

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

APPEAL NO. 1 of 2024(SZ)

(Under Section.16(a) r.w.s.16(f) of the National Green Tribunal Act,2010)

IN THE MATTER OF:

PRATHAPAN.K.R

S/o Late Rajappan,

aged about 67 years,

Convenor, Local Citizen's Committee against

Lime Kiln, 'Vaisakh' Kayippuram,

Muhamma PO, Alappuzha- 688525

Ph No.9940178702

Email id. stanly.lawyer@gmail.com

..... APPELLANT

VERSUS

1. KERALA STATE POLLUTION CONTROL BOARD,

Through the Member Secretary,

Head Office, Pattom PO,

Thiruvananthapuram, Kerala - 695004.

0471-2318151. ms.kspcb@gov.in.

2. JIBIN.G.

S/o Gopalakrishnan

Managing Partner of M/s. Grb Lime Shell Industries

Kudilkavala,

Kayipuram, Muhamma PO,

Alappuzha- 688525.

9447766285, Email id: jibin.grb@gmail.com

3. LAILA.G.

W/o. Gopalakrishnan

Kudiliveliyil Kayipuram,

Muhamma PO,

Alappuzha- 688525

..... RESPONDENTS

REPLY FILED BY THE RESPONDENTS 2 AND 3

JWS

That the addresses of the Respondents for the service of notices of the Appeal, are as given above and also that of their Counsel **M/s. K.ELANGO, G.CHAMKIRAJ, P.RAJA, and M.MAHALAKSHMI**, Advocates No.151, Thambu Chetty Street, I Floor, Chennai - 600 001., elangokamaraj@yahoo.co.in, raja@rajalegal.com.

1. The appeal is not maintainable either on law or on facts. All the averments in the above appeal are denied as false, frivolous and invented for the purpose of appeal, except those that are specifically admitted. These respondents have filed a detailed reply in the Appeal filed by the appellant before the Air Appellate authority and the respondents crave leave of this Tribunal to treat the same as part and parcel this reply.

2. This appeal is directed against the Judgment dated 22.12.2023 passed by the Air Appellate Authority, Thiruvananthapuram, Kerala in Appeal No.2/2022 filed by the Appellant herein, inter alia, challenging the Consent to Establish dated 11.06.2021 accorded by the Kerala Pollution Control Board to establish a lime shell kiln by the Respondent No.2 herein.

3. The Respondent No.2 and 3 are only accorded consent to establish and not any license to operate and therefore the entire exercise is premature as averred by the authorities below. The appellant claims to be a Convenor, Local Citizen's Committee against Lime Kiln and has not said anything or done anything about the traditional Lime Kiln in that area for several years.

4. These respondents are the absolute owners in possession of 48 cents of property comprised in Sy. No: 186/10-2, 186/10,186/10-2-2 of Thanneermukkam (S) Village. These respondents Obtained the consent to establish the kiln from the PCB On 09/06/2021. The project proposal had the capacity of 9000 Kg per day with Raw material of 12000Kg of Lime Shell and 500Kg of Charcoal Fuel. Further these respondents submitted application along with all requisite certificates for granting building permit to construct a Limekiln.

5. The Category of Lime Kiln based on clam shell is an Orange Industry as per Kerala PCB. The distance requirement for the Kiln is 10Mts from any nearby residential area and the Appellants residence is 25 Mts away. The Officials after due site visit and verification of requisite record the building permit was granted as per KPBR. The appellant started construction after obtaining the building permit, against which the appellant filed Appeal.



6. It is submitted that along with the building permit application these respondents had submitted a detail project proposal in conformity with the existing Rules, Regulations and Circulars of PCB for the purpose of erection of a Limekiln.
7. The appellant herein is neighbor and living away from the required distance from the kiln, in order to wreak vengeance and towards jealous filed false complaints before the authorities. As part of enquiry the concerned officials including from the PCB again visited the site and found that the complaint is false and vexatious one. Further the These Respondents have filed a detailed project report along with the proposal for building Water Scrubber Unit for removal of waste particles from the emission and the processes explaining the re use of water collected.
8. The statement that Kspcb Granted Consent in a Hasty and Pre-Determined manner without Considering Various Enviromental Factors- No Inspection Of The Site Prior To Issuance Of Consent are all made for the purpose of the case and the consent was given by the KSPCB on the project and the lisencc to commence is not issued and the same would be issued only after asecertaining all the factors concerned. Further the KSPCB had made a detailed study with respect to simila unit nearby and filed a report dated 14.02.2024 and the said report had in detail discussed the environmental impact of the industry and had found that the same is within the parameters set by the Rules governing the Industry.
9. The statement that the Stack proposed by the KSPCB is inadequate and unsatisfactory is again made for the purpose of the case as the stack height for the production volume proposed and sulphur content being low in raw material i.e clamshell, the stack height is adequate. Further the Water Scrubbing Unit prepared and submitted before the PCB for and on behalf of these respondents by the Aquasmart Solutions' specifies and explains the civil works and the mechanical equipment functions, absorbing the harmful chemicals from the smoke coming out of the Lime Kiln. All the required details were recorded in the application for consent produced before the PCB along with requisite documents. The appellant has come to tribunals with unclean hand by making false propaganda.
10. All the grounds raised in the Appeal Memorandum before the Air appellate authority and before this Tribunal are only allegations and apprehensions of the appellant and he is wrecking vengeance against these respondents.



11. It is submitted that the appellant raised objection only after reaching the lintel level of construction as per the approved plan and permit of the panchayat. These respondents have already spent more than 12 lakhs for the construction. Challenging the building permit issued by the Muhamma Grama Panchayath as per the existing building rules. The appellant with an ulterior motive to block the commissioning of the Lime Kiln, filed appeal before the LSGI Tribunal against the said building permit and same was dismissed by the appellate tribunal the appellant had filed a writ petition in W.P.(C)No.16005 of 2023 challenging the Order of the Tribunal and the Writ petition was also dismissed by an Order dated 08.12.2023.

12. The allegations raised are mere apprehensions, speculations, and conjectures developed out of the imagination of the appellant with intension to stop the business of his neighbor at any cost. It is submitted that the plan annexed along with the application disposes all the existing buildings, pond, etc with distance from the proposed site. The contra allegations are not true to facts. The consent issued from the PCB is based on condition and the non compliance of the said conditions tantamount to cancellation of the said consent.

13. It is submitted that the Lime Kiln unit is purely a traditional one and there are number of units nearby the Vembard lake. The appellant himself has produced the paper presentation of the year 1976 having conducted the study for the year s1965 to 1968 "THE LIME-SHELL FISHERIES OF THE VEMBANAD LAKE, KERALA" shows that the industry is old and traditional.

14. The Vembanad lake which surrounds the Pathiramanal island is the largest backwater body in Kerala. This has an area of 179 sq.km. These waters are home to some of the most beautiful and unique estuaries vegetation. Over the years increasing pressures has been placed on estuarine environment. Pearl spots (Karimen), Kuil (Water birds) and Konchu (Shell fish) are the brand products of backwater in Vembanad.

15. There are a few Limeshell companies in and around Vembanad lake which are licensed and running the appellant who has declared himself to be the Convenor, Local Citizen's Committee against Lime Kiln has not notied the following industries and their approximate distance from the back water. The distance of these respondent's Proposed GRB Lime is 1530 Meters away from Pathiramanal Bird Sanctuary and 600 mts from the Vembanadu Lake.



SL.NO	Name of lime shell units in Mannanchery, Alappuzha	Approximate distance from lake side to corresponding unit (in meters)
1	Rose Limes	12 m
2	Kissan Vembanad Limes	300 m
3	Kairali Limes	496 m
4	Alleppy Limes	580 m
5	Fine Limes	50 m
6	Ponnadan Lime Industries	110 m
7	Agro Limes	590 m
8	St Thomas Chemicals(Muhamma)	1500 m

16. The appeal is without any bonafides and the attempt is only to prolong and protract the commencement of the establishment. The Air Appellate Authority has given adequate reasons and the KSPCB had conducted a detailed study and filed their report dated 14.02.2024 and for those reasons the present appeal is devoid of merit. There is no legal violation in granting the consent by the KSPCB.

It is therefore Just and necessary that this Hon'ble Tribunal may be pleased to Dismiss the above appeal and thus render Justice.

Dated this the 24th day of September 2024


Respondent No.2

VERIFICATION

I, JIBIN.G. S/o Gopalakrishnan Managing Partner of M/s. Grb Lime Shell Industries, Kudilkavala, Kayipuram, Muhamma PO, Alappuzha- 688525., do hereby solemnly affirm and sincerely state that what was stated above reply in paras 1 to 16 are true to the best of my knowledge and belief.


Respondent No.2

Signed before me on this the 24th Day of Octa
September 2024

T. Jayakrishnan 

T. JAYAKRISHNAN B.A.LL.B (Hons)
Advocate, Roll No: K-361/2000

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REPLY FILED BY THE RESPONDENTS 2
AND 3

**M/s. K.ELANGO - 536/88
G.CHAMKI RAJ -814/87
P.RAJA-1618/1998
M.MAHALAKSHMI - 3388/13**

COUNSEL FOR RESPONDENTS 2 AND 3

9840096635