

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE BENCH AT CHENNAI
Original Application No.27 of 2019

In the matter of

Kishore Kumar and another

Applicants

Vs.

Union of India and others.

OBJECTIONS FILED BY THE 10th RESPONDENT TO THE REPORT
SUBMITTED BY THE JOINT COMMITTEE CONSTITUTED AS PER
THE ORDERS OF THIS HONOURABLE TRIBUNAL DATED
11.10.2019 AND 07.02.2020.

The tenth respondent in the above matter respectfully submits as
follows:

1. That this respondent has been engaged in the manufacture of fish meal for a long time, after obtaining the necessary permissions from all the authorities.
2. The land on which the unit is presently located belongs to his ancestors, where there is a open well with abundant water supply as it was originally being used for irrigating the lands, where crops were grown. As such this respondent has not dug a new bore well or an open well.

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M. K. BALRAJ
Proprietor

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3. This respondent does not purchase water from tankers as the well never goes dry and as such water is recycled in the plant after treatment releasing zero quantity of effluents or even treated water.

4. The joint committee report at paragraph 4.2 pertains to this respondent.

a) It Has been clearly held that the unit of the respondent is operating with all valid consents under(Prevention & control of Pollution) Act 1974 and Air(Prevention & control of Pollution) Act1981 with validity up to 30.09.2023.

The unit also has authorisation under Hazardous & other Waste (Management & Transboundary Movement Rules) 2016, is exempted by KSPCB because the unit is having DG set of < 500KVA capacity.

b) The joint committee has levied environmental compensation based non compliances noticed over the five years by KSPCB, without mentioning when those non compliances have been pointed out.

c) The committee on the Date of the inspection on 10.12.2019, has not found any deficiency on the part of the respondent.

d) The committee has not mentioned how they have arrived at the figures that the respondent has exceeded the water consumption and effluent generation on the day of the inspection when the unit is having is zero discharge of the effluents as the used water is

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treated and recycled in the unit itself and when such is the case the usage of additional water is very limited since the used water is again and again recycled, hence the consumption of water is very low. Usage of recycled water can not be considered as consumption exceeding the permitted capacity of the consent.

e) The respondent has a full capacity effluent treatment plant from the beginning and the committee has levied environmental compensation based as per KSPCB records, from January to April 2017 and again in November 2017, which means that the effluent treatment is functioning and whenever any notice is received from KSPCB, it was immediately replied giving all the particulars. The joint committee has missed the replies given by this respondent, whenever any notice is received.

f) The joint committee has environmental compensation from the ground water authority for drawing ground water, whereas THE KARNATAKA GROUND WATER (REGULATION AND CONTROL OF DEVELOPMENT AND MANAGEMENT) ACT 2011, is applicable to only notified areas under section 10 of the said act and a certificate of Registration is required for the existing wells if they are in the notified area.

The joint committee has nowhere stated when the area in which the open well of the respondent is situated has been notified under the above act.

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The report of the committee says that the respondent has not obtained NOC from the Ground water authority while a registration is required and even non registration in a notified area is only a procedural lapse.

For the above reasons, it is Prayed that the report given by the joint committee may be considered by this honourable tribunal along with the above objections.

VERIFICATION

I M.K Balraj, age Major, Proprietor Hindustan Marine Industries Udayavara Village, the 10th Respondent in the above application, do verify that the statements made above in the statement of objections are true to the best of my knowledge and believe them to be true.

Verified accordingly

Place: Bangalore

Date: 7th November 2020

Deponent
For HINDUSTAN MARINE INDUSTRIES

M. K. Balraj
M. K. BALRAJ
Proprietor

Proprietor
Hindustan Marine Industries