

**BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTH ZONE) AT
CHENNAI**

M.A. 05/2023 in O.A. 208/2021

BETWEEN

Srikanth Madhyastha

... Applicant

AND

D.C., Udupi & Others

... Respondents

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Advocate for Respondent No. 1

Place: Bangalore

Date: 04/11/2023



KARNATAKA STATE COASTAL ZONE MANAGEMENT AUTHORITY

(Constituted by MoEF & C.C Government of India, under Sub-Section (1) & (3) of E(P) Act 1986)

Before The Hon'ble National Green Tribunal
Southern Zone, Chennai
Miscellaneous Application No.05 of 2023 (SZ)
In Original Application No. 208 of 2021 (SZ)

In the Matter of:

Sri. Srikantha Madhyastha.

... Applicant

WITH

District Collector, Udupi and others.

... Respondent (S)

Status Report Submitted by Respondent No.6
i.e., KSCZMA on Miscellaneous Application No.05 of 2023 (SZ) in Original
Application No. 208
of 2021 (SZ) filed before the Hon'ble National Green
Tribunal
Southern Zone, Chennai

In the Miscellaneous Application No.05 of 2023 (SZ) in Original Application No. 208 of 2021 (SZ) filed before the Hon'ble NGT (SZ), Chennai by Sri. Srikantha Madhyastha, Balkudru village, Udupi regarding Unauthorized running of two Fish Processing units by M/s. Yashaswini Fisheries, Unit-I located in Sy. No.72/3 and 72/ 21B, 71/6 of Balkudru village and Unit-II in Sy.No. 71/3, 71/5 of Balkudru village in Udupi district, it is directed by Hon'ble NGT (SZ), Chennai to file a detailed report before the next hearing date regarding the closure of Yashaswini Fisheries unit.

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Site inspection of M/s. Yashaswini Fisheries units was carried out by Regional Director, Udupi on 29.08.2023 and following observations were made during the visit:

1. During the site inspection, no fish processing and powdering activity was observed in the Unit-I & Unit-II of M/s. Yashaswini Fisheries. The fish cutting tools were found to be rusted and were out of use (**Photos attached, Annexure-1**).
2. In order to verify whether the units were in operation, the electricity bills were verified during both working and Shutdown period (Working period: January 2022 to September 2022, Shutdown period: October 2022 to July 2023). Upon verification of electricity bills it was found that electricity bills of the said units were significantly reduced during shutdown period except during the months March, April and May 2023. (**Electricity bills attached, Annexure-2**). This indicates that the units must have been in operation during these three months which is after Shutdown period and the same has been reported by Assistant Environmental Officer of KSPCB that the units were running during his inspection to the M/s. Yashaswini Fisheries unit on 14.03.2023.
3. The Fish Cutting unit & part of Fish Powdering Unit has been constructed in Coastal Regulation Zone area. During the said time period the extent of Coastal Regulation Zone was up to 100 mtr from the river. As per the Coastal Regulation Zone Notification 2011, the unit is completely within the 100mtr and has been considered in violation of CRZ norms.

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The detailed information is given in the following table. (CZMP Map attached, Annexure-3)

Sl. No.	Information of Buildings	GPS Co-ordinates	CRZ classification as per CRZ notification 2011	Distance from HTL (mtr)	Plinth area (Approximate)	Survey Number
Unit-1 Fish cutting Unit (Survey No.71/6, 72/3and72/21B)						
1	Temporary Cement Sheet roofing-1	A. N 13.44493 ⁰ E 74.70233 ⁰ B. N 13.44480 ⁰ E 74.70240 ⁰ C. N 13.44484 ⁰ E 74.70245 ⁰ D. N 13.44494 ⁰ E 74.70237 ⁰	CRZ-III NDZ	19 mtr	130 sq.mtr	72/3
2	Permanent Fish cutting building	D. N 13.44494 ⁰ E 74.70237 ⁰ E. N 13.44515 ⁰ E 74.70269 ⁰ F. N 13.44509 ⁰ E 74.70272 ⁰ G. N 13.44514 ⁰ E 74.70281 ⁰ H. N 13.44514 ⁰ E 74.70284 ⁰ C. N 13.44484 ⁰ E 74.70245 ⁰	CRZ-III NDZ	24 mtr	590 sq.mtr	71/6&72/21B
3	Temporary Cement Sheet roofing-2	E. N 13.44515 ⁰ E 74.70269 ⁰ F. N 13.44509 ⁰ E 74.70272 ⁰ G. N 13.44514 ⁰ E 74.70281 ⁰ H. N 13.44514 ⁰ E 74.70284 ⁰ I. N 13.44517 ⁰ E 74.70297 ⁰ J. N 13.44528 ⁰ E 74.70289 ⁰	CRZ-III NDZ	63 mtr	318 sq.mtr	71
4	Office building	N 13.44528 ⁰ E 74.70275 ⁰ N 13.44531 ⁰ E 74.70281 ⁰ N 13.44527 ⁰ E 74.70284 ⁰ N 13.44523 ⁰ E 74.70278 ⁰	CRZ-III NDZ	66 mtr	52 sq.mtr	71

[Signature]

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KARNATAKA STATE COASTAL ZONE MANAGEMENT AUTHORITY

(Constituted by MoEF & C.C Government of India, under Sub-Section (1) & (3) of E(P) Act 1986)

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Unit-2 (Survey No. 71/3 and 71/5)						
5	ETP Unit	N 13.44534 ⁰ E 74.70269 ⁰ N 13.44547 ⁰ E 74.70761 ⁰ N 13.44552 ⁰ E 74.70269 ⁰ N 13.44539 ⁰ E 74.70278 ⁰	CRZ-III NDZ	64 mtr	187 sq.mtr	71/5
6	Unit-2 (Fish Powder Unit) (within 100mtr)	N 13.44565 ⁰ E 74.70279 ⁰ N 13.44542 ⁰ E 74.70292 ⁰ N 13.44541 ⁰ E 74.70286 ⁰	CRZ-III NDZ	89 mtr	97 sq.mtr	71/3
7	Unit-2 (Fish Powder Unit) (above 100mtr)	N 13.44565 ⁰ E 74.70279 ⁰ N 13.44567 ⁰ E 74.70287 ⁰ N 13.44579 ⁰ E 74.70284 ⁰ N 13.44583 ⁰ E 74.70303 ⁰ N 13.44547 ⁰ E 74.70312 ⁰ N 13.44542 ⁰ E 74.70292 ⁰	Outside CRZ limits.	above 100mtr	976 sq.mtr	71/3

According to the Coastal Regulation Zone Notification 2011, the properties shown in Sl.No.1 to 4 in the above table belongs to Unit-I (Fish Cutting Unit) and it falls within the Coastal Regulation Zone and the property shown in Sl.No 5 ETP Unit falls within the Coastal Regulation Zone, and the properties shown in serial no.6 and 7 belongs to Unit-II where plinth area of about 97 sq.mtr of the powder unit falls within Coastal Regulation Zone (Serial no.6), whereas and plinth area of about 976 sq.mtr falls outside the Coastal Regulation Zone (Serial No. 7).

4. The ETP of said units was inspected and it was found that the ETP unit was not maintained and was not in use as the fish cutting activity was not being carried out **(Photos attached, Annexure-4)**.
5. Effluent discharge to any water body or river was not found during the inspection.

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KARNATAKA STATE COASTAL ZONE MANAGEMENT AUTHORITY

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Further, As per CRZ Notification 2011, establishing and running fish processing, cutting and powdering unit within CRZ limits is clear violation of Coastal Regulation Zone Notification 2011. Hence, The Karnataka State Coastal Zone Management Authority has taken cognizance of the offence by issuing a direction under section 05 of Environment (protection) Act 1986. (**Annexure-5**) and also a letter has been issued to M/s. Yashaswini Fisheries unit to stop the functioning of the said units in CRZ area as per the Judgement given by Hon'ble NGT (SZ), Chennai with respect to OA 208/2021 (**Annexure-6**).


(R.Gokul. I.F.S.,)
Member Secretary, KSCZMA.

Annexure - 6 1



Annex 7 - 1



Annexure - 2
MANGALORE ELECTRICITY SUPPLY COMPANY LTD.

Bill Details Report



Sub Div: KOTA SDO

From: 01/01/2022 To: 31/07/2023

RR No BLK16091

Consumer Name & KESHAVA KUNDAR C/O S/O M K SHRIYAN. BALK

SL No	Bill Date	Tariff	Reading	Cnsmptn	OB	DMD	INT	TAX	DEBIT	RBT	WDRL AMT	DMD Total	OB+DMD	Amt Paid	Credit	Balance
1	08/07/2023	LT5	92624	152	9616.0	2327.2	50.28	83.448	60.80	45.60	0.00	2476	12092	12092	0	0
2	08/06/2023	LT5	92472	698	0.42	9145.8	187.85	401.02	90.74	209.40	0.00	9616	9616	0	0	9616
3	08/05/2023	LT5(B)I	91774	2749	26460.	21828	141.13	1662.1	3023.90	0.00	0.00	26655	53115	53115	0	0
4	08/04/2023	LT5(B)I	89025	3060	-714.94	23565	69.16	1858.0	1683.00	0.00	0.00	27175	26460	0	0	26460
5	08/03/2023	LT5(B)I	85965	2053	0.03	16356	0	1223.6	287.42	0.00	0.00	17867	17867	17867	715	-715
6	08/02/2023	LT5(B)I	83912	126	0.33	1204.5	1.22	65.205	0.00	18.90	0.00	1252	1252	1252	0	0
7	08/01/2023	LT5(B)I	83786	165	-0.06	1828.75	0	85.387	0.00	24.75	0.00	1889	1889	1889	0	0
8	08/12/2022	LT5(B)I	83621	195	3426.7	1721.25	34.26	100.91	87.75	0.00	0.00	1944	5371	5371	0	-0
9	08/11/2022	LT5(B)I	83426	397	-0.08	3042.75	0	205.44	178.65	0.00	0.00	3427	3427	0	0	3427
10	08/10/2022	LT5(B)I	83029	641	14038.	5099.7	140.39	343.77	288.45	0.00	0.00	5872	19911	19911	0	-0
11	08/09/2022	LT5(B)I	82388	1679	0.02	12698	0	988.02	352.59	0.00	0.00	14039	14039	0	0	14039
12	08/08/2022	LT5(B)I	80709	790	5114.5	6298	51.96	433.62	165.90	0.00	0.00	6949	12064	12064	0	0
13	08/07/2022	LT5(B)I	79919	674	0.18	4522.668	86.66	363.67	141.54	0.00	0.00	5115	5115	0	0	5115
14	08/06/2022	LT5(B)I	79245	2695	0.09	18370	8.08	1628.1	0.00	0.00	0.00	20006	20006	20006	0	0
15	08/05/2022	LT5(B)I	76550	3249	0.17	22248	25.97	1977.1	0.00	0.00	0.00	24251	24251	24251	0	0

Handwritten signature and stamp in blue ink.

Annexure - 2

MANGALORE ELECTRICITY SUPPLY COMPANY LTD.

Bill Details Report

Sub Div: KOTA SDO

From: 01/01/2022 To: 31/07/2023

RR No BLK16091

Consumer Name & KESHAVA KUNDAR C/O S/O M K SHRIYAN. BALK

SL No	Bill Date	Tariff	Reading	Cnsmptn	OB	DMD	INT	TAX	DEBIT	RBT	WDRL AMT	DMD Total	OB+DMD	Amt Paid	Credit	Balance
16	08/04/2022	LT5(B)I	73301	3453	-0.19	24486.7	104.56	2090.1	0.00	0.00	0.00	26681	26681	26681	0	0
17	08/03/2022	LT5(B)I	69848	2895	19497.	20441.2	181.38	1741.0	0.00	0.00	0.00	22364	41861	41861	0	-0
18	08/02/2022	LT5(B)I	66953	2546	-0.50	17911	63.89	1522.7	0.00	0.00	0.00	19498	19497	0	0	19497
19	08/01/2022	LT5(B)I	64407	2291	-0.07	16062.3	0	1363.2	0.00	0.00	0.00	17426	17426	17426	0	-0
Total :				30508.0	77438	229156.	1146.	1813	6360.7	298.65	0.00	254502.4	331941.2	254501	715.77	76724.3

ಕರ್ನಾಟಕ ವಿದ್ಯುತ್ ಸಂಪನ್ಮೂಲ ಸಂಸ್ಥೆ
 ಮಂಗಳೂರು ವಿಭಾಗದ ವಿದ್ಯುತ್ ಸರಬರಾಜು ಇಲಾಖೆ
 ಕೆ.ಎ.ಸಿ. ಉಪವಿಭಾಗ



- CZMP 2018**
- Unit - 1**
- Cement sheet Roofing (19 mts From HTL)
 - Permanent Fish Cutting Building (24 mts From HTL)
 - Cement Sheet Roofing 2
 - Yashaswini office Yashaswini office
- Unit - 2**
- Unit - 2 (Fish Powder Plant)
(Within 100 Mts Approximate 97 Sq mts)
(Above 100 Mts Approximate 976 Sq mts)
 - ETP
 - Distance Line
 - Fish Landing Centre
 - Fishing Road
 - Roads
 - Hazard Line
 - Low Tide Line (LTL)
 - High Tide Line (HTL)
 - High Tide Line (HTL) copy
 - Survey Plots
 - CRZ Boundary
 - Village Boundary
 - Port Area
 - No Development Zone
 - CRZ - IVB



Name : Yashaswini Fisheires
Village : Balkudru
Unit - I Sy No- 71/6, 72/3, 72/21b
Unit - II Sy No- 71/3, 71/5

Annexure -11



Annexur 12 4





R.P.A.D

KARNATAKA STATE COASTAL ZONE MANAGEMENT AUTHORITY

(Constituted by MoEF & C.C Government of India, under Sub-Section (1) & (3) of E(P) Act 1986)

No. FEE 159 CRZ 2019

dated: 02.06.2022.

Sir,

Sub:- Establishment of Fish Processing unit by M/s. Yashaswini Fisheries in Sy. No. 72/3, 71/6 & 72/21B of Balakudru Village, Udupi District issue of Notice of Proposed Directions reg.

- Ref:-**
1. Regional Director (Env), Mangaluru letter No: PraNiPa/Viva/Complaint 08/2016-17/129, dated: 20.04.2021.
 2. Proceedings of KSCZMA meeting held on 14.03.2022.

With reference to the above subject, The Regional Director (Env) Udupi has reported that, M/s. Yashaswini Fisheries had established a Fish Processing Unit in Sy. No. 72/3, 71/6 & 72/21B of Balakudru Village, Udupi District. This area falls in CRZ zone and as per Para 3 (iii) of CRZ notification 2011, setting up & expansion of fish processing units including warehousing is a prohibited activity.

Hence, the above mater has been recorded in DCZMC meeting held on the 05.04.2021 as violation under CRZ notification 2011 and has recommended to take appropriate action for CRZ violation.

The matter was placed in Karnataka State Coastal Zone Management Authority (KSCZMA) meeting held on 14.03.2022. The Authority after discussions and deliberations decided to issue Notice of Proposed Directions (NPD) under section 5 of Environment (Protection) Act, 1986 to M/s. Yashaswini Fisheries for establishing of Fish Processing Unit at Sy. No. 72/3, 71/6 & 72/21B of Balakudru Village, Udupi District in violation of CRZ Notification 2011.

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As per the decision of the authority, you hereby are issued a show cause notice for why action should not be initiated against you for violation of provisions of CRZ Notification. If any reply is to be submitted you may submit your reply within 15 days time to the under signed.

(R. Gokul)

Member Secretary,

Sri. B Keshav Kundar,
Yashaswini Industries,
Bunder Road, Hangarkatta,
Udupi - 576 218.

Copy to:

1. Regional Director (Environment), 1st Floor, "C" Block, District Administrative Offices Complex, Manipal, Udupi District.

issue.....
Dated: 04/06/2022
10:54 AM

ANNEXURE-G.



KARNATAKA STATE COASTAL ZONE MANAGEMENT AUTHORITY
(Constituted by MoEF & C.C Government of India, under Sub-Section (1) & (3) of E(P) Act 1986)

Near translation of letter No. FEE 8 EAA 2021, dated: 10.09.2022.

No. FEE 8 EAA 2021

Dated: 10.09.2022.

Subject: Regarding Judgement of Hon'ble National Green Tribunal (SZ), Chennai pertaining to Case No. Original Application No. 208/2021- reg.

Reference: Judgment dated: 29.09.2022 of Hon'ble National Green Tribunal (SZ), Chennai

With reference to the above subject, Judgment copy pertaining to the Case No. Original Application No. 208/2021, registered in Hon'ble National Green Tribunal (SZ), Chennai is attached herewith for your reference. Further, as per the Judgment functioning of your units in CRZ area is prohibited. Hence, it is directed that the functioning of M/s. Yashaswini Fisheries Unit be stopped immediately.

Yours Faithfully,


(R. Gokul)

Member Secretary,

Karnataka State Coastal Zone Management Authority,
Forest, Ecology and Environment Department.

TO:

1. M/s. Yashaswini Fisheries, Unit-I & II, Represented by its Managing Partner, B. Keshava Kundar, situated at Survey Nos. 71/3, 71/5, 72/3, 72/21B & 71 Balkudru Village, Hangarkatte, Udupi Taluk & District.
2. Smt. Uma Devi, W/o. B. Keshava Kundar, Pandeshwara Village, Sasthan Post, Udupi Taluk and District, Karnataka-576 226.

Copy To - requesting for compliance report on the compliance of the said order:

1. Member Secretary, Karnataka State Pollution Control Board, No.49, Parisara Bhavan, Church Street, Bengaluru-560 003.
2. Regional Director (Environment), 1st Floor, 'C' Block, 'Rajatadri', Manipal, Udupi.