

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

ORIGINAL APPLICATION NO. 94 of 2024(SZ)

Shafeek S : Applicant

Vs

State of Kerala & Others : Respondent(s)

**REPORT FILED BY THE JOINT COMMITTEE BEFORE
THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTH
ZONE, CHENNAI, IN ORIGINAL APPLICATION NO.
94/2024.**



Adv. Rema Smrithi.V.K

ADDITIONAL STANDING COUNSEL FOR THE SECOND RESPONDENT

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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VOLUME 1

Index

SL NO	Description	Pages
1	Report filed by the Joint Committee in Original Application No. 94/2024.	1- 6

Dated this the 30th day of April 2024

Rema Smrithi. V.K, Advocate

ADDITIONAL STANDING COUNSEL FOR THE SECOND RESPONDENT

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL

SOUTH ZONE, CHENNAI

Original Application No. 94 of 2024 (SZ)

Petitioner : Shafeek S
Respondents : The Chief Secretary, Govt of Kerala & Ors

**REPORT FILED BY THE JOINT COMMITTEE BEFORE THE
HON'BLE NATIONAL GREEN TRIBUNAL, SOUTH ZONE,
CHENNAI, IN ORIGINAL APPLICATION NO. 94/2024.**

1.0 Background

The Hon'ble NGT Principal Bench, New Delhi has registered O.A 776 of 2023 based on the email petition sent by Sri. Shafeek S against the pollution from the Kerala Minerals and Metals Ltd, Chavara, Kollam District. The relevant part of the letter petition enumerating grievances of the applicant is as follows.

"The Kmml factory in Chavara has polluted the entire area. All the drinking water sources here have become poisonous. The entire environment has become uninhabitable. It is humbly requested to solve this problem which is affecting all living beings in this area and order the company to supply clean water round the clock to the people. It is hoped that the National Green Tribunal, which is responsible for the protection of the entire species and environment of India, will take an appropriate decision."

The Principal Bench of the Hon'ble NGT vide order dated 08/02/2024 directed the case to the Southern Zone Bench and constituted a Joint Committee comprising of;

1. Kerala State Pollution Control Board.

**SPECIAL TAHSILDAR
LA KMML
CHAVARA**



Vinaya
VINAYA. K.S
CHIEF ENVIRONMENTAL ENGINEER

2. District Collector, Kollam.

The Hon'ble NGT has directed the committee to meet within 2 weeks, undertake visits to the sites, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within two month.

The Kerala State Pollution Control Board is the nodal agency for Co-ordination and compliance. Later the Hon'ble NGT Southern Zone Bench renumbered the case to O.A 94/2024.

In accordance with the order in O.A 94/2024 dated 08/02/2024, Kerala State Pollution Control Board constituted a Joint Committee vide order dated 25/03/2024 with Chief Environmental Engineer, Regional Office, Kerala State Pollution Control Board, Trivandrum and District Collector, Kollam as members to verify the factual position and to take appropriate remedial action following due course of law.

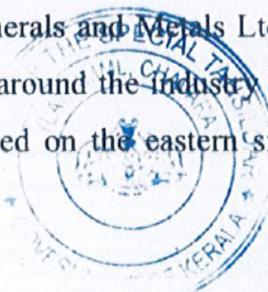
2.0 Joint Committee Visit to the site and report.

In compliance to the NGT order dated 08/02/2024 on O.A 776/2023, field visit was made to Kerala Minerals and Metals Ltd, Chavara and its premises on 19/04/2024 by the Joint Committee.

The Joint Committee comprising of Chief Environmental Engineer, Regional Office, Kerala State Pollution Control Board, Thiruvananthapuram and Chavara Special Tahsildar, LA KMML, Chavara, nominated by District Collector, Kollam met Sri. Shafeek S, applicant in O.A 94/2024 (Earlier O.A 776/2023) and heard the grievances of the applicant and the nearby residents. The applicant is a resident in Kalari ward of Panmana Grama Panchayath. The grievance of the applicant was mainly regarding the lack of water for domestic purposes. The applicant reported that The Kerala Minerals and Metals Ltd, Chavara was supplying drinking water to the nearby areas around the industry premises. The applicant informed that as their house is situated on the eastern side, approximately 400m away from the

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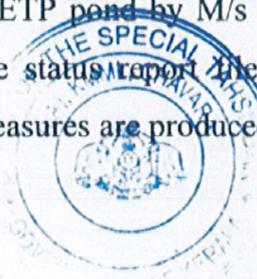
VINAYA K.S
CHIEF ENVIRONMENTAL ENGINEER

industry, they are not getting sufficient water and the supply of water is irregular and some days they even didn't get enough water for their daily house hold needs. He added that as per the company's decision, water supply to about seven wards are provided for 1.5 hours in the morning and evening and water supply is made through tankers also. Due to the poor road accessibility, the complainant is not getting water through tankers. He requested that the company has to ensure adequate supply of water to the nearby residents. Well samples were collected from the applicant's house and transferred to the Central Lab of Kerala State Pollution Control Board for detailed analysis. The Joint Committee Member and Spécial Tahsildar, LA KMML Chavara informed that the Public water supply scheme under Jalanidhi Scheme of the State Government is not sufficient to provide drinking water in these areas. The Joint Committee also visited the factory and met representatives of the company. Sri. Pradeep Kumar P, Managing Director, Kerala Minerals and Metals Ltd, Chavara explained about the water supply scheme followed by the company. M.D reported that drinking water is being supplied to nearby 7 wards as per the compliance of Hon'ble NGT order in O.A 142 dated 31/08/2017 and is still continuing. The applicant Sri. Shafeek S, also had grievances regarding the environmental pollution caused by the company. Similar pollution issues were reported in a case pending before the Hon'ble NGT O.A 74/2023. In compliance to the order of the Hon'ble NGT in the above case, the Kerala Minerals and Metals Ltd had proposed Long Term and Short Term Measures to redress the pollution issues. The Joint Committee verified the compliance status of the Short Term and Long Term measures proposed by the company. The Joint committee on its inspection on 19/04/2024 verified the Construction of Garland Drain & Delay pond adjacent to the Storm Water Drain, sludge removal from ETP pond by M/s Miracle Sand, Capped Old ETP & Iron Oxide Ponds etc. The status report filed by the company regarding the Long Term & Short Term measures are produced here with as Annexure I.

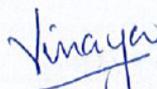

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3


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3.0 Status of Water Supply scheme reported by M/s KMML

M/s KMML vide its letter dated 23/04/2024 has reported the status of water supply as below.

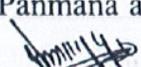
In compliance with the Hon'ble NGT order on O.A 142 of 2013 (SZ), treated drinking water is supplied from the company's water treatment plant to the nearby areas of seven wards (Kolam, Kalari, Mekkad, Chittoor, Ponmana, Panmana and Porookkara) of the Panmana Grama Panchayath near the company. Drinking water is supplied by laying pipeline throughout a length of 65 km in this area. In this way, the company provides 8 lakh liters of drinking water per day. Apart from this the industry's water tanker supplies one and a half lakhs litres per day during normal days and two lakh litres per day during summer. Drinking water is also provided on request during specific occasions.

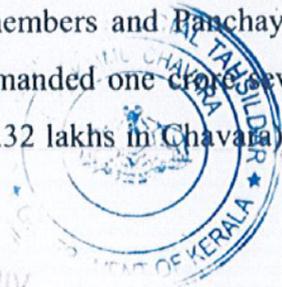
(i). Borewell

Apart from providing water to the above mentioned areas through pipelines and tankers, potable water is being provided to areas of nearby wards, Mekkad, Vaduthala, Edappallikotta, Ponmana and Porookkara, and as per the recommendation of the ward members, to the Vadakkumthala Mekku Ward by installing bore wells. Although it was agreed that the panchayat level Jalanidhi will bear the Power consumptions charges and maintenance of the tube well, the company is spending the amount required for periodical repair work to facilitate smooth drinking water supply. Since the existing borewells at Vaduthala and Porookkara are damaged, the ward members have been asked to find land for installing new bore wells and the company has allocated funds in that head.

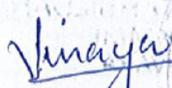
(ii). Jalanidhi Project

During the period 2009-2010, the then Minister for Water Resources Department, ward members and Panchayat authorities approached the company management and demanded one crore seven lakh rupees (Rs. 73.48 lakhs in Panmana and Rs. 44.32 lakhs in Chavara) for the implementation of the Jalanidhi


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4


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project by bringing water from Sasthamkota Lake in Panmana and Chavara grama panchayats. It was also agreed that if the project is implemented, the company will not have to provide water supply directly. But the Jalanidhi project was only partially successful and the company was forced to continue the drinking water supply scheme even after giving the funds. Apart from that, the company pays 50 percent of the amount of water charges which is distributed by Jalanidhi in the surrounding wards.

(iii). Drinking water supply grievance redressal cell

A Water Committee consisting of Manager (Welfare), Manager (Utility), Manager (Civil), Security Officer, Public Relations Officer and Community Liaison Officer has been constituted to redress any grievances related to drinking water supply. The complaints if any will be taken up by the committee and the problem will be resolved to facilitate sufficient supply of drinking water. Apart from this, the company has provided 24-hour phone numbers of Public Relations Officer and Community Liaison Officer for ward members and local residents to contact for issues related to drinking water supply and has been given the responsibility to intervene and solve issues related to drinking water supply urgently.

Figures related to drinking water supply provided by the company are given below.

Expenditure details till date

- | | |
|-----------------------------------|---------------------------------|
| 1. Jalanidhi Project | : Rs. 1,17,00,000/- |
| 2. Tube Well Construction | : Rs. 1,71,27,212/- (6no's) |
| 3. Water Charge paid to SLEC | : Rs. 1,63,71,600/- (from 2011) |
| 4. Tank Mounted Lorry Hire Charge | : Rs. 3,40,76,370/- (from 2012) |
| 5. Tube Well Maintenance Charge | : Rs. 7,92,697/- |

Rs. 8,00,67,879/-



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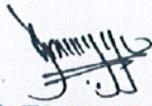
**Expenditure on water treatment plant for supply for supply of drinking water per year – 72 Lakh.*

Apart from this, company has to bear the cost of Laying of pipeline and their day to day maintenance.

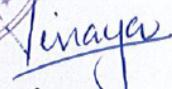
The Company has given assurance regarding adequate supply of water to the nearby residents.

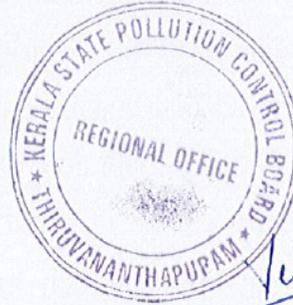
All that stated above are true to the best of my knowledge and belief.

Dated this the 30th day of April 2024.


**SPECIAL TAHSILDAR
LA KMML
CHAVARA
Special Tahsildar,
LA KMML**




**Chief Environmental Engineer,
VINAYA. K.S
KSPCB
CHIEF ENVIRONMENTAL ENGINEER**



Solemnly affirmed and signed by the deponent who is known to me on this the 30th day of April 2024.


VINAYA. K. S.
CHIEF ENVIRONMENTAL ENGINEER

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

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VOLUME 2

Index

SL NO	Description	Pages
1	Annexure I – Status report dated 23/04/2024 submitted by M/s Kerala Minerals & Metals Ltd, Chavara.	1-7

Dated this the 30th day of April 2024

Rema Smrithi. V.K, Advocate

ADDITIONAL STANDING COUNSEL FOR THE SECOND RESPONDENT



The Kerala Minerals and Metals Ltd.

(A Govt. Of Kerala Undertaking)

(An ISO 9001, ISO 14001, OHSAS 18001 & SA 8000 Certified Company)

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CIN-U14109KL1972SGC002399

TP/TS/ENV
23.04.2024

To

**The Chairperson
Kerala State Pollution Control Board
Regional Office
Thiruvananthapuram**

Sir,

Sub: KMML compliance status report with respect to the Order of the Hon'ble NGT and report of water supply status provided by KMML - reg:

Ref: (1) Meeting held by Joint Committee in KMML on 19.04.2024.

(2) Mail from KSPCB Regional Office dt. 22.04.2024.

Vide the above ref (1 & 2), we are hereby submitting the current status of short term and long term remedial measures and water supply report by KMML.

Sl No	Short term and Long term measures	Status	Target
1	<p><u>Short Term Measures</u></p> <p><u>Construction of garland drain around the IOP/ ETP ponds</u></p> <p><u>Remediation of affected land near KMML premises.</u></p>	<ul style="list-style-type: none"> • Completed garland drain construction around new ETP. • Completed construction of garland drain around old ETP/ IOP. • Reengaged M/s FEDO for Project Management for the test patch for contaminated land in KMML premise. 	<p>COMPLETED.</p> <p>Annexure -1</p>

	<p>ETP sludge sales</p> <ul style="list-style-type: none"> Value addition of by products 	<p>Sales order was issued to M/s Miracle Sands and Chemicals for 10000 MT on 09.06.2020.</p> <ul style="list-style-type: none"> Awaiting authorization from CPCB for trial production of Iron Oxide bricks by M/s Miracle Sands and Chemicals. After e tendering, Sales order was issued to M/s Miracle Sands and Chemicals for 50000 MT of ETP sludge. M/s Miracle Sands and Chemicals have completed the shifting of approx 18,327.19 MT of ETP sludge till 31.03.2024. KSPCB granted authorization to M/s Miracle Sands and Chemicals for collection and transportation of ETP sludge valid up to 31.03.2025. KMML amended Sales Order issued to Miracle sand and chemicals for collection/shifting of 40,000 MT of ETP sludge. In order to select potential agencies to carry out value addition of iron oxide & ETP sludge on a DBFOO basis with suitable technology, KMML published a global Expression of Interest. Offers received from parties and CSIR-NIIST, 	<p>Ongoing activity.</p> <p>Annexure -5</p>
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	<p><u>Long Term Measure</u></p> <p>Acid Regeneration Plant (ARP) technology modification to generate saleable iron oxide.</p>	<ul style="list-style-type: none"> • E-tender invited (2023_KMML_ 586898_ 1 dt. 12.07.2023). • Work order (TP/ WO/PTS/ 0354/2023-2024 dt. 26.12.2023) was awarded to M/s C Ashokan for the production of 8,00,000 nos of iron oxide brick making plant in KMML. • The plant building construction completed. Equipments being installed. Contract period is 6 months for entire brick production. • Intimation letter already forwarded to KSPCB vide letter (TP/TS/ENV dt. 01.02.2024) for iron oxide brick manufacturing in KMML. • KMML projects dept invited tender and opened in September 2019 for Acid Regeneration Plant Technology Modification and only one party quoted. • Tender was closed on December 2019 and after evaluation of the proposal, the file was put up to 243rd Board Meeting of the company held on 21.05.2020. • As by the Board Meeting the file was put to the Government on 01.06.2020 for getting final sanction. • As per the direction given by the Government of Kerala Retendering done on June 2021. • Global retender was invited from Technology 	<p>Annexure - 6</p> <p>Annexure - 7</p>
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		<p>providers for the process modification of existing Acid Regeneration Plant on 10.06.2021</p> <ul style="list-style-type: none"> • The offer submitted by M/s INDROX GLOBAL PVT LTD was evaluated and approved in the 250th Board Meeting of the Company held on 15.01.2022 and submitted for Government approval. • A meeting was convened under the chairmanship of Hon'ble Minister for Industries, Law & Coir on 09.06.2022 and in the meeting, it was decided to work out the price reasonableness & submit report to Government of Kerala. • Accordingly FEDO had done the cost analysis study and the report got submitted to Government for approval to place order. File is under process for final sanction. 	<p>Awaiting approval from Government.</p> <p>18 months from approval.</p>
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Details of drinking water supply by KMML

The details of drinking water supply by KMML is attached as annexure - 8.

Submitted for kind information.

Thanking You,
Yours faithfully

For The Kerala Minerals and Metals Limited


MANAGING DIRECTOR

- Cc: (1) The Chief Environmental Engineer
Kerala State Pollution Control Board
Regional Office
Thiruvananthapuram**
- (2) The Environmental Engineer
Kerala State Pollution Control Board
District Office
Kollam**