

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN BENCH, CHENNAI  
IN  
ORIGINAL APPLICATION NO 12/2020 (SZ)**

**Applicant(s)** : Tribunal on its own motion "Suo Motu" based on the News item in Mathrubhumi, Malayalam Newspaper dt: 19.01.2020, "The removal of debris in Maradu not according to Norms – National Green Tribunal".

Versus

**Respondent(s)** : The Chief Secretary, Kerala & others

**VOLUME 1**

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Dated this the 14<sup>th</sup> day of June 2021

**Rema Smrithi**, Advocate  
ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT

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**UPDATED STATUS REPORT FILED BY THE CHIEF  
ENVIRONMENTAL ENGINEER FOR AND ONBEHALF OF THE KERALA  
STATE POLLUTION CONTROL BOARD AS PER THE ORDER DATED  
01.03.2021 IN THE ABOVE APPLICATION**

I, M A Baiju, Aged 54 Years, S/o M.K Aravindakshan, Chief Environmental Engineer, Regional office, Ernakulam, as per the order dated 01.03.2021 in OA No 12/2020 do hereby submit as follows,

1. I may humbly submit that the recent order dated 01.03.2021 is seen illustrated as follows,

*"So considering the circumstances, we feel that the committee as well as the KSPCB are directed to file further reports regarding the things mentioned above and the Maradu Municipality is directed to co-operate with the committee and KSPCB by furnishing the details which they sought for and also for compliance of the Construction and Demolition Waste Management Rules,2016 by the service provider and if not, what is the action taken by them in this regard.*

*When this pointed out, the learned counsel appearing for the Maradu Municipality submitted that they will instruct the municipal authorities to abide by the direction issued by this Tribunal and co-operate with the KSPCB as well as the committee to file their report as directed by this Tribunal.*

*However, the KSPCB as well as the committee are directed to consider these aspects and file a further status report as to whether everything that has been directed by the State Level Monitoring Committee and also by this Tribunal has been complied with and anything survives in the matter so as to culminate the proceedings by this Tribunal by a proper direction.*



  
**M. A. BAIJU**  
Chief Environmental Engineer

*The State Level Monitoring Committee is also directed to consider this aspect and submit a further report to this Tribunal as to whether any further action needs be taken in this regard*

*The Joint Committee, Maradu Municipality, State Level Monitoring Committee and Kerala State Pollution Control Board are directed to file their independent reports as directed by this Tribunal on or before 12.04.2021 by e-filing in the form of Image PDF along with necessary hardcopies to be produced as per Rules.*

*The Registry is directed to communicate this order to the members of the Joint Committee, Maradu Municipality, the Chairman, Kerala State Level Monitoring Committee and the Kerala State Pollution Control Board by e-mail immediately so as to enable them to comply with the direction.*

*For consideration of further report, post on 12.04.2021”*

2. It is respectfully submitted that the Committee as well as the State Level Monitoring Committee already identified that all the debris have been removed from the demolition sites. It is pertinent to note that this respondent along with the Chairman, SLMC visited several times the respective areas and specific directions were given to Secretary, Maradu Municipality to comply with relevant provisions of the C&D Waste Management Rules 2016. It is important to note that the Secretary as well as all service providers were summoned by the SLMC and directions were given to satisfactorily follow the guidelines and complete the removal of debris from respective demolition sites. It was already informed by this respondent through different individual status reports whenever shortfalls were noticed during the removal of debris from the sites by following strict compliance of the C&D Waste Management Rules 2016. This include non submission of specific action plans which should have been submitted by the Secretary, Municipality prior to the removal of debris from the sites and non compliance of the commitment by the service provider that a crusher unit will be installed for the processing of concrete debris removed from the sites. It may be noted that though they had forwarded certain action taken reports towards the transfer of debris, the non submission of action plans as mandated through the rules created lot of difficulties in identifying whether the sites where they disposed debris are suitable for such activities.

3. I may humbly submit that there are specific mentioning on Environmental Compensation to be assessed on the committed violations by the service providers and the Secretary, Municipality which are as follows,

*“Further, as per order dated 11.08.2020, this Tribunal had directed the committee to assess the environmental compensation for violation, if any, committed in respect of Construction and Demolition Waste Management Rules,2016. But the report of the Joint Committee shows that there was no guideline given by the CPCB to whom the SPCB had addressed.*

*However, this Tribunal had reiterated in the order dated 11.08.2020, that guidelines provided as per the directions of the Tribunal for violations committed*



  
**M. A. BAIJU**  
 Chief Environmental Engineer

*can be considered for the purpose of assessment of compensation in this case also, but no such exercise was seen done by the committee”.*

But it is important to note that they have removed all the debris from the sites by satisfactorily following the guidelines except the submission of action plans prior to removal of debris. This is the only identified shortfall committed by them and the debris fallen in the Kayal from the demolition of Alfa Serene-2 flat have been removed satisfactorily as per the direction of the SLMC which was identified by the Chairman, SLMC after visting the site. It is also respectfully reported that assessment of EC was not effected (If needed for the violations committed as explained above) since no specific guidelines for environmental compensation was received from the CPCB till date and the Board is closely following the matter with CPCB.

4. It is respectfully submitted that the Secretary, Maradu Municipality has been given strict directions to submit action plans as manadated as per the C&D Waste Rules 2016 and to follow the waste management guidelines as per the Solid Waste Management Rules 2016 where also transfer of wastes from construction and demolition activities are specifically illustrated. Copy of the notice issued to the Secretary, Maradu Municipality is produced herewith and marked as **Annexure 1**. It may also be noted that the Secretary, Municipality has not submitted any reply till date to the letter shown as Annexure 1 above. At this juncture, it is to be noted that, though it was stated in paragraph 13 of the order dated 01.03.2021 in the above OA, that the learned counsel appearing for and on behalf of the Municipality expressed his willingness to instruct the Municipal authorities to abide by the directions of the Hon'ble Tribunal and cooperate with the Board, the noncompliance with the directions as per the Annexure 1 is a pending matter where relevant provisions of solid waste management rules are specifically illustrated in which necessity of the C&D waste management is explicitly mentioned. Hence, the Secretary, Maradu Municipality is liable to be proceeded against the violations by way of not providing satisfactory facilities and obtaining authorizations as per the Solid Waste Management Rules 2016 and the C&D Waste Management Rules 2016.

Dated this the 14<sup>th</sup> day of June 2021



**Chief Environmental Engineer**

**M. A. BAIJU**  
**Chief Environmental Engineer**

