

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

IA NO.44 OF 2024 (SZ) IN APPEAL NO. 35 OF 2024

Mr.:Kasim Alayan : Applicant

Versus

The Water / Air Appellate Authority
Rep.by its Chairman,
Thiruvananthapuram and others : Respondent(s)

**REPORT FIELD BY THE ENVIRONMENTAL ENGINEER AS PER ORDER OF
THE HON'BLE NATIONAL GREEN TRIBUNAL**



STANDING COUNSEL FOR THE 2nd RESPONDENT:

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

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Dated this the 29th day of April 2024

STANDING COUNSEL FOR THE 2nd RESPONDENT

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Mr. :Kasim Alayan : Applicant

VS.

The Water / Air Appellate Authority
Rep.by its Chairman, Thiruvananthapuram and others : Respondent(s)

**REPORT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA
STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE,
PALAKKAD.**

I, Sri. Dinesh.K.S., aged 54 years, S/o K.V.Sidharthan, Now working as Environmental Engineer, Kerala State Pollution Control Board, District Office, Palakkad, I am duly authorised to file report on behalf of the 2nd respondent, Member Secretary, Kerala State Pollution Control Board.

- 1) The appellant obtained Consent to Operate for operating a Saw mill on 18.09.2015. A complaint against the saw mill of the appellant was forwarded by the Secretary, Alanallur Panchayth, Palakkad, dated 26.07.2022. Based on this complaint, Board Officials inspected the site on 11.08.2022. The complaint was against the noise and dust pollution from the saw mill. The complainant, who is the 5th respondent here, alleged that the unit had expanded, constructed building nearer to his house, installed new machinery and all these caused increase of pollution.
- 2) Based on the complaint enquiry and the violations found during the enquiry Show cause notice issued to the appellant and as the reply to the Notice was not satisfactory and not removed the machinery which was installed without prior permission from Board or not maintaining the distance norms for such industries. Order dated 31.10.2022 was issued to the appellant withdrawing the Consent to Operate as per provisions of the Air (Prevention and Control of Pollution) Act,



DINESH. K. S.
Environmental Engineer
Kerala State Pollution Control Board
District Office, Palakkad

1981 as he had violated the Consent conditions and not complied with Board's instructions

- 3) Two separate statutory appeals, one under Section 31 of the Air Act and another under Section 28 of the Water Act, were preferred on 21.11.2022 by the Appellant challenging the order of withdrawal of the consent to operate dated 31.10.2022 before the Appellate Authority constituted under the Water Act and Air Act, Thiruvananthapuram, Kerala. These Appeals were numbered as Appeal Nos.21/2022 (Air Act) and 22/2022 (Water Act).
- 4) The Appellate Authority disposed the Appeal No.21/2022 (Air Act) and 22/2022 (Water Act) by the Order dated 14.07.2023, stating that the authority cannot allow the appellant to continue the operation of the unit which would adversely affect the health and safety of the 5th respondent and his family members. Therefore these appeals are to be dismissed and it is made clear that the appellant can shift the unit and continue the operation of the saw mill keeping all the legal norms intact.
- 5) In terms of section 16 of NGT Act, 30 days period to prefer appeal has expired on 19/08/2023. The present appeal was filed on 10/10/2023. There is a delay of 52 days in preferring the appeal. NGT being a statutory authority does not have the discretion to allow a delay petition in the case of a statutory appeal. Further, the Appellant does not have a case that he has not committed any construction and expansion activities after CTO was issued.
- 6) Since the appellant installed machinery without satisfying the distance norms and operate the machinery without obtaining Consent to Operate for the additional machinery, which causes Noise pollution and air pollution problems to the 5th respondent, Hon'ble tribunal may not be pleased to content condone the delay of 52 days in filing the above appeal against the judgement of Air appellate authority



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under the Air (Prevention control of Pollution) Act, dated 14/07/2023 in appeal no 21 of 2022 and 22 of 2022.

All the above are true to the best of my knowledge, information and belief.

Dated this the 29th day of April 2024.



DINESH. K. S.
Environmental Engineer
Kerala State Pollution Control Board
District Office, Palakkad

DEPONENT

VERIFICATION

I, Dinesh K.S, aged 54 years S/o K.V. Sidharthan, now working as Environmental Engineer in the District Office - Palakkad of the Kerala State Pollution Control Board at Palakkad, duly authorized to file this reply on behalf of the Kerala State Pollution Control Board do hereby verify on this, the 29th day of April 2024, that all what is stated above is true and correct to the best of my knowledge, information and belief and is borne out from the records maintained in our office.

Dinesh K.S. Environmental Engineer,

District Office-Palakkad

Kerala State Pollution Control Board, Palakkad.



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Environmental Engineer
Kerala State Pollution Control Board
District Office, Palakkad

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AFFIDAVIT

I, Dinesh K.S, aged 54 years S/o K.V. Sidharthan, residing at Irinjalakuda do here by solemnly affirm and state as follows:

I am now working as the Environmental Engineer, District Office–Palakkad Kerala State Pollution Control Board at Palakkad. I am competent to and duly authorized to represent the 2nd respondent in the above case. I know the facts and circumstances of the case. The factual submissions made here under in paragraphs 1 to 3 of the reply are true and correct to the best of my knowledge, information and belief. The legal submissions made therein are made on advice received from Counsel. In these circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying reply on file and it is so humbly prayed in the interests of justice in this case.



DINESH. K. S.
 Environmental Engineer
 Kerala State Pollution Control Board
 District Office, Palakkad

DINESH K.S., DEPONENT

Solemnly affirmed and signed before me by the literate deponent personally known to me on this the 29th day of April 2024 at my office in Palakkad

STANDING COUNSEL FOR THE 2nd RESPONDENT