

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

Original Application No.262 of 2017 (SZ) &

M A No. 215 of 2017 (SZ)

Appellant : K K Muhammed Iqbal

Versus

Respondents : The Kerala State Pollution Control Board & Others

VOLUME – II

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Dated this the 30th day of March, 2022.

Rema Smrithi. V. K., Advocate
Standing Counsel for the 1st Respondent

KERALA STATE POLLUTION CONTROL BOARD
WATER QUALITY CONTROL DIVISION
DESPATCHED ON 30/10/14

PCB/ESC/CO-99/07

Registered with A/D.

Date: 29.10.2014

CLOSURE INTENTION NOTICE

WHEREAS M/s. Sree Sakthi Paper Mills Ltd., Industrial Development Area, Edayar, Muppathadom P.O. comes under the purview of the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act 1986 and is bound to comply with the discharge and emission standards laid down thereunder and the conditions of the consent;

WHEREAS Consent to Operate was issued to you vide consent No. PCB/HO/EKM/ICO/R2/15/2013 dated 25.03.2013;

WHEREAS it was evident from the analysis of treated effluent collected from your unit, that the existing effluent treatment plant is inadequate to treat the effluent;

WHEREAS as per condition No. 3.3 of the consent cited above the Effluent Treatment Plant shall be augmented within 6 months to achieve the standard for treated effluent;

WHEREAS as per condition 3.4 of the Consent, the quality of treated effluent discharged shall be within the tolerance limits prescribed for the parameters in the consent;

WHEREAS you have not complied with the condition for augmentation of ETP till date thereby violated the condition No. 3.3 of the consent;

WHEREAS the value of BOD in the effluent discharged from your unit is found to be not meeting the prescribed limit;

WHEREAS you were directed vide letter No. PCB/HO/EKM/CE/91/06 dated 28.06.2014 to comply with the following conditions before 30th July 2014;

- 1) Immediate action shall be taken to improve the settling efficiency of clarifier in effluent treatment plant.
- 2) Production capacity shall be reduced to 50% of the present production rate so as to match with clarifier capacity.
- 3) Concrete proposal shall be submitted before 30th July 2014 on the matter for reducing the pollution problem.
- 4) Comply all other consent conditions and report before 30th July 2014.

WHEREAS you were directed vide letter No. PCB/ESC/CO-99/07 dated 25.09.2014 to execute a Bank Guarantee for Rs. 24 lakhs for complying the conditions 3.2, 3.3 and 3.4 of the consent to operate No. PCB//HO/EKM/ICO/R2/15/2013 dated 25.03.2013;

WHEREAS no remedial measures has been taken by the unit so far to make the quality of treated effluent conforming to standards laid down by the Board, inspite of repeated directions from this office;

WHEREAS you have not reduced the production rate to 50% of the production rate as on 28.06.2014;

WHEREAS you have not submitted the bank guarantee for Rs. 24 lakhs as per the directions issued on 25.09.2014 and 17.10.2014 or not taken any concrete steps to comply the directions of the Board;

AND WHEREAS the unit is being operated in violation of the conditions specified in the consent and by not complying with the directions of the Board.

NOW THEREFORE, the Board intends to issue direction under Section 33A of the Water (Prevention and Control of Pollution) Act 1974, and Section 31A of the Air (Prevention and Control of Pollution) Act to close down the unit in view of the violations noted above. You are hereby directed to show cause if any, within 15 days of receipt of this notice why the industry shall not be closed down for the non-compliance to the directions of the Board.

Dated this the 29th day of October 2014.



For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD

Hm
ENVIRONMENTAL ENGINEER

To
M/s. Sree Sakthi Paper Mills Ltd.,
Industrial Development Area,
Edayar, Muppathadom P.O.,
Ernakulam - 683 110.

- Copy to: 1. The Member Secretary, Kerala State Pollution Control Board,
Thiruvananthapuram.
2. The Chief Environmental Engineer, KSPCB, Regional
Office, Ernakulam.
3. Stock file.

PCB/ESC/CO-99/07

Regd. A/D
Date: 17.09.2015

SHOW CAUSE NOTICE

WHEREAS M/s. Sree Sak^hi Paper Mills Ltd., Industrial Development Area, Edayar comes under the purview of the Water (Prevention and Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act 1981 and Environment (Protection) Act 1986 and is bound to comply with the provisions of the said acts;

WHEREAS you were bound to comply with the conditions of the consent issued by the Board as per Section 21 of Air (Prevention and Control of Pollution) Act 1981 and Section 25 of Water (Prevention and Control of Pollution) Act 1974;

WHEREAS frequent public complaints are being received in this office regarding unauthorized discharge of effluent into river;

WHEREAS based on complaints Board officials inspected your unit on 15.09.2015 by 9.30pm and by 12.30pm on 16.09.2015;

WHEREAS it was noticed that untreated / partially treated effluent was being discharged into river Periyar through the outlet;

WHEREAS the outlet is not accessible due to the grass and thick bushes of the surrounding area;

WHEREAS this is in violation of the conditions of the consent to operate issued vide consent number PCB/HO/EKM/ICO/R2/15/2013 dated 25.03.2013;

AND WHEREAS no progress in the works related to the ^{augmentation of the} Effluent Treatment Plant as per the proposal submitted by you was noted during inspection on 07.09.2015;

NOW THEREFORE, you are hereby directed to show cause if any, within 7 days of receipt of this notice as to why action shall not be initiated against you.

Dated this the 17th day of September 2015.

For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD

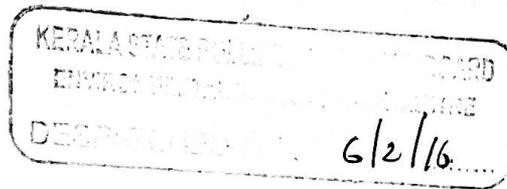


ENVIRONMENTAL ENGINEER

To

M/s. Sree Sakthi Paper Mills Ltd.,
Industrial Development Area,
Edayar, Muppathadom P.O.,
Ernakulam – 683 110.

- Copy to: 1. The Member Secretary, Kerala State Pollution Control Board,
Thiruvananthapuram.
2. The Chief Environmental Engineer, KSPCB, Regional
Office, Ernakulam.
3. Stock file.



PCB/ESC/CO-99/07

Regd. A/D
Date: 06.02.2016

SHOW CAUSE NOTICE

WHEREAS M/s. Sree Sakthi Paper Mills Ltd., Industrial Development Area, Edayar comes under the purview of the Water (Prevention and Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act 1981 and Environment (Protection) Act 1986 and is bound to comply with the provisions of the said acts;

WHEREAS you were bound to comply with the conditions of the consent issued by the Board as per Section 21 of Air (Prevention and Control of Pollution) Act 1981 and Section 25 of Water (Prevention and Control of Pollution) Act 1974;

WHEREAS frequent public complaints are being received in this office regarding unauthorized discharge of effluent into river;

WHEREAS based on complaints Board officials inspected your unit / outlet of effluent on 04.02.2016;

WHEREAS it was noticed that untreated / partially treated effluent was being discharged into river Periyar through the outlet;

AND WHEREAS this is in violation of the conditions of the consent to operate issued vide consent number PCB/HO/EKM/ICO/R₂/15/2013 dated 25.03.2013;

NOW THEREFORE, you are hereby directed to show cause if any, within 7 days of receipt of this notice as to why action shall not be initiated against you.

Dated this the 6th day of February 2016.

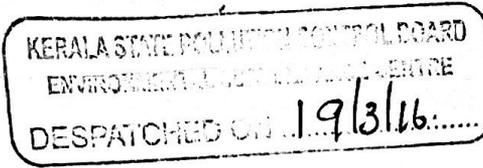
For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD


ENVIRONMENTAL ENGINEER

To

M/s. Sree Sakthi Paper Mills Ltd.,
Industrial Development Area,
Edayar, Muppathadom P.O.
Pin – 683 110.

- Copy to: 1. The Member Secretary, Kerala State Pollution Control Board,
Thiruvananthapuram.
2. The Chief Environmental Engineer, KSPCB, Regional
Office, Ernakulam.
3. Stock file.



PCB/ESC/CO-99/07

Regd. A/D
Date: 18.03.2016

SHOW CAUSE NOTICE

WHEREAS M/s. Sree Sakthi Paper Mills Ltd., Edayar comes under the purview of the Water (Prevention and Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act 1981 and Environment (Protection) Act 1986 and is bound to comply with the provisions of the said acts;

WHEREAS you were bound to comply with the conditions of the consent issued by the Board as per Section 21 of Air (Prevention and Control of Pollution) Act 1981 and Section 25 of Water (Prevention and Control of Pollution) Act 1974;

WHEREAS you were directed vide letter No. PCB/ESC/CO-99/07 dated 03.03.2016 to furnish item wise clarification regarding the rectification of defects / variation entered in your application;

WHEREAS you were replied to the above on 14.03.2016;

WHEREAS you were specified that 190m^3 per day of fresh water has been drawing to make the evaporation loss out of the $9000\text{m}^3/\text{day}$ of actual total quantity of water consumption;

WHEREAS an inspection has been conducted by the undersigned on 18.03.2016 consequent to the discolouration in river Periyar especially the upstream of Pathalam regulator;

WHEREAS during inspection in your outlet area and water intake pump house on 18.03.2016 it was noticed that you were operating the water intake pump of rated discharge of 1020 litres/minute for 12 – 13 hours a day thereby drawing approximately $750 - 800\text{m}^3/\text{day}$ of fresh water from the river thereby producing huge quantity of effluent;

WHEREAS you were discharging a huge quantity of effluent which is not at all meeting the required standard in the absence of adequate treatment facilities;

AND WHEREAS it was noticed in your delay pond that the colour of the effluent is almost similar colour with that of the river (in discolouration);

NOW THEREFORE, you are hereby directed;

- 1) further reduce the production considerably so as to minimize and the quantity of effluent generation and
- 2) to show cause if any, within 15 days of receipt of this notice as to why action shall not be initiated against you.

Dated this the 18th day of March 2016.

For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD

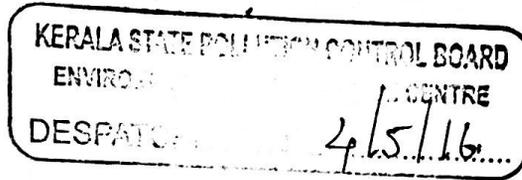
Thridip

ENVIRONMENTAL ENGINEER

To

M/s. Sree Sakthi Paper Mills Ltd.,
Industrial Development Area,
Edayar, Muppathadom P.O.
Pin – 683 110.

- Copy to:
1. The Member Secretary, Kerala State Pollution Control Board, Thiruvananthapuram.
 2. The Chief Environmental Engineer, KSPCB, Regional Office, Ernakulam.
 3. Stock file.



Registered with A/D.

PCB/ESC/CO-99/07

Date: 04.05.2016

**DIRECTION TO CLOSE DOWN THE UNIT AND TO STOP
DISCHARGE OF EFFLUENT INTO RIVER PERIYAR**

WHEREAS M/s. Sree Sakthi Paper Mills Ltd., Industrial Development Area, Edayar, Muppathadom P.O. comes under the purview of the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act 1986 and is bound to comply with the discharge and emission standards laid down thereunder and the conditions of the consent;

WHEREAS Consent to Operate was issued to you vide consent No. PCB/HO/EKM/ICO/R2/15/2013 dated 25.03.2013;

WHEREAS it was evident from the analysis of treated effluent collected from your unit, that the existing effluent treatment plant is inadequate to treat the effluent;

WHEREAS as per condition No. 3.3 of the consent cited above the Effluent Treatment Plant shall be augmented within 6 months to achieve the standard for treated effluent;

WHEREAS as per condition 3.4 of the Consent, the quality of treated effluent discharged shall be within the tolerance limits prescribed for the parameters in the consent;

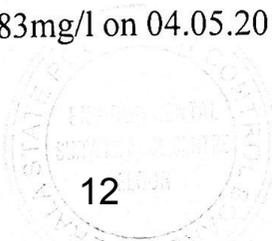
WHEREAS the consent has been renewed vide No. PCB/HO/EKM/ICO-R/04/2016 dated 06.04.2016 on your assurance to effect remedial measures and on submission of Bank Guarantee;

WHEREAS no remedial measures has been taken by the unit so far to make the quality of treated effluent conforming to standards laid down by the Board, inspite of repeated directions, show cause notices and closure intention notices from this office;

WHEREAS you were issued vide letter No. PCB/ESC/CO-99/07 dated 06.02.2016 and again on 18.03.2016 to show cause notice as it had been noticed that huge quantity of untreated/partially treated effluent discharging into river Periyar;

WHEREAS the Board officials noticed while conducting inspection and monitoring near Pathalam Bridge, regulator and noticed that the Dissolved Oxygen level is very low for the last few days;

WHEREAS the quality of the river water in and around your outlet point is very inferior quality as the value of pH – 2.81 and DO – 3.31mg/l on 03.05.2016 evening and DO of 0.83mg/l on 04.05.2016 morning;



WHEREAS the situation is so alarming that the huge quantity of the untreated effluent, having high BOD (of around 1000mg/l instead of the consented 30mg/l), which may cause an imminent fish kill;

AND WHEREAS the Board is duty bound;

- 1) to prohibit the discharge of effluent under relevant subsection of Section 24/25 of the Water (Prevention and Control of Pollution) Act, 1974.
- 2) to issue direction under Section 33 (A) of Water (Prevention and Control of Pollution) Act, Section 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 and Section 5 of Environment (Protection) Act 1986, to prohibit or regulate the activities.
- 3) to make application to court for restrict discharge of effluent into streams as per Section 33 (1) of the Water (Prevention and Control of Pollution) Act, 1974, in case of the continuation of the discharge violating the order issued from the Board.

NOW THEREFORE, the Board issue this direction under Section 33A of the Water (Prevention and Control of Pollution) Act 1974, and Section 31A of the Air (Prevention and Control of Pollution) Act;

(1) TO CLOSE DOWN THE UNIT WHICH INVARIABLY INCLUDE THE STOPPAGE OF ALL PROCESS / PRODUCTION ACTIVITIES CAUSING EFFLUENT GENERATION AND DISCHARGE.

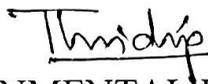


(2) TO STOP DISCHARGE OF ANY EFFLUENT INTO PERIYAR RIVER FROM YOUR UNIT.

and the same may be reported to the undersigned.

Dated this the 4th day of May 2016.

For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD


ENVIRONMENTAL ENGINEER

To

M/s. Sree Sakthi Paper Mills Ltd.,
Industrial Development Area,
Edayar, Muppathadom P.O.,
Ernakulam – 683 110.

- Copy to: 1. The Member Secretary, Kerala State Pollution Control Board,
Thiruvananthapuram.
2. The Chief Environmental Engineer, KSPCB, Regional
Office, Ernakulam.
3. Stock file.



KERALA STATE POLLUTION CONTROL BOARD

ENVIRONMENTAL SURVEILLANCE CENTRE

FACT-Qr.No. S-5, UDYOGAMANDAL P.O., ERNAKULAM - 683 501. E-mail : ee.esc.kspcb@gov.in

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

എൻവയൺമെന്റൽ സർവൈലൻസ് സെന്റർ

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



Registered with A/D.

PCB/ESC/CO-99/07

Date: 24.05.2016

DIRECTION TO CLOSE DOWN THE UNIT AND TO STOP DISCHARGE OF EFFLUENT INTO RIVER PERIYAR

- Read:-
1. Direction to close down the unit vide order No. PCB/ESC/CO-99/07 dated 04.05.2016
 2. Lifting of closure direction vide letter of even No. dated 06.05.2016
 3. Proceedings of even No. dated 07.05.2016 to constitute a committee
 4. Inspection conducted by the committee on 09.05.2016
 5. Letter of even No. dated 10.05.2016
 6. Reply dated 17.05.2016 from M/s. Sree Sakthi Paper Mills Ltd.
 7. Inspection conducted by the committee on 23.05.2016
 8. Meeting held by the Chairman, Kerala State Pollution Control Board with the committee members, Eloor Municipal Councillors, environmental activists and public on 23.05.2016

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WHEREAS M/s. Sree Sakthi Paper Mills Ltd., Industrial Development Area, Edayar, Muppathadom P.O. comes under the purview of the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act 1986 and is bound to comply with the discharge and emission standards laid down thereunder and the conditions of the consent;

WHEREAS it was noted that the quality of the river water in and around your outlet point as very inferior quality as evidenced from the values of pH and Dissolved Oxygen on 03:05.2016 evening and on 04.05.2016 morning and as

the situation is so alarming that the huge quantity of the untreated effluent, having high BOD may cause an imminent fish kill;

WHEREAS the Board had issued a direction to close down your unit and to stop discharge vide order referred 1 above;

WHEREAS the closure direction issued was lifted vide letter referred 2 above as you had cleared a pond of size 9 × 9m (of maximum depth 5m in the middle) for usage of delay pond and thereby making sufficient storage system for recycling the effluent to the maximum extent in the process;

WHEREAS a fish kill occurred on 6th and 7th of this month and consequently the Eloor Municipal Councillors including Chairperson & Vice Chairman, environmental activists, workers of various political parties and public gheraoed the Environmental Surveillance Centre from 10.00am to 10.00pm on 07.05.2016, alleging that the cause of fish kill was due to the discharge from your unit;

WHEREAS the Chairman of the Kerala State Pollution Control Board intervened in the matter and a decision was taken to constitute a committee comprising senior officials of the Board, representatives from Eloor Municipality and representatives from environmental organizations to inspect the unit, give directions to the unit based on that inspection and submit report to the Chairman;

WHEREAS a committee was constituted vide proceedings cited 3 above;

WHEREAS the committee inspected the unit on 09.05.2016;

WHEREAS the unit was issued a direction vide letter referred 4 above to comply these directions within 7 days;

WHEREAS the unit had furnished their reply to the direction on 17.05.2016;

WHEREAS the committee inspected the unit on 23.05.2016 to verify the compliance of the directions;

WHEREAS the committee found that most of the directions were not complied with as detailed below;

Directions	Compliance
1. Effluent diversion pits and leading pipes existed at the factory premises. Remove / close all these.	Diversion pit covered with earth. The pipes were removed partially. The chances of any underlying pipes below the waste heap cannot be ensured.
2. Filter press meant for sludge dewatering is not functioning. Make it functional effectively and regularly.	Made functional.
3. On line meter for effluents not installed. Install and make it functional.	Not installed
4. Plastic and other solid wastes found dumped near the incinerator. Remove / dispose immediately.	Not done.
5. Flow meter for water intake and effluent discharge not installed – install them.	Not installed for effluent discharge. For intake, the meter is installed about 100m upstream of the intake point.
6. Effluent is being discharged through an open drain to river Periyar. It shall be converted to a visible pipe line clearly mentioning the name of the	Partially done. The pipe line is not sufficiently above river and not much visible.

outlet.	
7. Ladder and fencing are in corroded condition. Maintain properly.	Not done
8. No effluent shall be discharged to the river until further orders.	No direct discharge identified.
9. Submit proper mass and material balance of the unit including water management.	Submitted. But the water balance not matching.
10. Documents related to transportation of sludge outside the factory.	Not as per regulations. Submitted invoice of pulp waste.
11. Your explanation on the continuous violation under Water (Prevention and Control of Pollution) Act, Air (Prevention and Control of Pollution) Act and Environment (Protection) Act by way of negligence in complying the conditions laid down in the Consent to Operate issued to you and non conformity with effluent standards.	Submitted reply. But not acceptable as they had not taken any steps for the compliance of the consent conditions, which has to be complied before the validity period (ie. 30.06.2016) of the Integrated Consent to Operate.

WHEREAS the matter has been discussed in detail in the meeting held at the Eloor Municipal Council Hall on 23.05.2016 attended by the Chairman, Committee Members, Eloor Municipal Councillors including Chairperson & Vice Chairman, public and environmental activists;

WHEREAS it has noted that serious lapses on taking environmental pollution control measures by the unit by way of water pollution, hazardous waste handling and solid waste disposal;

WHEREAS the Chairman of the Board took a decision to close down the unit until the full compliance of the directions issued and the compliance of all consent conditions issued to them, as they had not taken any earnest efforts to comply most of the directions and had not submitted any concrete time bound proposals for the rest;

AND WHEREAS the Board is duty bound;

- 1) to prohibit the discharge of effluent under relevant subsection of Section 24/25 of the Water (Prevention and Control of Pollution) Act, 1974.
- 2) to issue direction under Section 33 (A) of Water (Prevention and Control of Pollution) Act, Section 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 and Section 5 of Environment (Protection) Act 1986, to prohibit or regulate the activities.
- 3) to make application to court to restrict discharge of effluent into streams as per Section 33 (1) of the Water (Prevention and Control of Pollution) Act, 1974, in case of the continuation of the discharge violating the order issued from the Board.

NOW THEREFORE, the Board issue this direction under Section 33A of the Water (Prevention and Control of Pollution) Act 1974, and Section 31A of the Air (Prevention and Control of Pollution) Act;

(1) TO CLOSE DOWN THE UNIT WHICH INVARIABLY INCLUDE THE STOPPAGE OF ALL PROCESS / PRODUCTION ACTIVITIES CAUSING EFFLUENT GENERATION AND DISCHARGE.

(2) TO STOP DISCHARGE OF ANY EFFLUENT INTO PERIYAR RIVER FROM YOUR UNIT.

and the same may be reported to the undersigned.

Dated this the 24th day of May 2016.

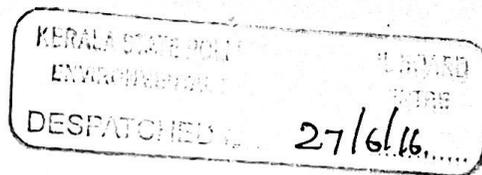
For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD


ENVIRONMENTAL ENGINEER

To

M/s. Sree Sakthi Paper Mills Ltd.,
Industrial Development Area,
Edayar, Muppathadom P.O.,
Ernakulam – 683 110.

- Copy to: 1. The Member Secretary, Kerala State Pollution Control Board,
Thiruvananthapuram.
2. The Chief Environmental Engineer, KSPCB, Regional
Office, Ernakulam.
3. Stock file.



PCB/ESC/CO-99/07

Date: 27.06.2016

DIRECTION TO STOP ILLEGAL OPERATION OF THE UNIT

- Read:- 1. Direction to close down the unit vide order No. PCB/ESC/CO-99/07 dated 24.05.2016
2. Order dated 21.06.2016 of the Hon'ble High Court in W. P. (C) No. 18558 of 2016 filed by M/s. Sree Sakthi Paper Mills Ltd., Edayar

WHEREAS as per order cited 2nd above the Hon'ble High Court of Kerala had disposed of the W. P. (C) No. 18558 of 2016 filed by M/s. Sree Sakthi Paper Mills Ltd., Edayar challenging the direction cited 1st above of the undersigned to close down the unit and to stop discharge of effluent into river Periyar by categorically stating that the Hon'ble Court is not justified in interfering with the closure direction;

WHEREAS the present operation of the unit is quite illegal, flouting orders of statutory establishment like Kerala State Pollution Control Board and against the order of the Hon'ble High Court of Kerala;

WHEREAS your action is a serious offence as per Sections 41, 45A & 47 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 37, 39 and 40 of the Air (Prevention and Control of Pollution) Act, 1981 and hence the Board is bound to proceed against you in that aspect also;

contd.....

WHEREAS in exercise of the same Section 33A of Water (Prevention and Control of Pollution) Act, 1974, and Section 31A of Air (Prevention and Control of Pollution) Act, 1981, the undersigned is duty bound to issue direction in writing to any person, officer or authority (and such person, officer or authority shall be bound to comply with such direction) to get your unit closed down and to stop or regulate supply of electricity, water or any other service;

AND WHEREAS also the undersigned is duty bound to make application to the court of law to prevent your illegal activities by disregarding the order of the Board, court direction etc;

NOW THEREFORE, the Board issues this direction to comply the Closure Order issued to you on 24.05.2016, which was upheld by the Hon'ble High Court of Kerala, with immediate effect and report the compliance forthwith.

Dated this the 27th day of June 2016.

For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD

Thandip

ENVIRONMENTAL ENGINEER

To

1. M/s. Sree Sakthi Paper Mills Ltd.,
Industrial Development Area, Edayar, Muppathadom P.O.,
Ernakulam – 683 110.

contiuud.....

Jayakumar. U. Dam (comm)

22/6/16



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2. Shri. V. V. M. Rao, Director (Operations),
Sree Sakthi Paper Mills Ltd.,
Industrial Development Area, Edayar, Muppathadom P.O.,
Ernakulam – 683 110.
3. Shri. Austine Biju C Paily, DGM (Comm),
Sree Sakthi Paper Mills Ltd.,
Industrial Development Area, Edayar, Muppathadom P.O.,
Ernakulam – 683 110.
4. Shri. Vinod Kumar, Dy. GM & Power of Attorney,
Sree Sakthi Paper Mills Ltd.,
Kripa, Mary Matha Road,
Vazhakkala, Ernakulam District.

Jayakumar
DGM (Comm)

For.

[Signature]



- Copy to:
1. The Member Secretary, Kerala State Pollution Control Board,
Thiruvananthapuram.
 2. The Chief Environmental Engineer, KSPCB, Regional Office,
Ernakulam.
 3. The Standing Counsel, KSPCB
 4. Stock file.

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

Friday, the 13th day of July 2018/22nd Ashadha, 1940

WP(C).No.5803/2018(A)

PETITIONER

P.E. SHAMSUDHEEN, AGED 63 YEARS, PALLIMITTATH HOUSE, BINANIPURAM.P.O, EDAYAR-683502. SECRETARY, WELFARE PARTY OF INDIA, ERNAKULAM DISTRICT.

RESPONDENTS

1. KERALA STATE POLLUTION CONTROL BOARD, PATTOM.P.O, THIRUVANANTHAPURAM-695 004, REPRESENTED BY ITS MEMBER SECRETARY.
2. ENVIRONMENTAL ENGINEER, ENVIRONMENT SURVEILLANCE CENTRE, KERALA STATE POLLUTION CONTROL BOARD, FACT QUARTER NO: S-5, ELOOR EAST, UDYOGAMANDAL P.O, ERNAKULAM - 683 501.
3. KADUNGALLOOR GRAMA PANCHAYAT, MUPPATHADOM.P.O, ALUVA-683 110, REPRESENTED BY ITS SECRETARY.
4. THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, KUNNUMPURAM, KAKKANAD, KOCHI-682030.
5. M/S.SREE SAKTHI PAPER MILLS LTD, INDUSTRIAL DEVELOPMENT AREA, EDAYAR, MUPPATHADOM.P.O, ERNAKULAM-683110, KERALA, REPRESENTED BY ITS MANAGER DIRECTOR.

* ADDITIONAL R6 & R7 IMPEADED

*ADDL. R6. V.SALIM, PRESIDENT, SREE SAKTHI PAPER MILLS EMPLOYEES ASSOCIATION (CITU), MUPPATHADAM, EDAYAR.

*ADDL. R7. JINNAS K.K., PRESIDENT, SREE SAKTHI PAPER MILLS UNIT, (INTUC) MUPPATHADAM, EDAYAR.

*(ADDL. R6 & R7 ARE IMPEADED AS PER ORDER DATED 16/03/2018 IN IA.5256/2018.)

** ADDITIONAL R8 IS IMPEADED

*ADDL. R8. M/S.KERALA ENVIRO INFRASTRUCTURE LTD., COMMON TSDF PROJECT, INSIDE FACT CD CAMPUS, AMBALAMMEDU, KOCHI-682303, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER.

*(ADDL. R8 IS IMPEADED AS PER ORDER DATED 05/07/2018 IN IA.11713/2018 IN WP(C).5803/2018.)

p.t.o.

WP(C).No.5803/2018(A)

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 5th respondent restraining them from removing plant and machineries until disposal of this Writ Petition and respondents 2 to 4 may be directed to ensure compliance of such direction, failing which irreparable injury will be caused to the environment and right to life of the petitioner .

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. K.K.ASHKAR & ASHIRA MOHAMED ASHROF Advocates for the petitioner, and SRI. T.NAVEEN, STANDING COUNSEL for Respondent 1 & 2 and of GOVERNMENT PLEADER for Respondent 4 and of SRI.S.SREEKUMAR, Senior Advocate along with M/S. P.MARTIN JOSE, P.PRIJITH, THOMAS P.KURUVILLA ,for respondent# 5, the court passed the following :

p.t.o

mps/

SHAJI P. CHALY, J.

W.P.(C) No.5803 of 2018

Dated this the 13th day of July, 2018

ORDER

This writ petition is filed by the petitioner who is a resident within the limits of the 3rd respondent Panchayat, wherein the 5th respondent industry is located. The 5th respondent Industry is closed pursuant to Ext.P1 closure direction issued by the 2nd respondent Kerala State Pollution Control Board. An environmental litigation is pending before the National Green Tribunal, Southern Zone, Chennai, at its Circuit Bench at Kochi. As per Ext.P2 order, the 5th respondent is directed to remove the plastic waste dumped near the Periyar River in the property of the 5th respondent. As per Ext.P2 order dated 29.09.2016, a direction was given to the petitioner in the application to make necessary representation to the Kerala State Pollution Control Board to take appropriate action against the 5th respondent for removal of the waste, failing which, remove the same through the concerned Municipality/Panchayat and realise the amount from the Bank Guarantee furnished by the 5th respondent company living with

the Board.

2. However, learned counsel for the petitioner in the writ petition submitted that, even though the Bank Guarantee put forth by the 5th respondent company is ^{revoked &} released by the 2nd respondent and the amount is kept with the said authority, no action is initiated to remove the waste from the property in question, as is directed in Ext.P2 order. It is also come out in evidence that the respondents have taken action and the additional 8th respondent was appointed to remove the waste. According to the 8th respondent, even though large quantity of waste was removed, an amount of Rs.3,00,000/- is remaining due from the 5th respondent, and therefore, the 8th respondent is unable to transport the waste for want of payment of the amounts due to the 8th respondent.

3. I have heard respective counsel appearing on either side, and I think it is only appropriate, there should be a way out in order to resolve the issue, especially due to the fact that, the National Green Tribunal Bench at Chennai as well as the Circuit Bench at Cochin are not sitting for want of quorum.

4. There will be a direction to the 2nd respondent to pay an amount of Rs.3,00,000/- from the Bank Guarantee

realized, to the additional 8th respondent, within 10 days from today, which amount will be replenished by the 5th respondent within two weeks from the date of payment. The 2nd respondent as well as the 5th respondent are directed to pay an amount of Rs.1,50,000/- each every month to the additional 8th respondent, so as to facilitate the transportation of the waste, as is directed in Ext.P2. It is also made clear that, apart from the said payments directed to be pumped in by the 5th respondent, it shall also ensure the loading and unloading cost for transporting the waste materials. The order will be operative for a period of two months.

5. Post immediately after completion of two months period, before the Court, in order to verify whether waste movement is taking place in accordance with the directions of the National Green Tribunal made in Ext.P2 and the directions made above. The 2nd respondent shall also oversee the matter, in order to ensure that the directions issued by this Court are implemented in letter and spirit. Any of the parties to this writ petition will be at liberty to bring up the writ

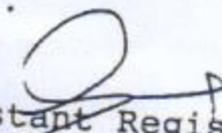
W.P.(C) No.5803 of 2018

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petition before this Court, if situation warrants, hindering the directions contained above.

Sd/- SHAJI P. CHALY, JUDGE

True copy


Assistant Registrar

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13.07.2018

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17/07/18

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

Monday, the 8th day of October 2018/16th Aswina 1940

WP(C).No.5803/2018(A)

PETITIONER

P.E. SHAMSUDHEEN , AGED 63 YEARS, PALLIMITTATH HOUSE, BINANIPURAM.P.O, EDAYAR-683502. SECRETARY, WELFARE PARTY OF INDIA, ERNAKULAM DISTRICT.

RESPONDENTS

1. KERALA STATE POLLUTION CONTROL BOARD ,
PATTOM.P.O, THIRUVANANTHAPURAM-695 004,
REPRESENTED BY ITS MEMBER SECRETARY.
2. ENVIRONMENTAL ENGINEER, ENVIRONMENT SURVEILLANCE CENTRE,
KERALA STATE POLLUTION CONTROL BOARD, FACT QUARTER NO: S-5,
ELOOR EAST, UDYOGAMANDAL P.O, ERNAKULAM - 683 501.
3. KADUNGALLOOR GRAMA PANCHAYAT,
MUPPATHADOM.P.O, ALUVA-683 110, REPRESENTED BY ITS SECRETARY.
4. THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, KUNNUMPURAM,
KAKKANAD, KOCHI-682030.
5. M/S.SREE SAKTHI PAPER MILLS LTD,
INDUSTRIAL DEVELOPMENT AREA, EDAYAR, MUPPATHADOM.P.O,
ERNAKULAM-683110, KERALA, REPRESENTED BY ITS MANAGER DIRECTOR.

* ADDITIONAL R6 & R7 IMPEADED

*ADDL. R6. V.SALIM , PRESIDENT, SREE SAKTHI PAPER MILLS EMPLOYEES ASSOCIATION (CITU), MUPPATHADAM, EDAYAR.

*ADDL. R7. JINNAS K.K ., PRESIDENT, SREE SAKTHI PAPER MILLS UNIT, (INTUC) MUPPATHADAM, EDAYAR.

*(ADDL. R6 & R7 ARE IMPEADED AS PER ORDER DATED 16/03/2018 IN IA.5256/2018.)

** ADDITIONAL R8 IS IMPEADED

*ADDL. R8. M/S.KERALA ENVIRO INFRASTRUCTURE LTD .,
COMMON TSDF PROJECT, INSIDE FACT CD CAMPUS, AMBALAMMEDU,
KOCHI-682303, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER.

*(ADDL. R8 IS IMPEADED AS PER ORDER DATED 05/07/2018 IN IA.11713/2018 IN WP(C).5803/2018.)

p.t.o

WP(C).No.5803/2018(A)

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 5th respondent restraining them from removing plant and machineries until disposal of this Writ Petition and respondents 2 to 4 may be directed to ensure compliance of such direction, failing which irreparable injury will be caused to the environment and right to life of the petitioner .

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. K.K.ASHKAR & ASHIRA MOHAMED ASHROF Advocates for the petitioner, and SRI. T.NAVEEN, STANDING COUNSEL for Respondent 1 & 2 and of GOVERNMENT PLEADER for Respondent 4 and SRI.S.SREEKUMAR, Senior Advocate along with M/S. P.MARTIN JOSE, P.PRIJITH, THOMAS P.KURUVILLA, Advocates for respondent 5 and SRI. HARISHARMA, Advocate for Additional Respondent 8, the court passed the following :

O R D E R

Today when the matter is taken up, Learned Counsel for Additional R8 submitted that other than an amount of Rs. 50,000/- all other amounts are received and the Pollution Control Board has convened a conference on 10/06/2018, whereby, the Additional R8 is directed to submit an action plan. Learned Counsel for Additional R8 submitted that the Writ Petition may be posted after two weeks and the action plan envisioned by the parties will be placed before this Court by way of an affidavit.

Post on 24/10/2018.

08-10-2018

Sd/- SHAJI P.CHALY, JUDGE

/true copy/


ASSISTANT REGISTRAR

mps/

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

Friday, the 16th day of November 2018/25th Karthika, 1940

WP(C).No.5803/2018(A)

PETITIONER

P.E. SHAMSUDHEEN , AGED 63 YEARS, PALLIMITTATH HOUSE, BINANIPURAM.P.O, EDAYAR-683502.SECRETARY, WELFARE PARTY OF INDIA, ERNAKULAM DISTRICT.

RESPONDENTS

1. KERALA STATE POLLUTION CONTROL BOARD ,
PATTON.P.O, THIRUVANANTHAPURAM-695 004,
REPRESENTED BY ITS MEMBER SECRETARY.
2. ENVIRONMENTAL ENGINEER, ENVIRONMENT SURVEILLANCE CENTRE,
KERALA STATE POLLUTION CONTROL BOARD, FACT QUARTER NO: S-5,
ELOOR EAST, UDYOGAMANDAL P.O, ERNAKULAM - 683 501.
3. KADUNGALLOOR GRAMA PANCHAYAT,
MUPPATHADOM.P.O, ALUVA-683 110, REPRESENTED BY ITS SECRETARY.
4. THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, KUNNUPURAM,
KAKKANAD, KOCHI-682030.
5. M/S.SREE SAKTHI PAPER MILLS LTD,
INDUSTRIAL DEVELOPMENT AREA, EDAYAR, MUPPATHADOM.P.O,
ERNAKULAM-683110, KERALA, REPRESENTED BY ITS MANAGER DIRECTOR.

* ADDITIONAL R6 & R7 IMPEADED

*ADDL. R6. V.SALIM , PRESIDENT, SREE SAKTHI PAPER MILLS EMPLOYEES ASSOCIATION (CITU), MUPPATHADAM, EDAYAR.

*ADDL. R7. JINNAS K.K ., PRESIDENT, SREE SAKTHI PAPER MILLS UNIT, (INTUC) MUPPATHADAM, EDAYAR.

*(ADDL. R6 & R7 ARE IMPEADED AS PER ORDER DATED 16/03/2018 IN IA.5256/2018.)

** ADDITIONAL R8 IS IMPEADED

*ADDL. R8. M/S.KERALA ENVIRO INFRASTRUCTURE LTD .,
COMMON TSDF PROJECT, INSIDE FACT CD CAMPUS, AMBALAMMEDU,
KOCHI-682303, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER.

*(ADDL. R8 IS IMPEADED AS PER ORDER DATED 05/07/2018 IN IA.11713/2018 IN WP(C).5803/2018.)

p.t.o

WP(C).No.5803/2018(A)

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 5th respondent restraining them from removing plant and machineries until disposal of this Writ Petition and respondents 2 to 4 may be directed to ensure compliance of such direction, failing which irreparable injury will be caused to the environment and right to life of the petitioner.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 08/10/2018 and upon hearing the arguments of M/S. K.K.ASHKAR & ASHIRA MOHAMED ASHROF Advocates for the petitioner, and SRI. T.NAVEEN, STANDING COUNSEL for Respondent 1 & 2 and of GOVERNMENT PLEADER for Respondent 4 and SRI.S.SREEKUMAR, Senior Advocate along with M/S. P.MARTIN JOSE, P.PRIJITH, THOMAS P.KURUVILLA, Advocates for respondents 5 and SRI. HARISHARMA, Advocate for Additional Respondent 8, the court passed the following :

p.t.o

mps/

SHAJI P.CHALY

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W.P.(C)No. 5803 of 2018

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Dated this the 16th day of November, 2018

ORDER

Learned counsel appearing for the 8th respondent submitted that an affidavit is filed before this Court enumerating the developments that are taking place for removal of the waste from the premises of the 5th respondent. However according to learned counsel, as per the directions issued by the Pollution Control Board, the waste will have to be removed within a period of eight months. Therefore in order to transfer the waste within that period an amount of Rs.9 lakhs is required per month. In the changed circumstances, there will be a direction to the 5th respondent to contribute an amount of Rs.6 lakhs per month and the Pollution Control Board is also directed to pay Rs.3 lakhs each for a period of two months. Thereafter the issue will be reviewed by this Court again in accordance with the developments that take place as per the direction contained in this order.

Post after two month for fresh affidavit.

Sd/- Shaji P. Chaly, Judge

True Copy,

Assistant Registrar

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR.JUSTICE SHAJI P.CHALY

Monday, the 4th day of February 2019/15th Magha, 1940

WP(C)No.5803/2018(A)

PETITIONER:

P.E. SHAMSUDHEEN,
AGED 63 YEARS, PALLIMITTATH HOUSE, BINANIPURAM.P.O,
EDAYAR-683 502. SECRETARY, WELFARE PARTY OF INDIA,
ERNAKULAM DISTRICT.

RESPONDENTS:

1. KERALA STATE POLLUTION CONTROL BOARD
PATTOM.P.O, THIRUVANANTHAPURAM-695 004,
REPRESENTED BY ITS MEMBER SECRETARY.

AND OTHERS

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 5th respondent restraining them from removing plant and machineries until disposal of this writ petition and respondents 2 to 4 may be directed to ensure compliance of such direction, failing which irreparable injury will be caused to the environment and right to life of the petitioner.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 16-11-2018 and upon hearing the arguments of M/S.K.K.ASHKAR & ASHIRA MOHAMED ASHROF, Advocates for the petitioner, SRI.T.NAVEEN, STANDING COUNSEL for R1 & R2, GOVERNMENT PLEADER for R4 SRI.S.SREEKUMAR (SENIOR ADVOCATE) along with M/S.P.MARTIN JOSE, P.PRIJITH & THOMAS P.KURUVILLA, advocates for R5, and of SRI.HARISHARMA, Advocate for Additional R8, the court passed the following:

P.T.O

TRC/04-02-2019

SHAJI P.CHALY, J

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W.P.(C) NO. 5803 of 2018

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Dated this the 4th day of February , 2019

ORDER

Waste accumulated is being removed consequent to the interim orders passed by this Court on various dates. The last order was passed on 16.11.2018, whereby the 5th respondent was directed to pay Rs.6 lakhs per month and the Pollution Control Board was directed to pay Rs. 3 lakhs from the amount available as per the directions of the National Green Tribunal.

2. Today when the matter is taken up, I am informed that the Pollution Control Board has not paid the amount ~~from~~ the month of January as per the directions contained in the order dated 16.11.2018. There will be a direction to the Pollution Control Board to pay the said amount within a week from today. There will be a further direction to the 5th respondent to raise the amount from Rs.6 lakhs per month to Rs.7 lakhs per month, payable for the

W.P.(C)No. 5803 of 2018

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ensuing period, that is February and March, 2019 and the Pollution Control Board is directed to pay Rs.2 lakhs each for the aforesaid months.

Post on 28.03.2019.

Sd/- SHAJI P. CHALY, JUDGE

True copy

Assistant Registrar

hnh



CELLA SPACE LIMITED -

(Formerly Sree Sakthi Paper Mills Limited)

Regd Office : "SREE KAILAS", 57/2993, PALIAM ROAD, ERNAKULAM,
COCHIN- 682 016 Phone: (0484)3002000, E-mail: secretary@sreekailas.com

22/03/2022

To
The Chief Environment Engineer
Pollution Control Board
Ernakulam;

Sir

Sub:- Construction of Compound wall and Tree plantation.

Ref:- As per the direction of Committee constituted by NGT.

In reference to the above we wish to state the Following;

- * We had closed our Paper Mill on 27/06/2016 on receipt of the closure notice by KSPCB,
- * The National Green Tribunal Circuit bench at Kochi vide Application No - 409/2016(sz) filed by K.K.Mohammed Iqbal had passed an order on 29/09/2016 without hearing us, (ex-parte) as per the order the KSPCB was asked to take appropriate action for removal of the Plastic waste failing which KSPCB should remove the same and realize the amount from the bank Guarantee of Rs 24 lakhs furnished by us to the Board.
- * The Environmental Engineer, KSPCB had intimated us on December 2016 about the NGT Circuit Bench order, the copy of the same was received by us on 03/12/2016. they had asked us to remove the waste in time bound manner.
- We had on receipt of the letter from pollution control board on 3rd December 2016 initiated the process of lifting the plastic waste by giving the order for removal of the plastic waste to M/S Kerala Enviro Infrastrure Ltd , Ambalamugal, Ernakulum.
- The KSPCB had in-between invoked our bank Guarantee without even giving us time to respond.
- As the Bank guarantee was invoked by the Pollution Control Board we were under the impression that they will remove the same as per the orders of NGT.
- We had in between on 15/02/2018 requested the PCB to return the bank guarantee so as to remove the Plastic waste .
- On July 2018 a person named P.E.Shamsudeen who was a local scrap and old machinery trader wanted our used old machinery at a less rate than what was offered by other scrap /machinery traders. He had in order to trouble us filed a writ petition in the Kerala High Court Vide WP© No 5803/2018(A) for an order restraining us from Selling our machinery till removal of the plastic waste.

*Mr
24/3/22*



CELLA SPACE LIMITED

(Formerly Sree Sakthi Paper Mills Limited)

Regd Office : "SREE KAILAS", 57/2993, PALIAM ROAD, ERNAKULAM,
COCHIN- 682 016 Phone: (0484)3002000, E-mail: secretary@sreekailas.com

- The Honorable High court refused to give stay for sale of machinery and had asked us to remove the plastic waste through M/S Kerala Enviro Infrastructure Ltd, Ambalamugal, Ernakulum and also instructed the Kerala Pollution control board to refund the Bank Guarantee invoked in a phased manner to KEIL for the plastic that is being removed .
- **We have removed a total quantity of 6713.25 Tons of Plastic waste mixed with mud and imported waste paper**
- **We had paid a Total amount of Rs 1,56,40,050/- to KEIL and also spend huge amount for Labor and Machinery for lifting the waste.**
- **We have now converted the open space after fully removing the waste into a Parking Yard .**

As per the instruction of the Committee constituted by NGT we are planning to Construct a Compound wall along the banks of river periyar and also planning for Tree plantation all over the boundary for the soil stability. In this aspect we have already approached few known contractors who are specialized in the field.

In view of the above we request you to please exempt us from any further liability since it is a closed company and we are having huge financial constraints.

**Thanking You
Yours faithfully**

Vinod (General Manager)

Encl:- KEIL Letter

C.C – Senior Environmental Engineer ,Eloor.





KERALA ENVIRO INFRASTRUCTURE LTD.

Common TSDF Project, Inside FACT CD Campus, Ambalamedu, Kochi - 682 303
Phone: 0484-2722141, 241, 341, E-mail: drnkpillai@gmail.com
GSTIN: 32AACCK6979P1ZS, CIN: U24129KL2005PLC017973

KEIL/Sreesakthi- cella/2020

Date - 19/10/2020

The Managing Director
Cella Space Limited
Formerly Known as SreeSakthi Paper Mills Ltd
Palam Road
Ernakulum

Dear Sir,

Sub: - Disposal of contaminated mixed plastic, paper and other miscellaneous imported paper waste from M/s Cella Space limited formerly known as Sree Sakthi Paper mills Ltd.

KEIL has lifted 6713.250 MT of contaminated mixed plastic, paper and other miscellaneous imported paper waste from Cella Space Limited (formerly Known as Sree Sakthi Paper Mills Ltd). The entire quantity was lifted between the period from Sep 2018 to Feb 2020. The total invoice for disposal and transportation of 6713.250 MT was Rs 1,53,07,052/-. Also, an amount of Rs Rs 3,32,998/- was pending to be paid by Cella Space Ltd to KEIL as on 1/4/2018. M/s Cella Space Ltd and KSPCB has together paid an amount of Rs 1,22,71,290 to KEIL till date, out of this amount M/s KSPCB has paid an amount of Rs 13,00,000/- as they encashed the Bank Guarantee of Cella Space Ltd. The balance amount of Rs 1,09,71,290/- was paid by Cella Space Ltd.

The balance outstanding amount payable to KEIL as on date is Rs 33,68,760/-. Out of this balance the amount receivable from KSPCB is Rs 11,00,000/- and from Cella Space Ltd is Rs 22,68,760/-.

We would therefore request you to kindly arrange to pay the entire amount without any further delay.

Thanking you,

Yours faithfully,
For Kerala Enviro Infrastructure Ltd

Dr N K Pillai
Chief Executive officer