

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

**Original Application No. 439 of 2013 (SZ)**

IN THE MATTER OF:

Chandran Pilla, Kollam and Anr ... Applicant(s)

Versus

Union of India and Ors. ...Respondent(s)

**With**

**Original Application No. 456 of 2013 (SZ)**

IN THE MATTER OF:

Manushyavakasha Paristhithi Samarakshana Samithy ... Applicant(s)

Versus

Union of India and Ors. ... Respondents

**REPORT FILED ON BEHALF OF 2ND RESPONDENT/ LOCAL SELF  
GOVERNMENT DEPARTMENT ON BEHALF OF CHIEF SECRETARY**

**M/s. E.K.KUMARESAN**

Counsel for R2 and R5

Standing Counsel for State Government of Kerala

NGT(SZ) Chennai Bench

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It is submitted that the 2<sup>nd</sup> Respondent herein has been directed to file Status Report in the above Original Application as per the direction of this Hon'ble National Green Tribunal dated 26.07.2021.

It is humbly submitted that the Kollam Corporation/4<sup>th</sup> Respondent invited tender on 23-10-2019 for Bio-mining of legacy waste dumped on 2.5 Acres. M/s Zonta infratech Pvt. Ltd. was awarded the work on the lowest bidder basis. After the selection process was over the selected bidder visited the site and put forth a suggestion to re-verify the quantity of legacy waste.

It is submitted that the survey was carried out by the selected bidder and it was reported that there exists an additional quantity of 71,974m<sup>3</sup> (including the legacy waste dumped on the land leased for KSIDC). The amount corporation estimated for the project was Rs.3,82,85,000; with the increase in the quantity the amount will increase to Rs.10,66,60,300/-, if the total quantity of waste is cleared there will be a threefold hike in both quantum and price.

It is submitted that M/s. Zonta Infratech Pvt Ltd has requested to provide 25% of the contract value as mobilization advance for the newly arrived quantity and that the amount of performance guarantee (5%) to be remitted may be deducted from each of Running Amount bill at a reduced rate of 2.5% of contract value which are not in tune with the Kerala Public Works Department (PWD) manual and prevailing Government orders. As the council being the decision-making authority of Kollam Municipal Corporation, they decided to get approval from the Government to sanction 25% of the contract value as mobilization advance and that the amount of performance guarantee (5%) to be remitted may be deducted from each of Running Amount bill at 2.5%

of contract value; as it is a mandate to get concurrence from the State Government if any such changes as requested is to be made in the agreement.

It is submitted that Government has directed Kollam Corporation/4<sup>th</sup> Respondent not to vary from the tender conditions and must follow the PWD manual (i.e., Security Deposit – 5%) while entering into contract with M/s Zonta infratech. On 11/09/2020 a letter was forwarded to M/s Zonta infratech to sign the contract agreement based on the tender conditions and to follow the PWD manual for security deposit. M/s Zonta infratech reverted their unwillingness to sign the contract adhering to aforementioned tender conditions. On 25/09/2020 the above matter was put forth before the Council. Further on 24/11/2020, a meeting chaired by Principal Secretary (urban affairs) was called to discuss the removal of legacy waste at Kureepuzha Kollam.

It is submitted that a decision was made to render services of NIT Calicut for directing and supervising field survey for quantification of the legacy waste at Kureepuzha dumpsite. Meanwhile, Kollam Corporation/4<sup>th</sup> Respondent received a willingness letter from NIT Calicut through Director Urban Affairs.

It is submitted that In the meantime Government directed Kollam Corporation/4<sup>th</sup> Respondent to take necessary steps for re-tender immediately. It was also suggested that the new tender document must adhere to CVC guidelines and PWD manuals.

It is submitted that Kollam Corporation/4<sup>th</sup> Respondent has requested Suchitwa Mission to prepare a new tender document, since the previous tender document was prepared by Suchitwa Mission. Suchitwa mission has scrutinized the document and returned the document back by 05/01/2021.

It is submitted that on 06/01/2021 after incorporating the corrections made by the Suchitwa mission, Kollam Municipal Corporation/4<sup>th</sup> Respondent has plotted tender for Bio-mining of the Legacy waste at Kureepuzha, Kollam.

It is submitted that on 27/01/2021, technical bid was opened; three bidders participated. i.e., Zigma Global Environ Solutions Pvt Ltd., SIDCO, Socio Economic Unit Foundation. Based on the evaluation and report of the technical committee it was found that only one bidder was technically qualified. As per the PWD manual, if only one bidder is found eligible after technical evaluation then it is considered as a single bid; so, it has to be retendered. Before signing the Bio-mining agreement, Council has given approval to assess the actual quantity of Legacy Waste dumped in Kureepuzha with the technical support of NIT Calicut.

It is submitted that on 11/02/2021 Kollam corporation/4<sup>th</sup> Respondent has retendered the project. The Technical bid was opened on 25/02/2021; three bidders participated Viz, Zigma Global Environ solutions pvt Ltd., Geethanjali Environ Solutions Pvt Ltd. and Socio-economic Unit Foundation were participated. On 01/03/2021, Technical Evaluation committee was held; the Technical Committee members evaluated the documents and the bidders had done a presentation before the committee members regarding their methodology.

It is submitted that based on the technical committee evaluation only one bidder i.e., (Zigma Global Environ Solutions Pvt Ltd.) found technically qualified for the next stage. On 04/03/2021 financial bid of qualified bidder ie, Zigma Global Enviro Solutions Pvt Ltd was opened. Meanwhile, on 02/03/2021, a team from NIT Calicut has conducted the dronebased survey for assessing the entire quantity of legacy waste at Kureepuzha.

It is submitted that as the quoted rate for the Bio-mining process by the lowest bidder is higher than the scheduled rate; a negotiation meeting (17/3/2021) was called for by Kollam Municipal Corporation/4<sup>th</sup> Respondent. Despite the negotiation, the negotiated rate is higher than the scheduled rate. On 22/3/2021, based on the approval from council, Kollam Corporation/4<sup>th</sup> Respondent has forwarded this matter to Government for approval. In between, the survey report has been submitted by NIT Calicut and the total quantity of legacy waste at an extend of 5.5 acres is 104906m<sup>3</sup> found accordingly.

It is submitted that Government have approved the rate negotiated by Zigma Global Environ Solutions Pvt Ltd and this matter was approved by the Council on 17/6/2021. Letter of acceptance has been issued on 28/6/2021 and the agreement was signed on 10/7/2021. Work order and site handing over has been done on 12/7/2021.

It is submitted that On 2/8/2021, as a first step of starting of work, nearly 8 acres of vegetative growth over the legacy waste dump site area and its boundaries were cleared and debris were removed for easy conveyance of machineries and setting up of equipment's. on 3/08/2021, the contractor has conducted a drone based survey in the presence of KMC officials to ascertain the quantity assessed by NIT Calicut. On 14/08/2021, Excavator for windrowing the legacy waste reached the site. On 17/08/2021, entire area was cleared and is ready for placing the heavy duty machineries and other equipment's which will reach the premises on 26/08/2021.

It is humbly submitted that after setting up the machineries, the work will commence soon and expected to be completed within 12 months (based on

climatic condition it may vary) from the date of signing of agreement. A meeting was conducted on 17/08/2021 in the presence of Mayor, Kollam Corporation to evaluate the progress of the project, in which Mayor has directed the contractor to finish the work as soon as possible regardless of the completion period stated in the bid.

It is humbly submitted that the contractor has assured that they will complete the entire process before the stipulated time schedule, unless the monsoon arrives unexpectedly. This is due to the fact that, the Ashtamudi Lake is situated close to the legacy waste area; under odd circumstances, there is a chance of flow of leachate and may pollute the lake.

It is humbly submitted that Kollam Corporation/4<sup>th</sup> Respondent guarantees that they will provide all support needed for the completion of the project by following the orders of this Hon'ble Tribunal.

The Chart showing the work schedule is given below.

Name Of the Project : Bio-Mining and Scientific Closure of Legacy wastes at the dumpsite in Kureepuzha, Kollam		Date Of Commencement : 02.08.2021		Proposed Date of Completion : 9.07.2022								
Legacy waste Qty - 1,04,906.88m <sup>3</sup>		2021		2022								
Month		Aug - Oct		Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July
Monsoons												
Cumulative Processed Waste												
Required in M3 - 14,000				14,000								
Processed -												
Required in M3 - 28,000					14,000							
Processed -												
Required in M3 - 42,000						14,000						
Processed -												
Required in M3 - 56,000							14,000					
Processed -												
Required in M3 - 70,000								14,000				
Processed -												
Required in M3 - 84,000									14,000			
Processed -												
Required in M3 - 98,000										14,000		
Processed -												
Required in M3 - 1,01,500											3,500	
Processed -												
Required in M3 - 1,05,000												3,500
Processed -												

Therefore it is humbly prayed that this Hon'ble Tribunal may be pleased to allow enough time to complete this project within 12 months from the date of execution of the agreement and thus render justice.

Dated at Chennai on this the 13<sup>th</sup> day of September 2021.



(E.K.Kumaresan)

Counsel for R2

Standing Counsel for State Government of  
Kerala, NGT(SZ) Chennai Bench

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