portal of KSPCB.
12. The ETP is commissioned.

In this view of the above, as the Occupier of the Service Station complied with the directions of the Board by applying for Consent and installing necessary facility for treating washing effluent, Senior Environmental Officer, Zonal Office, Mangaluru in the letter cited at ref.(10) has recommended to revoke closure direction issued vide ref(2).

In this regard, subject on revocation of Closure Order issued vide ref(2) under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 was deliberated in the 7th SLEC Meeting (Other than Govt. Projects) continued on 02.02.2024 and committee has recommended to revoke the Closure Directions vide proceedings dated 12.02.2024 cited at ref.(11)

See through

(6)

M/s. Shree Gurudev Service Station, Mangaluru

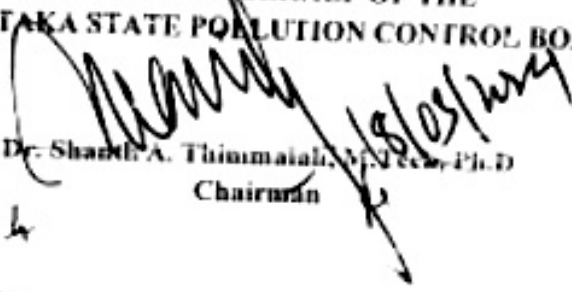
Hence, the following order is issued,

ORDER

In exercise of the powers conferred under Section 33 (A) of Water (Prevention and 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, the Karnataka State Pollution Control Board, hereby issues the following directions to;

1. **The Proprietor, M/s. Shree Gurudev Service Station** Plot No. 102, Near Canara Steel Industry, Baikampady Industrial Area, Baikampady, Mangaluru Taluk, Dakshina Kannada District may commission the operation of Service Station at Plot No. 102, Near Canara Steel Industry, Baikampady Industrial Area, Baikampady only after obtaining prior Consent for Operation from the Board.
2. **The Managing Director MESCOM**, Near KSTRC Bejai, Mangaluru, D.K District, to issue necessary directions to the concerned Executive Engineer and Assistant Executive Engineer, for re-connection of power supply to the Service Station forthwith and until further orders after the Service Station authorities submits copies of valid Consent for Operation obtained from the Board.
3. **The Deputy Commissioner**, Mangaluru, Dakshina Kannada District to vacate the seizer of the industry.

FOR AND ON BEHALF OF THE
KARNATAKA STATE POLLUTION CONTROL BOARD


Dr. Shanthi A. Thimmaiah, M.Sc., 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.

See the order