

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

**ORIGINAL APPLICATION No: 48 of 2023**

In the matter of:

Dr. Pyarelal V.V, Alappuzha, Kerala

-----Applicant

-VS-

State of Kerala and Ors.

-----Respondent(s)

**REPORT FILED BY THE ADDITIONAL CHIEF SECRETARY, LOCAL SELF  
GOVERNMENT/ 1<sup>st</sup> RESPONDENT**

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Dated at Chennai on this the 14<sup>th</sup> February, 2024.

*Dr. E.K. Kumaresan*  
14/2/24

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

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

**Statement of facts on the petition filed by Dr. Pyarilal VV No. 48/23(SZ) before the Hon'ble National Green Tribunal**

All the averments made in the Original Application is denied as false unless expressly admitted herein.

1. The statement that the establishment of a Faecal Sludge Treatment plant is causing great hardship to the Applicant and that it is being set up adjacent to his establishment is not correct. The fourth respondent is establishing not a Faecal Sludge Common Effluent Treatment Plant (FSCETP) but a Faecal Sludge Treatment Plant (FSTP). The statement "Faecal Sludge CETP" used by the Applicant is misleading. The FSTP being set up with the help of the Government of Kerala is not in the premises of the Applicant but is set up at a sufficient distance following the legal mandated distance criteria prescribed by the PCB. Cherthala and its surrounding areas are coastal areas. Contamination of the area has become a persistent problem due to overflowing of latrines including septic tanks in houses and institutions in the area. Tanker lorries that come for desludging these overflowing toilet tanks are dumping it illegally in water bodies or deserted places. They have been regularly dumping it illegally in the Alappuzha - Cherthala (A.S.) Canal, in the paddy fields and on the side of the national highway. Dumping in water bodies including the canal and Vembanad backwater has also become common. It is in this situation that the Cherthala Municipal Council has prepared a plan for the scientific disposal of faecal waste in Cherthala and surrounding areas. The State Government has given approval to the project and preliminary activities of the project have commenced. This respondent in a connected case before this Hon'ble

*[Handwritten signature]*

National Green Tribunal (Principal Bench) in OA No.606/2018, has already been committed that work to solve the problem of water pollution in Cherthala and Vembanad Lake has commenced by setting up of the Cherthala FSTP. Thus the fact regarding construction of FSTP at Cherthala, was submitted before Hon'ble National Green Tribunal

2. The Municipality is not carrying out any illegal activity on the site. The site has been declared suitable for an FSTP plant by the Kerala State Pollution Control Board through Consent to Establish Certificate issued twice. Based on that, legal construction activities are going on at the site. About 65 percent of civil work (25% of total project) has already taken place at the site. The matter of Environmental Impact Assessment was also raised by another Applicant namely Sr. Celestine Francis for Green Gardens Hospital in WP (C) No. WP(C) 6985/2023. This case is pending before the Hon'ble High Court and no stay or interim order has been issued in favour of the Applicant in that case. The Hon'ble Kerala High Court heard that matter and adjourned the case without granting any interim stay.

3. It is submitted that the project is being implemented on a 2 acre Cemetery land. The site of the treatment plant is about 50 cents near its centre. This place is under Thanneermukkam Panchayat which has been in possession by Cherthala Municipality for decades. But it is to be noted that this land is not *purambokke* land of the Panchayat. Three sides of the 2 acre plot where the plant is to be set up are surrounded by the sites held by three main hospitals. The Cherthala KVM hospital lies beyond the road passing through the north side. On the East is the Kinder Fertility Hospital area and on the South is the Mathilakam hospital plot. These hospital buildings stand in the middle of the respective plots. That means



all those buildings are located at a far distance from the plant site. The western side of the plant site is the national highway and the *poramboke* area. In short, there is no human presence or dwelling in and around the plant site. The very statement that the place is crowded is proof that the Applicant is deliberately fabricating allegations. The allegation that there are sensitive institutions around the plant is also false. The plant is to be set up in such a way that it would not cause any disturbance to the people coming for treatment in these institutions. The site has been declared suitable for an FSTP plant by the Pollution Control Board, through Consent to Establish Certificate. Now it is about 65 percent of civil work (25% of total project) has been completed. It is true that the fourth Respondent will not directly collect the faecal sludge. There are many private agencies operating in this sector. Individuals and organizations wishing to desludge septic tanks would be registered through a mobile app and the work would be done under the supervision of Municipal officials. The system will be similar to that of Thiruvananthapuram Municipal Corporation's Muttathara Combined STP. This ensures that only faecal sludge will be treated in this plant .

4. The plant's capacity is 250 KLD, making it suitable for small-scale operation. Cherthala and its surrounding areas, classified as coastal zones, face recurring problem of faecal waste contamination due to overflowing latrines and septic tanks in residences and institutions. Tanker lorries that clean these overflowing toilets frequently dump the waste in water bodies, including canals and Vembanad backwaters. This practice of faecal contamination of water bodies and thus polluting the environment would come to an end with operationalising the Plant.

On 30-09-2019, the State Pollution Control Board issued a show-cause notice to the Municipal Corporation regarding non-availability of



waste water and toilet waste management systems, in accordance with the National Green Tribunal's order in Cherthala Municipality. Subsequently, steps were taken to establish a faecal waste management plant on the cremation land of Anatharaveli under Cherthala Municipality, with a capacity of 250 KLD, as approved on 24-02-2020. The Detailed Project Report (DPR) for this plant was prepared by an expert in the field namely, Ultra Tech Environmental Consultancy and Laboratory, an NABET Accredited EIA Consulting Organization.

The Government of Kerala sanctioned Rs.5 Crores on 06.07.2021 for this project under the Rebuild Kerala Initiative. Again after the process of tendering and technical selection the Government Revised Administrative sanction on 26.09.2022 as 7.83 Crores. Impact Kerala Limited, a Government company that implement the KIIFB-RKI projects of the Local Self Government Department, is responsible for the implementation of this project. Under their leadership, a company called Ultra Tech prepared a Detailed Project Document (DPR) for the FSTP in June 2021. This DPR was approved by the Municipal Council, Impact Kerala and the Government. This plant has received Consent to Establish from Pollution Control Board on 27.07.2021. But as per PCB's revised norms, revised Consent to Establish has also been made available on 05.06.2022 as per the changes made in the site plan. Also, a resolution dated 28.09.2021 has been passed by the panchayat giving permission to dispose of municipal and other area toilet waste at the site within the limits of Thanneermukkam panchayat. All necessary statutory permissions and approvals related to the construction of the FSTP plant have been obtained from the concerned authorities.

In a separate case (OA 147 / 2022) before the Honourable NGT, it was found that local bodies surrounding Vembanad Backwater are



responsible for dumping toilet waste in it. Consequently, environmental compensation was imposed, and a fine of Rs 10 crore was levied on the state of Kerala by the NGT. Following the NGT's instructions in this regard, Cherthala Municipality is constructing a faecal waste treatment plant as part of the Rebuild Kerala project. However, only the toilet waste from Cherthala and nearby panchayats, accused of polluting the Vembanad backwater, will be treated here. Currently, more than two such plants are operating successfully in Ernakulam district. Therefore there is no need to use the facility at Cherthala for Ernakulam Dist: which make the allegations in the Application baseless. The Cherthala plant is being set up by M/s Ionex, a Mumbai-based company that has provided technical assistance in establishing the plants in Ernakulam.

5. The project area is not a water logged area. There is about 5.25 km distance between the sea and the project area and in between there are numerous structures including households, industrial units, National Highway, Alappuzha - Ernakulam Railway Line, and coastal road. Moreover, it is difficult to understand that the Applicant is opposing a public welfare project on the issue of sea level in a state like Kerala where paddy cultivation is done in the region of Kuttanad which lies below sea level. Even during the severe flood of 2018, the region of KVM including the buildings of the Applicant did not get affected. The area was not affected by any kind of waterlogging or floods. The project is being implemented on a 2 acre graveyard outlying site. There is no human dwelling around the project area. There are no paddy fields or ponds in the surrounding area. So the allegation that there are sensitive establishments around the plant is false. The facility that the Applicant described as a soaking trench is the collection tank, stabilisation tank etc.



being constructed for treatment of toilet waste. For that the most modern technology available today is going to be used. The plant is being constructed by an agency that has successfully established, commissioned and operated many FSTP projects at pan India level. For this, a detailed study had been conducted for the project and also with the approval of the Pollution Control Board. It is also to be noted that the applicant has not established a scientific system to treat the toilet waste in the Applicant's own establishment.

6. This land situated in Reserve Block 27, Survey No. 4/3 of Village Tanneermukkam Vadakku, Cherthala Taluk, Alappuzha District has been recorded as a government crematorium land in the government registry. The Cherthala Municipality has decided to construct a Faecal Sludge Treatment Plant (FSTP) on this land with the help of the Government and after obtaining the NOC of the District Collector vide order DCALP/4255-2021/C1 dated 06/10/2021. This has been done taking into consideration the needs and safety of the public. The plant is being constructed after adequate studies.

7. The State Government has approved the DPR prepared for the project. Every phase of the project has been transparent and implemented with people's participation. The fourth respondent started the construction of this plant only after providing interested persons including the representative of the Applicant an opportunity to personally visit and familiarise themselves with successful toilet waste systems in Kerala such as Muttathara Plant of Thiruvananthapuram Corporation at the expense of the fourth respondent. At the same time, even with the government directive, neither the Applicant nor his close acquaintances were willing to be a part of this study group, and instead one of his employees least connected with the issue at hand was sent for the visit.



Therefore, he has come forward with such false allegations since he has no understanding of what the faecal waste management system is.

8. The health institutions are functioning near the site including the Applicant's institutions, which are beyond the mandatory distance from the plant. Some of these have an onsite toilet waste disposal system. The attempt is to set up a centralised system .

9. There are no coir industries in any of the areas near the plant. It is also pointed out that the plant here operates with advanced technology in this field. In this FSTP firstly the solid - liquid separation will be done by volute screw press. Then the dewatered sludge is diverted to sludge drying beds and converted to value added product. Filtrate from the screw press will be sent to secondary treatment using MBBR technology. Tertiary treatment of output water is again treated by using a pressure sand filter and activated carbon filter for disposal and reuse. But it does not have a system to manage any other type of waste including industrial waste or biomedical waste as alleged in the petition. Hence no such waste will be collected here. Faecal sludge will be collected through GPS-equipped vehicles registered with the Municipality.

10. The Common Effluent Treatment Plant (CETP) is for treatment of wastewater including hazardous chemical waste. The current project at Cherthala is intended to treat only toilet waste generated mainly in the domestic sector. Besides, the Hon'ble National Green Tribunal in Original Application No. 159 of 2018, Lingam Nagar Welfare Association Vs. The Director of Town Planning, Chennai & Ors has held that EIA is not mandatory for construction of FSTP (Faecal Sludge Treatment Plant) and that the approval of the State Pollution Control Board is sufficient. By stating that the EIA Notification Clause 7(h) lists



faecal sludge treatment plants, the Applicant is deliberately trying to mislead this Hon'ble Tribunal. No such mentioning of FSTP is included in the Notification. This plant is a stand-alone Faecal Sludge treatment plant. The plant is not networked in any way with any other sources. Therefore, there is no need to fear that other wastes or chemicals will mix with this waste. The faecal sludge will be brought to this plant only in vehicles equipped with GPS. The site has been declared suitable for an FSTP plant by the Pollution Control Board through Consent to Establish Certificate issued twice.

11. FSTPs are considered to be relatively non-disruptive plants among waste treatment plants. While there may be a fear of odour at normal solid waste treatment plants, there needs to be no such fear about the faecal sludge that is treated here as it is already half processed material which comes here. The reality is that this waste has no odour or nuisance whatsoever. It has been falsely stated in the application that the plant will cause great disturbance to the establishments of the Applicant by concealing this fact. It is submitted that a human excreta treatment plant (FSTP) is being set up as part of the liquid waste management system in the state of Kerala as part of measures to protect the Vembanad wetlands in accordance with the directives of the Chennai Bench of the National Green Tribunal. The argument that such a plant needs environmental clearance in light of Kehar Singh's case is false and baseless.

12. By filing an application for Environmental Impact Assessment, the applicant is making a cover attempt to delay work on the project and defeat a major initiative to curb the problem of water pollution in and around Cherthala Municipality. It does not fall within the ambit of 7(h) of the Environment Impact Assessment Notification, 2006. The plant is not a Faecal Sludge CETP, but Faecal Sludge Treatment Plant and hence



no other effluent is mixed with the input.

13. The plant site is not a waterlogged area. It is true that some parts of Thanneermukkam Panchayat have waterlogging. But the region where the plant is situated and the surrounding environment is not like that. That is why the Municipality has given permission for setting up establishments including the Applicant's own establishment to operate in this region. The plant will be able to process Faecal Waste collected from various parts of Charthala and this will prevent faecal contamination of Vembanad lake.

14. It is submitted that the plant is FSTP (Faecal Sludge Treatment Plant) and not a Faecal Sludge CETP. The representation submitted by the Applicant was examined and disposed by Government. A reply in this regard has been given to the petitioner as per letter No.WM1/203/2021/LSGD dated 27/03/2023.

15. No remarks.

16. It is submitted that the sensitive nature of an area cannot be fully identified through a topographical survey alone.

It is humbly submitted that due to lack of scientifically designed faecal waste treatment systems, contamination of water bodies, soil and drinking water sources are facing a serious threat to public health and groundwater quality. Effective septage management is critical for ensuring the quality of the water and public health. For this purpose septage has to be treated scientifically in order to minimize the risk of pollution and also in order to meet the discharge norms issued by the Central/Kerala Pollution Control Board. With this objective in mind the Faecal Sludge Treatment Plant (FSTP) constructed by Cherthala

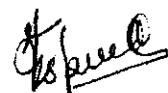


Municipality will ensure that the nearby natural water bodies, drains and canals are not polluted by septage. Most of the areas of Alappuzha district are below sea level. But by using scientific methods, the quality of treated effluent and sludge from the treatment plant will be within Pollution Control Board discharge standards.

The operation of the plant has been scientifically designed using modern technology. The Applicant has raised baseless doubts. The operation and maintenance of the plant will be done by the construction contractor itself for a period of ten years after commissioning of the project. Hence, scientific follow-up and maintenance of the plant will also be ensured. The treated water produced here is planned to be used for agricultural and industrial purposes. It is submitted that the treated water will not cause any environmental problems and otherwise also the fourth Respondent is ready to take steps to ensure that the operations of the plant are as per the terms of the Pollution Control Board in case it is required.

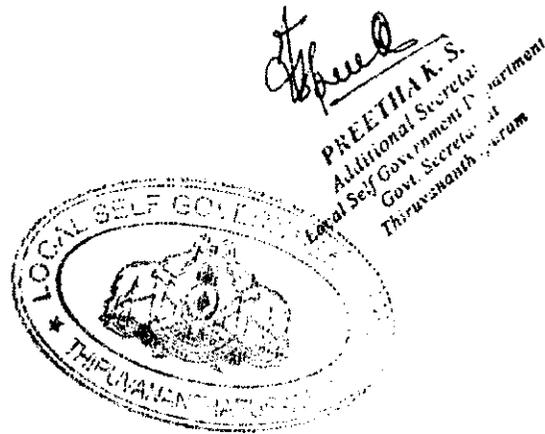
The project activities have been started as part of a great initiative of the government which will provide a good solution to the pollution problems of water sources including that of drinking water in the area. Such a combined FSTP plant is working beautifully in an area called Muttathara in Thiruvananthapuram district. Also, in Ernakulam district, similar plants are functioning without causing any disturbance. The Applicant's apprehensions regarding pollution and lack of sanitation are unfounded.

**Moreover it is humbly submitted that with regard to OA 606/2018 the State have given an undertaking before the Hon'ble NGT that sufficient fund is ring fenced for liquid waste management to**



address issue of sewage and sullage management. FSTP Project at Cherthala Municipality has been included in the compliance report for gap reduction in quantity of liquid waste generated in the State & existing treatment capacity.

Therefore, on the basis of the aforesaid facts and on being convinced of the critical need for this project, it is humbly requested that this Hon'ble Tribunal may dismiss this petition.



IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

Monday, the 20<sup>th</sup> day of March 2023 / 29th Phalguna, 1944  
WP(C) NO. 6985 OF 2023

**PETITIONER:**

SR. CELESTINE FRANCIS, AGED 76 YEARS SISTER GENERAL, ASSISI SISTERS  
OF MARY IMMACULATE, GREEN GARDENS, CHERTHALA,  
ALAPPUZHA, PIN - 688524

**RESPONDENT:**

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF LOCAL SELF GOVERNMENTS, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
2. DISTRICT COLLECTOR, CIVIL STATION, ALAPPUZHA, PIN - 688001
3. THE KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, THATHAMPALLY, ALAPPUZHA, PIN - 688013
4. THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, K.S.R.T.C BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM, REPRESENTED BY ITS MEMBER SECRETARY, PIN - 695001
5. CHERTHALA MUNICIPALITY, CHERTHALA, ALAPPUZHA, REPRESENTED BY ITS SECRETARY, PIN - 688524
6. THANEERMUKKAM GRAMA PANCHAYAT, THANEERMUKKAM, CHERTHALA, ALAPPUZHA, REPRESENTED BY ITS SECRETARY, PIN - 688527

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 2nd respondent to take immediate steps to stop the construction of the faecal sludge treatment plant by the 5th respondent municipality in re.sy.no. 4/3 in block no. 27 of thaneermukkam north village, pending disposal of the writ petition.

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 ENOCH DAVID SIMON JOEL, S.SREEDEV, RONY JOSE, LEO LUKOSE, KAROL MATHEWS SEBASTIAN ALENCHERRY, DERICK MATHAI SAJI Advocates for the petitioners, M/S SRI. T.NAVEEN SC, KERALA STATE POLLUTION CONTROL BOARD, (for R2), J.OM PRAKASH (for R4) Advocates for the respondents, the court passed the following:

**ORDER**

Admit. Learned Government Pleader takes notice for respondents 1 and 2. Respective Standing Counsels take notice for respondents 3, 4, 5 and 6. Respondents 3 to 5 will place specific pleadings on record with regard to the contentions urged in the writ petition. Post on 05.04.2023.

Sd/- **ANU SIVARAMAN** JUDGE



Item No.14

Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 159 of 2018

Lingam Nagar Welfare Association

Applicant(s)

Versus

The Director of Town Planning, Chennai &amp; Ors. Respondent(s)

Date of hearing: 04.12.2018

**CORAM :****HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER****HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Mr. Amit Anand Tiwari and Mr.  
Harshal Gupta, Advocates

For Respondent(s)

Mr. Balaji Srinivasan, Ms.  
Lakshmi Rao and Ms. Garima  
Jain, Advocates for R-4**ORDER**

This original application has been filed for issuance of directions to immediately stop the construction of faecal/ sludge treatment plant and other necessary action against the plant. Further consequential reliefs have been prayed for.

The primary contention raised on behalf of the applicant is based on non-compliance of EIA Notification, 2006 and principle laid down in the case of Khehar Singh Vs. State of Haryana.

The respondents have come with a specific case that the EIA Notification, 2006 does not apply to the instant

case for the simple reason that the waste sought to be treated is only human faecal. He has referred to the relevant provision in the reply, filed by them in this regard. Further, it has been submitted that the case of Khehar Singh Vs. State of Haryana does not apply to the present matter.

Learned Counsel for the respondent has referred to relevant extract of the said case in para 46 and 47 of the reply. The ratio of the said case is that the material consideration for determining the nature of the project or the activity is the kind of effluent that it is received for the purpose of treatment.

The case of the respondent herein is that it shall exclusively treat the human faecal waste and nothing else. Moreover, the Pollution Control Board has already granted consent under 27 of the Air (Prevention and Control of Pollution) Act 1981 on 07.01.2017 and the Local Body Authority has given approval on 28.02.2017.

In view of the aforesaid facts and circumstances and particularly the fact that all requisites clearances have been obtained and wherever those clearances have been put under challenge on their conclusions, consequences will follow.

In views of the above, the original application (159 of 2018) is dismissed, without any order as to cost.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

December 04, 2018



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

**ORIGINAL APPLICATION No: 48 of  
2023**

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-VS-

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**REPORT FILED BY THE ADDITIONAL  
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GOVERNMENT / 1<sup>st</sup> RESPONDENT**

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