

BEFORE THE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE) AT CHENNAI

M.A.No.5 of 2023

in

O.A.No.208of 2021

Between

SrikanthMadhyastha,
S/o.ShankaranarayanaMadhyastha,
#1-61-(2), Srimatt Road, Balekudru Village,
Hungarcutta, Balkudru,
Udupi, Karnataka – 576 218.

... Applicant

And

M/s.Yashaswini Fisheries,
Unit-I,
Represented by its Managing Partner,
B. Keshavakundar,
situated at Survey Nos.72/3, 72/4,
72/21B, 72/22B & 71/6, Balkudru Village,
Hangarkatte, Udupi Taluk & District,
and 2 others.

... Respondents

INDEX OF ADDITIONAL TYPED SET

S.No.	Date	Description of Documents	Annexure No.	Page No.
1.	18.03.2023	Letter from Karnataka Pollution Control Board alongwith Inspection Report	A - 13	1 - 5

Dated at Chennai on this 19th Day of September, 2023


Counsel for Applicant



Karnataka State Pollution Control Board

Regional Office

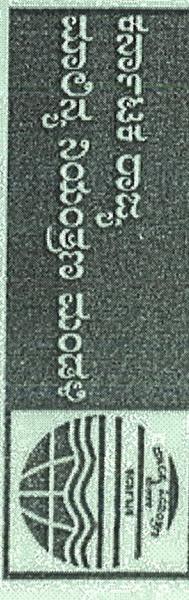
"Parisara Bhavana"

Plot No. 36-C, Shivalli Ind. Area,
Manipal, Udupi - 576 104
Phone : 0820-2982016

ಪ್ರದೇಶ ಕಛೇರಿ

"ಪರಸರ ಭವನ"

ಸಂಖ್ಯೆ : ೩೬-ಎ, ಶಿವಳ್ಳಿ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶ
ಮಣಿಪಾಲ, ಉಡುಪಿ - 576 104
ದೂರವಾಣಿ : 0820-2982016



KSPCB/EO(UDP)/2022-23/ 1761

Date: 18/03/2023

towards a Cleaner Karnataka

To,

Zonal Senior Environmental Officer
KSPCB, Parisara Bhavana,
Mangaluru.

Sir,

Sub: Issue of notice of proposed direction to M/s Yashaswini Fisheries (Unit D) located at Balekudru Village, Hangarkatte, Udupi Taluk & District- reg.

- Ref: 1.CFO order No, No: W-314247 dated 13.08.2019.
2. Corrigendum No: PCB/SEO-MNG/SO-UDP/Corrigendum/2021-22/71 dated 12.08.2021.
3. Judgment on NGT O.A No. 208/2021 dated 29.09.2022.
4. Inspection of the industry/ made by Hon'ble Chairman on 19.12.2022.
5. Legal notice received by this office inward dated 20.02.2023.
6. Inspection note of Hon'ble Chairman No-27 dated 28.02.2023.
7. This office notice No-1685 dated 04.03.2023.
8. Inspection of the industry by the AEO of this office on 14.03.2023.

With respect to above subject mentioned above, M/s Yashaswini Fisheries (Unit D), is located at Balekudru Village, Hangarkatte, Udupi Taluk & District and has obtained CFO from the Board which is expired on 30.09.2022 vide ref (1). Then the industry authority has obtained the corrigendum (2) to the consent order to treat the overflow of settling tanks of the industry to their sister concerned unit of M/s Yashaswini Fisheries Unit-II which is located adjacent to the unit for further treatment in their ETP.

The Hon'ble NGT in their order (O.A No. 208/2021) dated 29.09.2022 vide ref (3) given the following directions:

- (i) The Pollution Control Board is directed to consider the orders of CZMA and consider the fact that the fish cutting activity is a prohibited one and take appropriate decision in this regard and pass suitable order with respect to CFO.
- (ii) The Pollution Control Board is advised to be cautious before issuing any CFO particularly on the CRZ zone.

Meanwhile this office received a legal notice vide ref (5), copy is enclosed for kind reference.

Hon'ble chairman, KSPCB inspected the unit on 19.12.2022 vide ref (4) and directed as below:

- i) to issue notice to the industry and to obtain CRZ clearance issued from competent authority
- ii) Action taken to segregate storm water and effluent segregated from the floor washings.

Email : udupi@kspcb.gov.in

"ವಾಸ್ತವಿಕ ಬಳಕೆ ನಿರೀಕ್ಷಿಸಿ, ಪರಿಸರ ಹಾನಿ ತಪ್ಪಿಸಿ"

Website : www.kspcb.karnataka.gov.in

"AVOID USE OF PLASTIC, BE ECOFRIENDLY"

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ

(P&M)
6/1/23

As per the Hon'ble Chairman's inspection note, this office has issued a notice to the industry vide ref (7). In response to this, they have replied to the notice, copy enclosed for reference.

To know the latest compliance, the industry was inspected by the AEO of this office on 14.03.2023 and observed the following.

1. The industry was operating without the valid consent of the Board.
2. As per the Hon'ble NGT directions, till now industry authority has not submitted clearance obtained from CRZ authority for the fish cutting activity.
3. As per the CRZ regulations Fish cutting activity should not be carried out in the said location.

In view of the above non compliances and continued violations, it is recommended to issue of notice of proposed direction under Section 33(A) of the Water (P&CP) Act 1974 and 31(A) of the Air (P&CP) Act 1981 may be issued to the industry since they are operating the unit without consent from the Board and operating in the CRZ prohibited area.

Inspection report, legal notice, NGT order ., etc., are herewith enclosed for further needful.

Treat this as most urgent.
Thanking you,

Yours faithfully,

Environmental Officer
KSPCB, Udupi

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಪರಿಸರ ಇಲಾಖೆ
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Inspection Report of Dr. Amritha A.S, Assistant Environmental Officer,
Regional Office, KSPCB, Udupi.

Name of the industry	M/s. Yashaswini Fisheries (Unit I), Balekudru Village, Hangarkatte, Udupi Taluk & District.
Category & classification of industry	Small-Orange
Date of inspection	14.03.2023
Persons contacted & discussions held	Sri. Keshav Kundar - Proprietor's husband Sri Prajwal - Proprietor's Son
Consent status	CFO under Water Act is expired on 30.09.2022 and applied for the renewal which is queried in the XGN software.
Activity	Fish cutting of capacity 750TPM
Reference	Hon'ble NGT court judgement dated 29.09.2022 regarding the O.A No. 208/2021 and final hearing dated 23.08.2022

Preamble: M/s Yashaswini Fisheries (Unit I), is located at Balekudru Village, Hangarkatte, Udupi Taluk & District. They have obtained the CFO from the Board, No: W-314247 dated 13.08.2019 for the fish cutting activity of capacity 750TPM which is expired on 30.09.2022.

Then the industry authority obtained the corrigendum (No: PCB/SEO-MNG/SO-UDP/Corrigendum/2021-22/71 dated 12/08/2021) to the Consent for Operation order No: W-314247 dated 13.08.2019 to treat the overflow of settling tanks of fish cutting unit M/s Yashaswini Fisheries Unit , Balekudru Village, Hangarkatte, Udupi Taluk & District in the new ETP of M/s Yashaswini Fisheries Unit-II.

The Hon'ble NGT in the O.A No. 208/2021 pronounced the judgment on 29.09.2022 and issued the following directions:

- i. The 1st respondent, Deputy Commissioner is directed to revisit his order in RAP SR 67/2018, considering the outcome of Civil Suit OS. No. 350/2015 referred in his order and also the Writ Petitions that are pending before the Hon'ble High Court.
- ii. The Pollution Control Board is directed to consider the orders of CZMA and consider the fact that the fish cutting activity is a prohibited one and take appropriate decision in this regard and pass suitable order with respect to CFO.
- iii. The Pollution Control Board is advised to be cautious before issuing any CFO particularly on the CRZ zone.
- iv. The 10th respondent (Deputy Director , Department of Fisheries, Udupi) is also directed to take action for proceeding with fish cutting processing by the 11th and 12th respondent when they have specifically stated that they have not given any permission for establishment of fish cutting shed or fish powder unit or for renovation.

During the time of visit to Udupi Regional office, Hon'ble chairman inspected the industry on 19.12.2022 and the chairman's note was received to this office on 01.03.2023. As per the Chairman's note, this office has issued the notice to the industry on 04.03.2023 to submit the CRZ clearance obtained from the competent authority and also to submit the action taken to segregate storm water and effluent generated from floor washings. The industry authorities replied to the notice.

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ಅಧಿಕಾರಿ ಅಧಿಕಾರಿ

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The industry was inspected on 14.03.2023 to verify the status and following observations are made:

- The industry was in operation.
- They are engaged in the fish cutting activity.
- The raw materials found in the industry.
- The ETP was in operation.

Sample of treated trade effluent was collected from the outlet of the ETP and handed over to Regional laboratory, Mangalore for analysis and results are awaited.

Recommendation: The application submitted by the industry authorities queried in XGN software and not given approval for E sign and payment.

Further as per the NGT directions, the fish cutting activity is prohibited in the said location and it was directed to consider the orders of the CZMA. The industry authorities not submitted the CZMA clearance till date and operating without consent from the Board.

In view of the above, notice may be issued to the industry to stop the operation of the industry and further it may be recommended for the issue of NPD and closure order since the industry is operating without consent from the board.

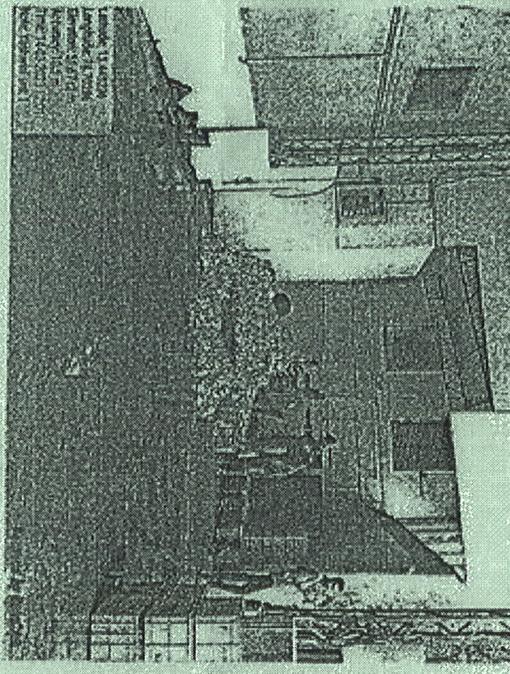
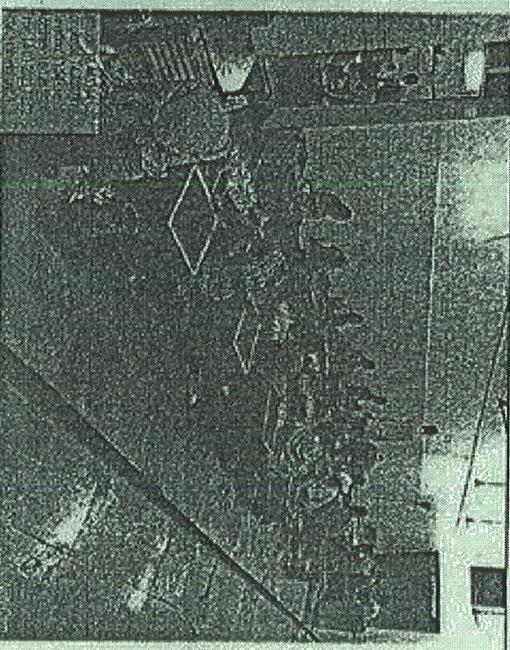
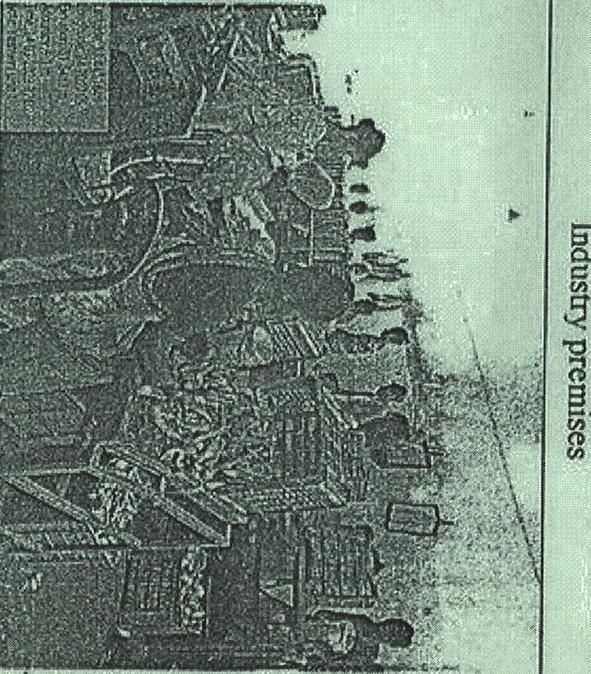
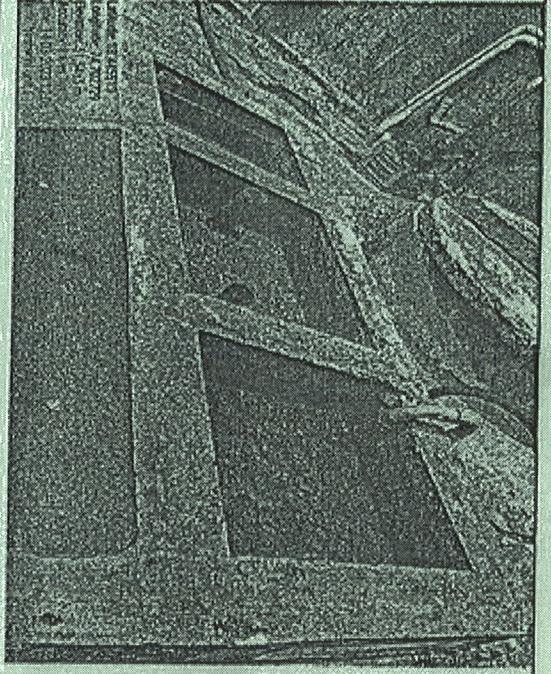
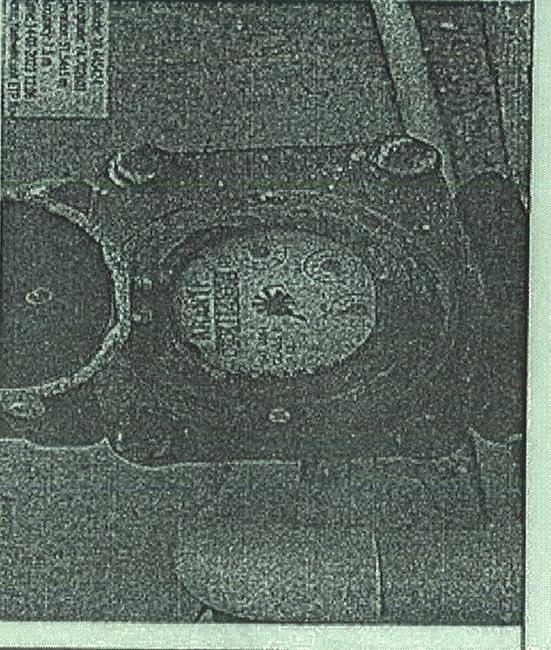
Armitha
Assistant Environmental Officer
KSPCB, Udupi.

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[Signature]
ಇದರಲ್ಲಿ 09/03/23

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Photographs taken during inspection of M/s Yashaswini Fisheries Unit I on 14.03.2023

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ಆಧಾರ್ ಸಂಖ್ಯೆ-20050 ಅಧಿಯಲ್ಲಿ ನಡವಲಾಗಿದೆ
Assistant Environmental Officer
KSPCB, Udupi.


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