



## KARNATAKA STATE COASTAL ZONE MANAGEMENT AUTHORITY

(Constituted by MoEF & C.C Government of India, under Sub-Section (1) & (3) of E(P) Act 1986)

Before The Hon'ble National Green Tribunal  
Southern Zone, Chennai  
Original Application No. 27 of 2019 (SZ) (I.A. No.29 of 2019 and  
I.A. No. 30 of 2019)

**In the Matter of:**

Sri. Kishore Kumar & Ors.

... Applicant

**WITH**

Union of India and others.

... Respondent (S)

**Status Report on Original Application No. 27/2019 filed Before  
The Hon'ble National Green Tribunal  
Southern Zone, Chennai**

**(1) M/s Hindustan Marine Industries at Udyavara**

M/s Hindustan Marine Industries have taken up the expansion of Fish Processing Unit and establishment of Effluent Treatment Plant (ETP) in Sy. No. 193 of Udyavara Village up to 20mts from the High Tide Line of Udyavara River which is in CRZ-I area where in the above activity is prohibited there by violating the provisions of CRZ notification 2011, as per Para 3(i), 3(iii) and 8 I CRZ I(i). Accordingly, as per the decision of meeting of KSCZMA Authority held on 25.07.2017, the Notices of Proposed Direction (NPD) under section 5 of the Environment (Protection) Act, 1986 was issued to M/s. Hindustan Marine Industries on 18.09.2017 for violation of CRZ notification 2011.

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The reply was submitted on 25.10.2017 stating that, they have established Fish Processing Unit in Sy. No. 193 which is about 130 mts from the river. They have further, claimed that the area of Effluent Treatment Plant, is in CRZ II, which is permitted as per the CRZ notification 2011. They have further claimed that they have obtained permission from the Pollution Control Board.

As per the decision of the Karnataka State Coastal Zone Management Authority (KSCZMA) meeting held on 15.02.2018, Section 5 directions was issued to demolish the portion of the Fish Processing Unit and ETP which has been constructed within CRZ area there by violating the provisions of CRZ Notification.

Against this directions they have filed an appeal in NGT, New Delhi vide appeal No. 56/2018. The Hon'ble NGT vide its order dt: 08.02.2019, disposed the case with following direction:

“In our considered opinion, Appellant ought to have first abided by the directions given by the authority in the said letter. Approaching the Tribunal at this stage is pre-mature. Therefore, we direct the Appellant to first approach the authority concerned. In case, thereafter, appellant has any grievance, he would be at liberty to seek redress before the appropriate forum, in accordance with law.”

Since, direction issued by KSCZMA on 15.03.2018 stands reconfirmed, the Authority directed M/s Hindustan Marine Industries to demolish the portion of fish processing unit & ETP vide letter dated 24.09.2020.



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M/s Hindustan Marine Industries., requested the Authority vide letter dt: 23.10.2020 to permit the ETP stating that it has zero discharge as the entire water is being treated & recycled in their industry and it falls in CRZ-II as per the new approved CZMP, which earlier was in CRZ-I. However, setting up and expansion of units or mechanism for disposal of wastes and effluents within CRZ area is a prohibited activity as per Para 3 (v) of CRZ notification 2011.

When the subject was placed in the KSCZMA meeting held on 04.03.2021, the Authority opined that request of applicant cannot be considered since it is a prohibited activity as per Para 3 (v) of CRZ notification 2011. Hence, it was decided to direct the applicant to demolish the portion of fish processing Unit & ETP in Sy. No. 193 of Udyavara Village immediately.

Accordingly a letter was addressed to M/s Hindustan Marine Industries to take immediate action to demolish the portion of fish processing unit & entire ETP which have been constructed in Sy. N. 193 of Udyavara village in violation of CRZ notification & submit compliance report immediately. However, the violator has not complied with the direction of KSCZMA.

*The issue was placed in the KSCZMA Meeting held on 14.03.2022, the Authority after discussion and deliberations decided to authorize the Regional Director (Env) Udupi to file a case in the jurisdictional court as per the Section 19 of the Environment (Protection) Act, 1986. Extract of meeting proceedings is enclosed as Annexure-I*



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### (2) Yashaswi Fish Meal & Oil Company at Udyavara

Certain activities are prohibited within the Coastal Regulation Zone (CRZ) as per para 3 of the CRZ Notification 2011. The Regional Director Udupi during site inspection on 14.02.2017 observed that the M/s Yashaswi Fish Meal & Oil Company has undertaken expansion of the fish processing plant in Sy. No. 110 of Udyavar village adjacent to HTL of Udyavara river in CRZ -1 area where in the above activity is prohibited there by violating provisions of CRZ notification 2011 as per para 3(i), 3(iii).

The Regional Director has submitted this matter to the KSCZMA Authority for necessary action. Accordingly, as per the decision of KSCZMA Authority meeting held on 25.07.2017, the Notices of Proposed Direction (NPD) under section 5 of the Environment (Protection) Act, 1986 was issued to M/s. Yashaswi Fish Meal & Oil Company vide letter No.FEE/187/CRZ 2017 dtd: 14.09.2017

They have submitted the reply on 09.10.2017, stating that they have established Fish Processing Unit after obtaining necessary permissions from the competent Authority and denied that Sy.No. 110/9c2b, 110/5b, 110/15, 110/4a, 110/15, 110/5b, 110/2c2bp2 of Udyavara Village, Udupi Talluk fall within Coastal Regulation Zone, even if the said areas fall within the CRZ, it cannot be classified as CRZ I.

As per para 3 (i) of the CRZ Notification 2011, setting up of new industries and expansion of existing industries within the CRZ area are declared as prohibited activities and as per para 3 (iii) of said Notification, setting up and expansion of fish processing units including ware housing are also prohibited activities.

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The KSCZMA during the meeting held on 15.02.2018 has perused the replies given by M/s Yashaswi fish meal & oil co, and concluded that they have undertaken the expansion of the Fish Processing Unit in CRZ area which is a prohibited activity. As per para 3(i) of CRZ notification 2011, setting up of industries and expansion of existing industries within the CRZ area are prohibited activities and as per para 3(iii) of said notification, setting up and expansion of fish processing units including warehousing are also prohibited activities. Hence the Authority decided to confirm the proposed directions issued under section 5 of the Environment (Protection) Act, 1986 in exercise of the powers delegated to the Authority vide order no. S.O.679(E) dated 1<sup>st</sup> March 2017 of MoEF & CC Government of India.

Accordingly, Section 5 direction was issued to M/s. Yashaswi Fish Meal & Oil Company vide letter No.FEE 187 CRZ 2017 dtd: 15.03.2018 to demolish the portion of the said Fish processing unit which is constructed within 100 mts from the HTL of Udyavara river in Sy. no. 110/9c2b, 110/5b, 110/15, 110/4a, 110/15, 110/5b, 110/2c2bp2 of Udyavara Village

Against this direction they have filed a writ petition in the Hon'ble High Court of Karnataka vide W.P. No 14808/2018 on the grounds that their industrial building is constructed within their land and beyond CRZ. The Hon'ble court has given it's order on 04.11.2019 as follows:

“Writ Petition is disposed off as not maintainable with liberty to the petitioner to avail alternative remedy of appeal as contemplated supra within a period of three months from the date of receipt of certified copy of this order. Interim order granted earlier will ensure to the benefit of the petitioner for a period of three months from today.”

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Further, M/s Yashaswi Fish Meal & Oil Company have filed an appeal before Hon'ble NGT (SZ) vide appeal No. 5/2020. The Hon'ble NGT has given Interim Order of stay on 20.02.2020 against the execution of order in NO. FEE 187 CRZ 2017 dated 15.03.2018 issued by KSCZMA.

It is to submit that the Authority has given the Notice of Proposed Direction to M/s. Yashaswi Fish Meal & Oil Company for expansion of fish processing unit at Sy. No. 110 of Udayavar village, vide letter No.FEE/187/CRZ 2017 dtd: 14.09.2017, for the said notice, they have given the reply on 09.10.2017.

Further, the final notice was also given vide letter No.FEE 187 CRZ 2017 dtd: 15.03.2018 to the correct address of appellant, against this notice served to M/s Yashaswi fish meal & oil co, they have filed W.P. No 14808/2018, in the Hon'ble High Court of Karnataka.

Since, the NPD & final notices have been served to the appellant with the correct name and address, objection filed by them.

### (3) M/s. Unity Fish Meal & Oil Company at Udyavara

The Regional Director has reported that M/s. Unity Fish Meal & Oil Company have established ETP in Sy. No. 193 which falls in CRZ area there by violating the provision of CRZ Notification.

As per the decision of the Karnataka State Coastal Zone Management Authority meeting held on 15.02.2018, KSCZMA has issued Notice of Proposed Direction to M/s. Unity Fish Meal & Oil Company on 15.03.2018 for establishment of ETP in CRZ -1 in violation of CRZ Notification. But they have not submitted their replies for the Notice of proposed Direction issued by the Authority.

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Accordingly as per the decision of the Karnataka State Coastal Zone Management Authority meeting held on 27.04.2018, Section 5 Direction under Environment (Protection) Act 1986 was issued on 12.06.2018 to demolish the ETP which was constructed in violation of CRZ .

Against the said the direction M/s. Unity Fish Meal & Oil Company have filed a Writ Petition No. 30725 of 2018 before the Hon'ble High Court of Karnataka. The Hon'ble High Court vide its order dated 22.07.2019, disposed the writ petition with liberty to the petitioner to prefer an appeal in the appropriate court. However, the violator has not complied with the direction issued under section 5 nor has gone on an appeal before the Tribunal.

*The issue was placed in the KSCZMA Meeting held on 14.03.2022, the Authority after discussion and deliberations decided to authorize the Regional Director (Env) Udupi to file a case in the jurisdictional court as per the Section 19 of the Environment (Protection) Act, 1986. Extract of meeting proceedings is enclosed as Annexure-II.*

**(R. Gokul)**

Member Secretary,  
Karnataka State Coastal Zone Management Authority.

## Annexure - I

the writ petition with liberty to the petitioner to prefer an appeal in the appropriate court. However, the violator has not complied with the direction issued under section 5 nor has gone on an appeal before the Tribunal.

*The Authority after discussions and deliberations decided to authorize the Regional Director (Env) Udupi to file a case in the jurisdictional court as per the Section 19 of the Environment (Protection) Act, 1986.*

### **33.2.3 Expansion of Fish Processing Unit and establishment of Effluent Treatment Plant (ETP) in Sy. No. 193 of Udyavara Village by M/s Hindustan Marine Industries at Udyavar by violating the CRZ Notification 2011 (FEE 188 CRZ 2017)**

M/s Hindustan Marine Industries have taken up the expansion of Fish Processing Unit and establishment of Effluent Treatment Plant (ETP) in Sy. No. 193 of Udyavara Village up to 20mts from the High Tide Line of Udyavara River which is in CRZ-I area where in the above activity is prohibited there by violating the provisions of CRZ notification 2011, as per Para 3(i) , 3(iii) and 8 I CRZ I(i). Accordingly, as per the decision of meeting of KSCZMA Authority held on 25.07.2017, the Notices of Proposed Direction (NPD) under section 5 of the Environment (Protection) Act, 1986 was issued to M/s. Hindustan Marine Industries on 18.09.2017 for violation of CRZ notification 2011.

The reply was submitted on 25.10.2017 stating that, they have established Fish Processing Unit in Sy. No. 193 which is about 130 mts from the river. They have further, claims that the area of Effluent Treatment Plant, is in CRZ II, which is permitted as per the CRZ notification 2011. They have further claims that they have obtained permission from the Pollution Control Board.

As per the decision of the Karnataka State Coastal Zone Management Authority (KSCZMA) meeting held on 15.02.2018, Section 5 directions was issued to demolish the portion of the Fish Processing Unit and ETP which have been constructed within CRZ area there by violating the provisions of CRZ Notification.

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"In our considered opinion, Appellant ought to have first abided by the directions given by the authority in the said letter. Approaching



the Tribunal at this stage is pre-mature. Therefore, we direct the Appellant to first approach the authority concerned. In case, thereafter, appellant has any grievance, he would be at liberty to seek redress before the appropriate forum, in accordance with law."

Since, direction issued by KSCZMA on 15.03.2018 stands reconfirmed, the Authority directed M/s Hindustan Marine Industries to demolish the portion of fish processing unit & ETP vide letter dated 24.09.2020.

M/s Hindustan Marine Industries., requested the Authority vide letter dt: 23.10.2020 to permit the ETP stating that it has zero discharge as the entire water is being treated & recycled in their industry and it falls in CRZ-II as per the new approved CZMP, which earlier it was in CRZ-I. However, setting up and expansion of units or mechanism for disposal of wastes and effluents within CRZ area is a prohibited activity as per Para 3 (v) of CRZ notification 2011.

When the subject was placed in the KSCZMA meeting held on 04.03.2021, the Authority opined that request of applicant cannot be considered since it is a prohibited activity as per Para 3 (v) of CRZ notification 2011. Hence, it was decided to direct the applicant to demolish the portion of fish processing Unit & ETP in Sy. No.193 of Udyavara Village immediately.

Accordingly a letter was addressed to M/s Hindustan Marine Industries to take immediate action to demolish the portion of fish processing unit & entire ETP which have been constructed in Sy. N. 193 of Udyavara village in violation of CRZ notification & submit compliance report immediately. However, the violator has not complied with the direction of KSCZMA.

*The Authority after discussions and deliberations decided to authorize the Regional Director (Env) Udupi to file a case in the jurisdictional court as per the Section 19 of the Environment (Protection) Act, 1986.*

**33.3 With the Permission of the Chairperson, the following subject was discussed**

**33.3.1 Regarding critically endanger to "Olive Ridley Turtles" found in Saravathi river in Honnavara Taluk.**

One of the member raised this issue and requested to take the measures to protect "Olive Ridley Turtles" which are found in Saravathi river in Honnavara Taluk. The



## Annexure - II

status report with respect in W. P. No. 27462 of 2018 (GM-RES) to the Hon'ble NGT. The Authority noted present status of the issue in Sy. No. 71/3 & 71/5.

(b) However, as per the recommendation of DCZMC meeting held on the 05.04.2021, action has to be initiated against the M/s. Yashaswini Fisheries for establishment of a Fish Processing Unit as stated in O.A No. 208/2021 i.e, in Sy. No. 72/3, 71/6 & 72/21B of Balakudru Village, Udupi District for violation of CRZ Notification 2011, for which there is no stay in any court of law.

*Hence, the Authority after discussions and deliberations decided to issue Notice of Proposed Directions (NPD) under section 5 of Environment (Protection) Act, 1986 to M/s. Yashaswini Fisheries for establishing of Fish Processing Unit at Sy. No. 72/3, 71/6 & 72/21B of Balakudru Village, Udupi District in violation of CRZ Notification 2011.*

### **33.2.2 Established Fish Processing Unit in Sy. No. 240/1A1, Pithrody, Udyavara, Udupi by M/s. Unity Fish Meal & Oil Company in Violation of CRZ Notification (FEE 2 CRZ 2018)**

- The Regional Director has reported that M/s. Unity Fish Meal & Oil Company have established ETP in Sy. No. 193 which falls in CRZ area there by violating the provision of CRZ Notification.
- As per the decision of the Karnataka State Coastal Zone Management Authority meeting held on 15.02.2018, KSCZMA has issued Notice of Proposed Direction to M/s. Unity Fish Meal & Oil Company on 15.03.2018 for establishment of ETP in CRZ -1 in violation of CRZ Notification. But they have not submitted their replies for the Notice of proposed Direction issued by the Authority.

Accordingly as per the decision of the Karnataka State Coastal Zone Management Authority meeting held on 27.04.2018, Section 5 Direction under Environment (Protection) Act 1986 was issued on 12.06.2018 to demolish the ETP which was constructed in violation of CRZ .

- Against the said the direction M/s. Unity Fish Meal & Oil Company have filed a Writ Petition No. 30725 of 2018 before the Hon'ble High Court of Karnataka. The Hon'ble High Court vide its order dated 22.07.2019, disposed



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*The Authority after discussions and deliberations decided to authorize the Regional Director (Env) Udupi to file a case in the jurisdictional court as per the Section 19 of the Environment (Protection) Act, 1986.*

**33.2.3 Expansion of Fish Processing Unit and establishment of Effluent Treatment Plant (ETP) in Sy. No. 193 of Udyavara Village by M/s Hindustan Marine Industries at Udyavar by violating the CRZ Notification 2011 (FEE 188 CRZ 2017)**

M/s Hindustan Marine Industries have taken up the expansion of Fish Processing Unit and establishment of Effluent Treatment Plant (ETP) in Sy. No. 193 of Udyavara Village up to 20mts from the High Tide Line of Udyavara River which is in CRZ-I area where in the above activity is prohibited there by violating the provisions of CRZ notification 2011, as per Para 3(i) , 3(iii) and 8 I CRZ I(i). Accordingly, as per the decision of meeting of KSCZMA Authority held on 25.07.2017, the Notices of Proposed Direction (NPD) under section 5 of the Environment (Protection) Act, 1986 was issued to M/s. Hindustan Marine Industries on 18.09.2017 for violation of CRZ notification 2011.

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*"In our considered opinion, Appellant ought to have first abided by the directions given by the authority in the said letter. Approaching*

