

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**IN**

**ORIGINAL APPLICATION NO. 143 of 2020 (SZ)**

Petitioner : K.K Muhammed Iqbal

Versus

Respondents : The Kerala State Pollution Control Board  
& Others

**VOLUME 2**

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Dated this the 14<sup>th</sup> day of October 2020

**Rema Smrithi**, Advocate  
ADDITIONAL STANDING COUNSEL FOR THE 4<sup>TH</sup> RESPONDENT

ANNEXURE R1

Phone & Fax : 0484 2545678



# KERALA STATE POLLUTION CONTROL BOARD

ENVIRONMENTAL SURVEILLANCE CENTRE  
FACT-Qr.No.S-5, UDYOGAMANDAL P.O., ERNAKULAM-683501,  
E-mail: ee.esc.kspcb@gov.in, esceloor@yahoo.co.in

## കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

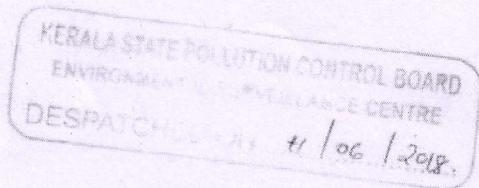
എൻവയൺമെന്റൽ സർവൈലൻസ് സെന്റർ  
ഫാക്ട് ക്വാർട്ടേഴ്സ് നമ്പർ S-5, ഉദ്യോഗമണ്ഡൽ പി.ഒ., എറണാകുളം-683 501

**VERY - URGENT**

PCB/ESC/CO-11/07

Registered A/D  
Date: 07.06.2018

From  
The Environmental Engineer



To  
The Chief Manager,  
Panjab National Bank,  
PM Road, Ilaco House,  
Fort, Mumbai.

- Sub:- Removal of Chemicals and sludge form the unit M/s. Binani Zinc, Edayar – reg.
- Ref:- 1. Direction issued vide letter No. PCB/ESC/CO-11/07 dated 25.02.2017 issued to M/s.Binani Zinc, Edayar
2. Letter of even No. dated 10.10.2017 issued to M/s. Binani Zinc, Edayar
  3. Letter No.PCB/HWM/A19/90 dated 14.02.2018 issued to M/s. Binani Zinc, Edayar by the Chairman, KSPCB, Thiruvananthapuram.
  4. Letter No. PCB/HWM/A/9/90 dated 14.03.2018 enclosing the copy of minutes of hearing conducted on 14.02.2018 issued to M/s. Binani Zinc, Edayar
  5. Enquiry conducted in the unit on 14.11.2017 and 25.05.2017
  6. Letter of even no dated 07.06.2018 issued to M/s. Binani Zinc, Edayar

Sir,

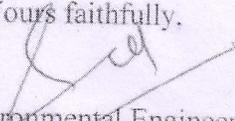
It was learnt that the company M/s Edayar Zinc Ltd (Former M/s. Binani Zinc, Edayar) at Binanipuram, Kadungalloor Village, Paravur Taluk, Ernakulam District, Kerala owned by M/s Binani Industries Limited, Corporate office at Merchantile Chambers,12 J N Heredia Marg, Bellard Estate, Mumbai, Maharashtra – 400 001 is kept for e-Auction by the Punjab National Bank. In this context, it is informed that the company M/s Edayar Zinc Ltd was closed in the year 2014. The company was closed all of sudden without processing/utilizing the raw material remained in the unit. Being a chemical industry, the unit has to ensure that all the chemicals/raw materials are completely utilized in the unit and shall ascertain that no chemicals are stored in the unit in-order to ensure the safety. But, the unit had closed without following the procedures. As a result, large quantity of chemicals and sludge is



**M. A. BAIJU**  
Chief Environmental Engineer

remained in the unit. The chemicals include raw materials, processing chemicals, electrolytes, intermediate chemicals etc. the unit is situated on the bank of river Periyar. Most of the storage tanks of the chemicals are under collapse stage and found to be leaking. The tanks may get collapsed at any time and chemicals may reach the river causing environment risk. Please note that Board had repeatedly given directions to the unit for the safe disposal of chemicals but, no action had been taken by the company to remove the chemicals and sludge. During the discussion with the company authorities, they informed that the company is now under the custody of Punjab National Bank and the chemicals, raw materials, products etc cannot be taken outside the unit without the permission of the bank. **Hence, it is requested that the necessary clearances/permissions shall be given to the unit to safely dispose the chemicals from the unit urgently. It is informed that if any accident/spillage occurs, the bank will also be responsible for the environmental hazard. It is also informed that the company also has a liability of an amount of about Rs 50Crores towards the remediation work of the sites contaminated/polluted by the Company. The Kindly treat the matter as most urgent.**

Yours faithfully,

  
Environmental Engineer

- Copy to: 1. The Chairman, KSPCB, Head Office, Thiruvananthapuram  
2. The Member Secretary, KSPCB, Head Office, Thiruvananthapuram  
3. The Chief Environmental Engineer, Regional Office, Ernakulam.



  
**M. A. BAIJU**  
Chief Environmental Engineer

Phone & Fax : 0484 2545678



**KERALA STATE POLLUTION CONTROL BOARD**  
**ENVIRONMENTAL SURVEILLANCE CENTRE**

FACT-Qr.No.S-5, UDYOGAMANDAL P.O., ERNAKULAM-683501,  
E-mail: esceloor@yahoo.co.in, ee.esc.kspcb@gov.in,

**കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്**

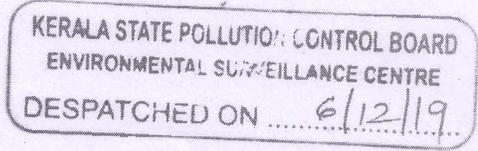
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ഫാക്ട് ക്വാർട്ടേഴ്സ് നമ്പർ S-5, ഉദ്യോഗമണ്ഡലം പി. ഒ., എറണാകുളം-683 501

Registered with A/D

Date: 05.12.2019

PCB/ESC/CO-11/07



From

The Environmental Engineer

To

M/s. Edayar Zinc Ltd.,  
Binanipuram P.O.,  
Edayar

Sub:- Remediation of contaminates sites – Edayar -- Liability -- reg.

Sir,

This is to inform that CPCB had identified Edayattuchal & Chakkarachal as contaminated sites with heavy metals due to the industrial operations of M/s. Edayar Zinc (Former Binani Zinc Ltd.) CPCB had conducted a detail study and Detailed Project Report (DPR) is prepared for the remediation of the above contaminated sites. As per the DPR, the total project cost for the remediation of the above 2 contaminated sites are estimated to be 47.88 Cr. Hence, it is hereby informed that the company has to contribute towards this remediation project as per the polluter pays principle.

Yours faithfully,

*[Signature]*  
Environmental Engineer

- Copy to :- 1) The Member Secretary  
KSPCB, Thiruvananthapuram
- 2) The Chief Environmental Engineer  
KSPCB, Regional Office, Ernakulam



*[Signature]*  
**M. A. BAIJU**  
Chief Environmental Engineer



**KERALA STATE POLLUTION CONTROL BOARD**  
**കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്**

Pattom P.O., Thiruvananthapuram - 695 004  
 പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

PCB/HWM/A/9/90

Dated: 27/06/2019

From

The Member Secretary

To

The Chief Manager,  
 Panjab National Bank  
 Sir PM Road, Ilaco House,  
 Fort, Mumbai - 400001



Sub:- Removal of Chemicals and Sludge from the unit M/s. Binani Zinc, Edayar -reg.

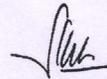
Ref:- Letter No. PCB/ESC/CO-11/07 dated 07/06/2018.

Sir,

It was learnt that the company M/s. Edayar Zinc Ltd (Former M/s. Binani Zinc, Edayar) at Binanipuram, Kadungalloor Village, Paravur Taluk, Ernakulam District, Kerala owned by M/s. Binani Industries Limited, Corporate office at Merchantile Chambers, 12 J N Heredia Marg, Bellard Estate, Mumbai, Maharashtra - 400 001 is kept for e-Auction by the Punjab National Bank. In this context, it is informed that the company M/s. Edayar Zinc Ltd was closed in the year 2014. The company was closed all of a sudden without processing/utilizing the raw material remained in the unit. Being a chemical industry, the unit has to ensure that all the chemicals/raw materials are completely utilized in the unit and shall ascertain that no chemicals are stored in the unit in order to ensure the safety. But, the unit had closed without following the procedures. As a result, a large quantity of chemicals and sludge remained in the unit. The chemicals include raw materials, processing chemicals, electrolytes, intermediate chemicals, etc. The unit is situated on the bank of river Periyar. Most of the storage tanks of the chemicals are collapsible and leaking. These tanks may get collapsed at any time and chemicals may reach the river causing environment risk. Please not that Board had repeatedly given directions to the unit for the safe disposal of chemicals but no action had been taken by the company to remove the chemicals and sludge. During the discussion with the company authorities, they informed that the company is now

under the custody of Punjab National Bank and the chemicals, raw materials, products, etc, cannot be taken outside the unit without the permission of the bank. Hence, it is requested that the necessary clearances/permissions shall be given to the unit to safely dispose the chemicals from the unit urgently. It is informed that if any accident/spillage occurs, the bank will also be responsible for the environmental hazard. It is also informed that the company also has a liability of an amount of about Rs 50 Crores towards the remediation work of the sites contaminated/polluted by the Company. Hon'ble NGT vide order dated 19/02/2019 in O. A No.593 of 2017 directed that CPCB may assess, and recover compensation for damage to the environment. So in this case bidder is the occupier and the Bank shall be liable to remit compensation for damage caused due to the above reasons. Kindly treat the matter as most urgent. You are also informed that as per section 10 (3) of Environment (Protection) Act, 1986 if any person willfully delays or obstructs any person empowered by the Central Government under sub – section (1) in the performance of his function, he shall be guilty of an offence under this Act.

Yours faithfully,



**MEMBER SECRETARY**

OIC

Copy to:

- 1). The Chief Environmental Engineer,  
Regional Office,  
Ernakulam
- 2). The Environmental Engineer  
Environmental Surveillance Centre  
Elloor, Ernakulam



**KERALA STATE POLLUTION CONTROL BOARD**  
**ENVIRONMENTAL SURVEILLANCE CENTRE**  
 FACT-Qr.No.S-5, UDYOGAMANDAL P.O., ERNAKULAM-683501,  
 Phone : 0484 2545678 , E-mail: esceloor@yahoo.co.in

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എൻവയൺമെന്റൽ സർവൈലൻസ് സെന്റർ  
 ഫാക്ട് ക്വാർട്ടേഴ്സ് നമ്പർ S-5, ഉദ്യോഗമണ്ഡലം പി. ഒ., എറണാകുളം-683 501

Hon'ble NGT matter-Very Urgent

PCB/ESC/CM-33/08

Date: 07.09.2020

From

Environmental Engineer

To

The Superintending Engineer  
 Irrigation Central Circle, Thrissur

Sub:- Periyar River – Canal connecting Periyar River and Edayattuchal paddy field – reg.

Sir,

Kind attention is invited to the above matter.

Board is receiving many public complaints regarding the discharge of effluent to the canal/drain connecting Periyar River and Edayattuchal paddy field. The canal is passing through the Edayar industrial area. Since, the canal is concealed; Board officials are not able to verify whether any discharges/unauthorized pipelines are laid from the industries discharging to the drain/canal. The canal is joining river Periyar at the upstream of Pathalam bund regulator. The discharge of any sewage/trade effluent to this canal will ultimately reach the river Periyar at upstream of Pathalam bund causing the diminishing of river water quality. As per the order of Hon'ble NGT in OA No. 673/2018, the State had prepared an action plan for rejuvenation of river Periyar which is under implementation stage by various departments. The sources of discharges to river if any shall be identified and stopped so as to prevent river pollution and improve water quality. Also, stringent actions need to be taken against the violator industries. Please note that Hon'ble high court of Kerala (WPC 9500/2020) and Hon'ble NGT (OA 395/2013) had also intervened in the matter of Periyar River pollution. Hence, it is requested your goodself to take immediate action to make the above mentioned canal/drain accessible for inspection or provide inspection chambers/manholes at definite intervals along the entire stretch of drain so as to identify unauthorized pipelines if any laid from the industries to the canal. The action taken on the above shall kindly be informed to the undersigned so as to submit before the Hon'ble NGT. Please treat the matter as **most urgent**.

Yours faithfully,



P B SREELAKSHMY

Digitally signed by P B  
 SREELAKSHMY  
 Date: 2020.09.08 15:09:31 +05'30'

Environmental Engineer

- Copy to : . 1. The Member Secretary, KSPCB, Head Office, Thiruvananthapuram  
 2. The Chief Environmental Engineer, KSPCB, Regional Office, Ernakulam.  
 3. Executive Engineer, Major Irrigation, Ernakulam