

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, CHENNAI

O.A.No. 143 of 2020 (SZ)

K.K.Mohammed Iqbal

...Applicant

Vs.

Kerala State Pollution Control Board
And others

...Respondents

MEMO FILED ON BEHALF OF THE 1st RESPONDENT, KSPCB

It is humbly submitted as follows:

1. The Chief Environmental Engineer, KSPCB has forwarded a letter dated 16.5.21 stating that steps have been initiated to appoint members of the committee formed pursuant to the order of the Hon'ble Tribunal dated 14.10.2020. The CEE has also detailed the steps taken by the Board to recover the amount to the tune of Rs. 47.88 Cr due from the Respondent company for cost of remediation of the affected sites as detailed in the DPR prepared by the agency as per directions of the CPCB.
2. The said letter and the attachments therein are attached along with this memo.

It is therefore prayed that this Hon'ble Tribunal may be pleased to take on record the above memo filed on behalf of the 1st respondent Board and pass appropriate orders and thus render justice.

Dated at Chennai this the 29th day of May, 2021



Counsel for 1st respondent

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

O.A.No. 143 of 2020 (SZ)

**MEMO FILED ON BEHALF OF
THE 1st RESPONDENT, KSPCB**

**Ms.REMA SMRITHI VK
Standing counsel for KSPCB
1st respondent**

9445782946



KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, GANDHI NAGAR, ERNAKULAM – 682 020

www.keralapcb.nic.in

PCB/RO-EKM/GEN-11/2009

16.05.2021

From

The Chief Environmental Engineer

To

Adv Rema Smrithi,

Advocate Standing Counsel (NGT)

Sub:- O A 143 of 2020 – Remediation - M/s Edayar Zinc Pvt. Ltd. – Reg

Ref:- Order dated 13.04.2021 of the Hon'ble NGT in O A 143 of 2020 and I A 106 of 2020 (Enclosed).

Madam,

As per the direction given by the Member Secretary I may inform your good self following facts in connection with above mentioned Original Application,,

Base on the status report filed by the Board dated 14.10.2020 the Hon'ble Tribunal delivered the order vide reference cited above. Through the order the Hon'ble NGT stated as follows,

“So in order to ascertain the nature of contamination caused, the source of contamination and who are responsible for such contribution and whether the activities of respondents 9 and 10 had also contributed to the contamination of the soil, we feel it appropriate to appoint a joint committee comprising of (1) a Senior Officer from the Central Pollution Control Board (CPCB), Regional Office, Bangalore, (2) a Senior Officer/Scientist from Kerala State Pollution Control Board (KSPCB) as nominated by its Chairman and (3) a Scientist having expertise in Soil study from Department of Soil Science and Agricultural Chemistry, Kerala Agricultural University, Vellanikkara, Mannuthy, Thrissur and (4) a Senior Soil Conservation Officer from Department of Soil Survey and Soil Conservation, Govt. of Kerala as nominated by its Director to inspect the area in question and submit a report

regarding the following aspects (1) Whether the activities of 9th and 10th respondent had contributed for the contamination of the soil in the nearby agricultural lands. (2) whether the respondents 9 and 10 are complying with the conditions imposed by the regulators in their consent/clearance granted (3) whether the industrial waste that is being generated during their manufacturing process have been dealt with scientifically as per the respective rules dealing with the Hazardous substance disposals (4) whether any of the past activities of respondents 9 and 10 still continues, which results in continues pollution causing contamination of that area and if that be the case what is the extend of the contamination caused on account of the contribution if any, made by the activities of respondents 9 and 10, what is the nature of remediation of action to be taken up for the purpose of remedying the situation in that area and what is the quantum of compensation that has to be realized from the person responsible for such contribution for taking into account of the nature of violation committed by them and the polluted activity that has been produced on account of their operational methods in running the industry. If there is any violation found of non-compliance with the conditions or insufficiency in carrying out the statutory obligations of disposal of waste generated by the respondents 9 and 10 to assess the compensation payable by them taking into account the remediation cost for requiring for restoring the damage caused to the agricultural land of the neighbouring properties and applying the guidelines provided by the Central Pollution Control Board (CPCB) in such cases as directed by the Principal Bench of National Green Tribunal in similar issues”

Hon’ble NGT also ordered that “the Kerala State Pollution Control Board (KSPCB) will be the nodal agency for co-ordination and for providing necessary logistics for this purpose”.

It may be noted that the Board, on noticing that the next hearing is on 31.05.2021 declared the Board’s representation and intimated all the departments to make their nominations. Copy of the Proceedings PCB/HO/EE4/NGT/O.A. 143/2021(SZ) dated 12/05/2021 and letter PCB/HO/EE4/NGT/O.A No. 143/ 2020 dated 12/05/2021 are attached as **Annexure A & Annexure B** respectively.

An I A also has been filed in this case by the applicant and the Hon’ble Tribunal ordered as follows,

“This is an application been filed by the applicant seeking permission to delete the relief no. 2, in the application namely, injunction against the 9th respondent not to remove the plant and the machineries from their industrial premises before their environmental liability for remediation of sites in Edayar resettled. It is mentioned in the application that the prayer has become infructuous as the same was permitted as per the orders of the Hon’ble High Court of Kerala in W.P.(C) No. 19291/2020, dated 01.10.2020.

Since the removal of machineries are being done as per the orders of the Hon'ble High Court of Kerala, this Tribunal cannot injunct them from removing the same. So, the application is allowed and relief no. 2 is deleted.

I.A. No. 106 of 2020 is disposed of accordingly”.

With respect to this I A, your kind attention is invited to the petition in WP © 19291 of 2020 filed before the Hon'ble High Court of Kerala by M/s Fine Fab Engineering and Constructions to allow them to dismantle and remove the materials sold by the Punjab National Bank to whom M/s Edayar Zinc has been attached with as per the order dated 01.10.2020 in I.A 1, 2 & 3 and WP© 19291 of 2020. Here, it is important to note that the Board had already informed District Collector to include the liability of industry of 47.88 Cr towards the remediation of mentioned areas in the revenue recovery procedures. This was done since the CPCB had forwarded the DPR for its timely implementation and the industry in question is presently not functional. Thereafter, the District collector had informed the Board to submit the liability amount in revenue recovery website of state Govt. and the Board initiated actions in this regard. Copy of the letter dated 28.09.2020 issued to District Magistrate is enclosed as **Annexure 3**. Copy of the letter from the District Collector dated 06.10.2020 is enclosed as **Annexure 4**. It is respectfully submitted that the District Magistrate also informed vide letter dated 13.10.2020 that there was no mentioning about SPCBs claim for the amount to be paid by the industry towards remediation in the order 01.10.2020 of the Hon'ble High Court in I A No.1,2,3/2020 in WP (C) No. 19291 of 2020 in which the Board also impleaded as respondent (As reported by the Advocate Standing Counsel). Copy of the letter from the District Collector dated 13.10.2020 is enclosed as **Annexure 5** and Copy of the order dated 01.10.2020 is enclosed as **Annexure 6**.

At this juncture, the Hon'ble Tribunal may kindly be intimated that the Board had initiated lot of actions to materialize the remediation of Edayattuchal & Chakkarachal paddy fields for which detailed DPR has been prepared by M/s ERM Consultants, an agency accredited by the CPCB, who was authorized to implement the remediation works of 12 contaminated sites all over India, two among them are Eloor-Kuzhikkandom thodu at Eloor and the paddy fields

mentioned above at Edayar. Also there were certain decisions of the project steering committee with regard to implementation of remediation of contaminated sites proposed in the country. Copies of the minutes of 9th and 10th Project Steering Committee are attached as **Annexure 7** & **Annexure 8** respectively.

It may also be noted that action is being initiated by the Board to incorporate the recovery amount towards the remediation project in the Government's Revenue recovery website but there are certain hesitations from the part of such agencies. In the mean time it is highly required to conduct an inspection by the Committee constituted by the Hon'ble Tribunal and will be possible only after the finalization of the nominations by respective departments as per the order vide reference cited. It may also be intimated that the spread of second wave of COVID-19 pandemic delayed the follow up activities in this matter and we may be allowed to give a sufficient time for the coordination of the committee constituted by the Hon'ble Tribunal and to submit action taken report.

Yours faithfully,



CHIEF ENVIRONMENTAL ENGINEER



- Copy to:
1. The Member Secretary, Thiruvananthapuram.
 2. The Environmental Engineer, ESC, Eloor.
 3. The Environmental Engineer, Legal Cell, RO, EKM.

PROCEEDINGS

(Present: Sri. Pradeep Kumar A.B.)

Sub: O.A.No.143/2021(SZ) before the Hon'ble National Green Tribunal regarding the environmental degradation of agricultural land near Eloor-Edayar area- Committee constituted by NGT- officer of the Board nominated- orders issued.

KERALA STATE POLLUTION CONTROL BOARD

No.PCB/HO/EE4/NGT/O.A. 143/2021(SZ) Thiruvananthapuram Dated: 12/05/2021

Read: Order dated 13/04/2021 in O.A No. 143/2021(SZ) of the Hon'ble National Green Tribunal

ORDER

The Hon'ble National Green Tribunal (NGT) has registered O.A. No. 143/2020(SZ) regarding the environmental degradation of agricultural land near Eloor-Edayar area, Ernakulam district of kerala state due to the operation of Edayar Zinc Ltd (Formerly Binani Zinc Ltd). The NGT had vide paper read above, constituted a committee with the following members.

1. Senior officer from the Central Pollution control Board (CPCB), Regional Office, Bangalore
2. Senior officer/Scientist from Kerala state Pollution Control Board
3. A scientist having expertise in soil study from Department of Soil Science and Agriculture Chemistry, Kerala Agricultural University, Mannuthy, Thrissur
4. Senior Soil Conservation Officer, Department of Soil Survey and Soil Conservation, Government of Kerala

The Committee is directed to inspect several aspects regarding the degradation of agricultural land near the Eloor-Edayar area and submit report.

The Kerala State Pollution Control Board will be the nodal agency for co-ordination and for providing necessary logistics for this purpose. The Chief Environmental Engineer, Regional Office, Ernakulum is hereby nominated to represent the Kerala State Pollution Control Board in the above committee.

**Sd/-
CHAIRMAN**

To

1. The Chief Environmental Engineer
Kerala State Pollution Control Board
Regional Office
Ernakulam

Copy to:

1. The Regional Director
CPCB, Regional Directorate
Bengaluru
2. The Registrar
Kerala Agricultural University,
KAU P.O, N.H. 47,
Vellanikkara,
Thrissur- 680 656
3. The Director
Directorate of Soil Survey & Soil Conservation Centre
Plaza Building
Vazhuthacaud
Thycaud
Thiruvananthapuram-695 014



KERALA STATE POLLUTION CONTROL BOARD
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004
പട്ടം പി.ഒ., തിരുവനന്തപുരം – 695 004

PCB/HO/EE4/NGT/O.A NO. 143/ 2020

Date: 12/05/2021

From

The Chairman

To

1. The Regional Director
CPCB, Regional Directorate
Bengaluru
2. The Registrar
Kerala Agricultural University,
KAU P.O., N.H. 47,
Vellanikkara,
Thrissur- 680 656
3. The Director
Directorate of Soil Survey & Soil Conservation Centre
Plaza Building
Vazhuthacaud
Thycaud
Thiruvananthapuram-695 014

Sub: O.A No. 143/ 2020 before the Hon'ble NGT

Ref: 1) Order dated 13/04/2021 in the above O.A.

- 2) This office proceedings no. PCB/HO/EE4/NGT/O.A NO. 143/2020
dated 12/05/2021

Sir,

The Hon'ble National Green Tribunal (NGT) has registered O.A. No. 143/2020(SZ) regarding the environmental degradation of agricultural land near Eloor-Edayar area, Ernakulum District of Kerala State due to the operation of Edayar Zinc Ltd (Formerly Binani Zinc Ltd). Vide order under reference, the NGT has constituted a Committee to inspect the area in question and

submit report. The Kerala State Pollution Control Board will be the nodal agency for co-ordination and for providing necessary logistics for this purpose. The Chief Environmental Engineer, Regional Office, Ernakulum is nominated to represent the Kerala State Pollution Control Board in the above committee vide ref.2. His contact details are given below.

Sri. M.A. Baiju
Chief Environmental Engineer,
Kerala State Pollution Control Board
Regional Office, Ernakulam
Phone No: 9447975708
e-mail: pcbrokekm@gmail.com

You are kindly requested to nominate officers to the above Committee.

Yours faithfully

Sd/-

CHAIRMAN

Encl: Copy of ref. 1

Copy to:

The Chief Environmental Engineer
Regional Office
Ernakulum



KERALA STATE POLLUTION CONTROL BOARD

ENVIRONMENTAL SURVEILLANCE CENTRE

FACT-Qr.No.S-5, UDYOGAMANDAL P.O., ERNAKULAM-683501,

Phone : 0484 2545678 , E-mail: esceloor@yahoo.co.in

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

എൻവയൺമെന്റൽ സർവൈലൻസ് സെന്റർ

ഫാക്ട് ക്വാർട്ടേഴ്സ് നമ്പർ S-5, ഉദ്യോഗമണ്ഡൽ പി. ഒ., എറണാകുളം-683 501

“ഭരണ ഭാഷ - മാതൃഭാഷ”

പിസിബി/ഇഎസ്.സി/ബി.ഇസഡ്.ഡി.സി /2018

തീയതി: 28.09.2020

പ്രേഷിത

എൻവയോൺമെന്റൽ എഞ്ചിനീയർ

സ്വീകർത്താവ്

ബഹു. ജില്ലാ കളക്ടർ
എറണാകുളം

വിഷയം: മെ. എടയാർ സിങ്ക്/മെ.ബിനാനി സിങ്ക് ലിമിറ്റഡ് -- മലിനീകരണപ്പെട്ട പ്രദേശങ്ങളുടെ പുനരുദ്ധാരണം -- സംബന്ധിച്ച്

സൂചന : കേന്ദ്ര മലിനീകരണ നിയന്ത്രണ ബോർഡിന്റെ F.No.B-29016/59(1)/WMD-I/NCEF(10)/2017/16360-A നമ്പരിലുള്ള 13.02.2019 തീയതിയിലെ കത്ത്.

സർ,

മേൽ വിഷയത്തിലേക്ക് അങ്ങയുടെ ശ്രദ്ധ ക്ഷണിക്കുന്നു.

രാജ്യത്തെ മലിനീകരണപ്പെട്ട പ്രദേശങ്ങൾ കണ്ടെത്തി ഈ പ്രദേശങ്ങൾ പുനരുദ്ധാരണം ചെയ്യുന്നതിനായി കേന്ദ്ര മലിനീകരണ നിയന്ത്രണ ബോർഡ് (CPCB) വിശദമായ പഠനം നടത്തുകയും ഈ പ്രദേശങ്ങൾ പുനരുദ്ധാരണം ചെയ്യുന്നതിനായി Detailed Project Report (DPR) തയ്യാറാക്കിയിട്ടുള്ളതുമാണ്. എറണാകുളം ജില്ലയിൽ ഏലൂരിലെ കുഴിക്കണ്ടം തോട്, എടയാറിലെ പാടശേഖരങ്ങളായ എടയാറ്റുചാൽ, ചക്കരച്ചാൽ എന്നീ പ്രദേശങ്ങൾ ഇത്തരത്തിൽ പഠനം നടത്തി മലിനപ്പെട്ടതായി കേന്ദ്ര മലിനീകരണ നിയന്ത്രണ ബോർഡ് കണ്ടെത്തിയിട്ടുള്ളതാണ്. CPCB തയ്യാറാക്കിയ DPR പ്രകാരം കുഴിക്കണ്ടം തോട് പുനരുദ്ധാരണം ചെയ്യുന്നതിന് 25.9 കോടി രൂപയും എടയാറ്റുചാൽ, ചക്കരച്ചാൽ പാടശേഖരങ്ങൾ പുനരുദ്ധാരണം ചെയ്യുന്നതിനായി 47.88 കോടിയുമാണ് പദ്ധതി ചിലവ്. നിലവിൽ ഈ രണ്ട് പദ്ധതികളും നടപ്പിലാക്കുന്നതിനായി CPCB സംസ്ഥാന സർക്കാരിലേക്ക് കൈമാറിയിട്ടുള്ളതാണ്. കുഴിക്കണ്ടം തോട് പുനരുദ്ധാരണം ചെയ്യുന്നതിനായി സംസ്ഥാന സർക്കാർ നടപടികൾ സ്വീകരിച്ചു

കഴിഞ്ഞു. ഇതിനായി തോട് മലിനപ്പെടുത്തിയ കമ്പനികളായ HIL, FACT, IRE, Merchem എന്നിവരിൽ നിന്നും “polluter pay principle” പ്രകാരം തുക ഈടാക്കിയിട്ടുള്ളതും ആണ്. എടയാറിലെ ചക്കരച്ചാൽ, എടയാറ്റുചാൽ പ്രദേശങ്ങൾ പുനരുദ്ധാരണം ചെയ്യേണ്ടത് എടയാർ സിങ്കിന്റെ ചുമതലയാണ്. പ്രസ്തുത കമ്പനി നിലവിൽ Punjab National Bank ജപ്തി ചെയ്തിരുന്നതായി അറിഞ്ഞതിന്റെ അടിസ്ഥാനത്തിൽ കമ്പനിയുടെ ബാധ്യതയെക്കുറിച്ച് Punjab National Bank, എടയാർ സിങ്ക് കമ്പനിയേയും ബോർഡ് അറിയിച്ചിരുന്നെങ്കിലും മറുപടി ഒന്നും ലഭിച്ചിട്ടില്ലാത്തതാണ്. എടയാറ്റുചാൽ, ചക്കരച്ചാൽ എന്നീ പ്രദേശങ്ങൾ പുനരുദ്ധാരണം ചെയ്യുവാനും, എടയാർ സിങ്കിൽ നിന്നും ആയതിനുള്ള തുക ഈടാക്കുവാനും ആവശ്യപ്പെട്ടുകൊണ്ട് ബഹു. ദേശീയ ഹരിത ട്രിബ്യൂണലിൽ കേസ് (O.A. 143/2020) നിലവിലുള്ളതാണ്. കമ്പനിയുടെ പ്രവർത്തനം മൂലം മലിനപ്പെട്ട പ്രദേശങ്ങൾ പുനരുദ്ധാരണം ചെയ്യേണ്ടത് കമ്പനിയുടെ ഉത്തരവാദിത്തമാണ്. എന്നാൽ കമ്പനിയിൽ നിന്നോ, ബാങ്കിൽ നിന്നോ യാതൊരുവിധ മറുപടിയും ഈ വിഷയത്തിൽ ബോർഡിന് ലഭിച്ചിട്ടില്ലാത്തതാണ്. ഈ സാഹചര്യത്തിൽ എടയാർ സിങ്ക് (ബിനാനി സിങ്ക്) എന്ന കമ്പനിയുടെ Revenue Recovery ചെയ്യുന്നതിനായി ബാധ്യതകൾ കണക്കാക്കുമ്പോൾ മേൽ പറഞ്ഞ 47.88 കോടി രൂപ ഉൾപ്പെടുത്തുവാനും, മേൽ തുക കമ്പനി മൂലം മലിനീകരണപ്പെട്ട പ്രദേശങ്ങൾ പുനരുദ്ധാരണം ചെയ്യുന്നതിനായി ബോർഡിന് ഈടാക്കിത്തരുന്നതിനുള്ള നടപടികൾ സ്വീകരിക്കണമെന്ന് അഭ്യർത്ഥിക്കുന്നു. സൂചനാ കത്തും, CPCB സമർപ്പിച്ച പഠന റിപ്പോർട്ടും (DPR) ഉം ഈ കത്തിനോടൊപ്പം ഉള്ളടക്കം ചെയ്യുന്നു.



വിശ്വസ്തതയോടെ,

എൻവയോൺമെന്റൽ എഞ്ചിനീയർ

ഉള്ളടക്കം : മേൽ പ്രകാരം

- പകർപ്പ് : 1. മെമ്പർ സെക്രട്ടറി
 കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്
 തിരുവനന്തപുരം
2. ചീഫ് എൻവയോൺമെന്റൽ എഞ്ചിനീയർ
 കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്
 റീജിയണൽ ഓഫീസ്, എറണാകുളം
3. സീനിയർ എൻവയോൺമെന്റൽ എഞ്ചിനീയർ
 കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്
 ലീഗൽ സെൽ, റീജിയണൽ ഓഫീസ്, എറണാകുളം

കളക്ടറേറ്റ്, എറണാകുളം

06/10/2020

പ്രേഷകൻ
ജില്ലാ കളക്ടർ
എറണാകുളം

സ്വീകർത്താവ്
എൻവൈറോണ്മെന്റൽ എഞ്ചിനീയർ
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്
എൻവൈറോണ്മെന്റൽ സർവൈലൻസ് സെന്റർ
ഫാക്ട് , ഉദ്യോഗമണ്ഡൽ പി ഓ
എറണാകുളം -683501

സർ ,
വിഷയം :- റവന്യൂ റിക്കവറി -M/S എടയാർ സിങ്ക് /M/S ബിനാനി സിങ്ക് ലിമിറ്റഡ്-
മലിനീകരിക്കപ്പെട്ട പ്രദേശങ്ങളുടെ പുനരുദ്ധാരണത്തിനു
വേണ്ടിവരുന്ന തുക റവന്യൂ റിക്കവറി നടപടികളിലൂടെ ഈടാക്കുന്നത്
സംബന്ധിച്ച്

സൂചന 1:- താങ്കളുടെ 28.09.2020 ലെ പി സി ബി /ഇ എസ് സി /ബി
ഇസഡ്.ഡി .സി/2018 നമ്പർ കത്ത്.

സൂചനയിലേയ്ക്ക് ശ്രദ്ധ ക്ഷണിക്കുന്നു ,എടയാർ ബിനാനി സിങ്ക് എന്ന കമ്പനിയുടെ റവന്യൂ റിക്കവറി ചെയ്യുന്നതിനായി ബാധ്യതകൾ കണക്കാക്കുമ്പോൾ കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡിനുവേണ്ടി ടി കമ്പനി മൂലം മലിനമാക്കപ്പെട്ട പ്രദേശങ്ങൾ പുനരുദ്ധാരണം ചെയ്യുന്നതിനുള്ള 47.88 കോടി രൂപ കൂടി ഉൾപ്പെടുത്തണമെന്ന് സൂചന 1 പ്രകാരം അറിയിച്ചിട്ടുള്ളതാണ് . എന്നാൽ അർത്ഥന ഓൺലൈൻ മുഖാന്തിരം താങ്കൾ ഈ കാര്യലയത്തിൽ സമർപ്പിച്ചിട്ടില്ലാത്തതാണ് . 2017 മുതൽ റവന്യൂ നടപടികൾ സ്വീകരിക്കുന്നതിന് ആർ ആർ ഓൺലൈൻ മുഖാന്തിരം അപേക്ഷ നൽകേണ്ടതാണ് .ആയതിന്റെ URL rr.kerala.gov.in എന്നാണ് .എന്നാൽ താങ്കളുടെ ഓഫീസിനെ ആർ എ മാനേജ്മന്റ് സിസ്റ്റത്തിൽ ഉൾപ്പെടുത്തിയതായി കാണുന്നില്ല .ആർ എ മാനേജ്മന്റ് സിസ്റ്റത്തിൽ ഉൾപ്പെടുത്തുന്നതിന് താങ്കളുടെ വകുപ്പിലെ സ്റ്റേറ്റ് ലെവൽ നോഡൽ ഓഫീസർ മുഖാന്തിരം റിക്വിസിഷൻ അയക്കുന്ന ഓഫീസിന്റെ പേര്, കൂടിശ്ശികയുടെ വിവരം ,ആയതിന്റെ ഹെഡ് ഓഫ് അക്കൗണ്ട് ,എന്നിവ എക്സൽ ഫോർമാറ്റിൽ തയ്യാറാക്കി എൻ ഐ സി യെ (lrbcirtvm@gmail.com, clrb2clerk@gmail.com , rr.kerala@gov.in)

അറിയിക്കേണ്ടതാണ് താങ്കളുടെ വകുപ്പിലെ സ്റ്റേറ്റ് ലെവൽ നോഡൽ ഓഫീസറുടെ വിവരങ്ങൾ ആർ ആർ ഓൺലൈൻ പോർട്ടലിലെ നോഡൽ ഓഫീസറുമാരുടെ ലിസ്റ്റിൽ ലഭ്യമാണ് . ടിയാൻ മുഖാന്തിരം യൂസർ ഐ ഡി യും പാസ് വേർഡും ലഭ്യമാക്കേണ്ടതാണ് . ഇതുവരെയും സ്റ്റേറ്റ് ലെവൽ നോഡൽ ഓഫീസറെ നിശ്ചയിക്കാത്ത ബന്ധപ്പെട്ട വകുപ്പ് / സ്ഥാപനത്തിന് ഒരു സ്റ്റേറ്റ് ലെവൽ നോഡൽ ഓഫീസറെ നിശ്ചയിക്കേണ്ടതാണ് . കൂടുതൽ വിവരങ്ങൾക്ക് സർക്കുലർ ഇതോടൊപ്പം ചേർത്ത് അയക്കുന്നു .

Signature valid

Digitally signed by SHAJAHAN S
Date: 2020.10.06 11:01:42 IST
Reason: Approved



വിശ്വസ്തയോടെ

DEPUTY COLLECTOR

ജില്ലാ കളക്ടർക്കുവേണ്ടി .

rr.kerala.gov.in

RR Online - Online Revenue Recovery Services, Department of Revenue, Kerala State

NIC Kerala State Centre

1 minute

NOTICE

1. Requisition Authorities who do not have userid may check [Nodal Officers List](#) link in this page and contact respective nodal officer. If nodal officer details are not found, RA may request Department Head to nominate a state level nodal officer and inform CLR and NIC (lrbclrtvm@gmail.com, clrb2clerk@gmail.com, rr.kerala@gov.in).

2. Suggestions/Issues/

Doubts (if any) may be mailed to rr.kerala@gov.in with relevant screen shots & Sender details.

Contact No: 0471-2321229 For Technical Queries :
0471-2729895

DSC HELP

1. [How to obtain DSC](#)

2. [DSC Help \(Java Applet based Signing\)](#)

3. [DSC Troubleshooting](#)

NICOSIGN NEW!

എൽ.ആർ.(ബി2)- 7290/16

ലാൻഡ് റവന്യൂ കമ്മീഷണറുടെ കാര്യാലയം
പബ്ലിക് ഓഫീസ് ബിൽഡിംഗ്സ്
മുസിയാം പി.ഒ, തിരുവനന്തപുരം-33
ഫോൺ നമ്പർ :0471- 2321229, 8547610002.
ഇ-മെയിൽ -lrbclrtvm@gmail.com
തീയതി : 10/02/2017

സർക്കുലർ

വിഷയം : റവന്യൂ വകുപ്പ് - ആർ.ആർ ഐ.ടി പ്ലാറ്റ്ഫോം - കേരളാ റവന്യൂ റിക്കവറി ആക്ട് 1968 - റവന്യൂ റിക്കവറി നടപടികൾ - 01.04.2017 മുതൽ റവന്യൂ വകുപ്പിൽ ആർ.ആർ ഓൺലൈൻ സോഫ്റ്റ് വെയർ നടപ്പിലാക്കുന്നത് - സംബന്ധിച്ച്.
പരാമർശം : റവന്യൂ പ്രിൻസിപ്പൽ സെക്രട്ടറിയുടെ ചേംബറിൽ ചേർന്ന 20.01.2017ലെ യോഗതീരുമാനം.

കേരളാ റവന്യൂ റിക്കവറി ആക്ട് 1968 പ്രകാരം റവന്യൂ വകുപ്പ് കുടിശ്ശിക തുകകൾ പിരിച്ചെടുക്കുന്നതിനായി റവന്യൂ റിക്കവറി നടപടികൾ സ്വീകരിച്ചു വരുന്നു. നിലവിൽ റിക്വിസിഷനുകൾ ഓൺലൈൻ മുഖാന്തിരം സ്വീകരിക്കുന്നുണ്ടെങ്കിലും ആയത് കളക്ടറേറ്റിലും വരെ മാത്രമാണ് നടക്കുന്നത്. മാത്രവുമല്ല ഇതു സംബന്ധിച്ച് സംസ്ഥാനമൊട്ടാകെ ഒരു ഏകീകൃത സംവിധാനം നിലവിൽ ഇല്ലാത്തതുമാണ്. ആയതുകൊണ്ടു തന്നെ നിലവിൽ റവന്യൂ റിക്കവറി നടപടികളിൽ കാലതാമസമടക്കമുള്ള പല പോരായ്മകളും നിലനിൽക്കുന്നുണ്ട്.

നിലവിൽ റവന്യൂ റിക്കവറി നടപടികളിൽ നിലനിൽക്കുന്ന പോരായ്മകൾ പരിഹരിക്കുന്നതിനായി എൻ.ഐൻ.സി മുഖാന്തിരം പുതിയ ആർ.ആർ ഓൺലൈൻ സോഫ്റ്റ് വെയർ തയ്യാറാക്കിയിട്ടുണ്ട്. പൈലറ്റ് പ്രോജക്ട് എന്ന നിലയിൽ കൊമേഴ്സ്യൽ ടാക്സ് വകുപ്പിനെ ഉൾപ്പെടുത്തി തിരുവനന്തപുരം ജില്ലയിലും, തുടർന്ന് സംസ്ഥാനമൊട്ടാകെയും ആർ.ആർ ഓൺലൈൻ സോഫ്റ്റ് വെയർ നടപ്പിലാക്കിയിട്ടുണ്ട്.

എല്ലാ റിക്വിസിഷൻ അതോറിറ്റികളെയും ഉൾപ്പെടുത്തി സംസ്ഥാനമൊട്ടാകെ 01.01.2017 മുതൽ ആർ.ആർ ഓൺലൈൻ സോഫ്റ്റ് വെയർ നടപ്പിലാക്കുവാൻ തീരുമാനിക്കുകയും, ഇതിന്റെ ഭാഗമായി വിവിധ തീയതികളിൽ റിക്വിസിഷൻ അതോറിറ്റികളുടെ യോഗം ലാൻഡ് റവന്യൂ കമ്മീഷണറേറ്റിൽ വച്ച് ചേരുകയും, റിക്വിസിഷൻ അതോറിറ്റികൾക്ക് ആവശ്യമായ പരിശീലനം കമ്മീഷണറേറ്റിലെത്തിലും, ജില്ലാ കളക്ടറേറ്റ് മുഖാന്തിരവും നൽകിയിരുന്നു. എന്നാൽ റിക്വിസിഷൻ അതോറിറ്റികളുടെ ഭാഗത്തുനിന്നും വേണ്ടത്ര സഹകരണം ലഭിക്കാത്തതിനാൽ ആർ.ആർ ഓൺലൈൻ സോഫ്റ്റ് വെയർ 01.01.2017 മുതൽ പൂർണ്ണമായും നടപ്പിലാക്കുവാൻ കഴിയാതെ വന്നിരിക്കുന്നു.

ആർ.ആർ ഓൺലൈൻ നടപ്പിലാക്കുന്നതിന്റെ പുരോഗതി വിലയിരുത്തുന്നതിനായി റവന്യൂ പ്രിൻസിപ്പൽ സെക്രട്ടറിയുടെ ചേംബറിൽ 20.01.17 ന് ചേർന്ന യോഗത്തിൽ 01.04.2017 മുതൽ റിക്വിസിഷനുകൾ പുതിയ ആർ.ആർ ഓൺലൈൻ സോഫ്റ്റ് വെയർ മുഖാന്തിരം മാത്രമേ സ്വീകരിക്കുകയുള്ളൂവെന്ന് തീരുമാനിച്ചിട്ടുണ്ട്. ആയതിനാൽ സംസ്ഥാനമൊട്ടാകെ 01.04.2017 മുതൽ റവന്യൂ റിക്കവറി നടപടികൾ പുതിയ ആർ.ആർ ഓൺലൈൻ മുഖേന മാത്രമേ സ്വീകരിക്കുകയുള്ളൂ.

എല്ലാ സർക്കാർ വകുപ്പുകളും, കേരളാ റവന്യൂ റിക്കവറി ആക്ട് 1968 സെക്ഷൻ 71 അനുസരിച്ച് സർക്കാർ വിജ്ഞാപന പ്രകാരം ഉൾപ്പെടുത്തിയിരിക്കുന്ന എല്ലാ സ്ഥാപനങ്ങളും ബന്ധപ്പെട്ട വകുപ്പ് / സ്ഥാപനങ്ങളുടെ വിവരം സോഫ്റ്റ് വെയറിൽ ഉൾപ്പെടുത്തേണ്ടതുണ്ട്.

ആർ.ആർ ഓൺലൈൻ നടപ്പിലാക്കുന്നതുമായി ബന്ധപ്പെട്ട് റിക്വിസിഷൻ അതോറിറ്റികൾ താഴെ പറയുന്ന നിർദ്ദേശങ്ങൾ പാലിക്കേണ്ടതാണ്.

- ഇതുവരെയും *State Level Nodal Officer* നെ നിശ്ചയിക്കാത്ത ബന്ധപ്പെട്ട വകുപ്പ് / സ്ഥാപനത്തിന് ഒരു *State Level Nodal Officer* നെ നിശ്ചയിക്കേണ്ടതാണ്. പ്രസ്തുത നോഡൽ ഓഫീസർ വകുപ്പ് / സ്ഥാപന മേധാവിയുടെ സ്റ്റേറ്റ് വെലൽ ഓഫീസിലെ ഒരു ഉദ്യോഗസ്ഥനും, കമ്പ്യൂട്ടർ പ്രാവീണ്യമുള്ളയാളും ആകുന്നത് അഭികാമ്യമായിരിക്കും.
- ബന്ധപ്പെട്ട വകുപ്പ് / സ്ഥാപനത്തിന്റെ *State Level Nodal Officer* നുടെ പേര്, പദവി, ഓഫീസ് വിലാസം, മൊബൈൽ നമ്പർ, ഇ-മെയിൽ വിലാസം എന്നിവ സഹിതം ലാൻഡ് റവന്യൂ കമ്മീഷണറേയും, എൻ.ഐ.സിയേയും അറിയിക്കേണ്ടതാണ്.

State Level Nodal Officer മാർ താഴെ പറയുന്ന ചുമതലകൾ കൂടി നിർവഹിക്കേണ്ടതാണ്.

1. പ്രസ്തുത *State Level Nodal Officer* വകുപ്പ് / സ്ഥാപനവുമായി ബന്ധപ്പെട്ട റിക്വിസിഷൻ അയയ്ക്കുന്ന സംസ്ഥാനത്തിലെ മുഴുവൻ ഓഫീസുകളുടെയും ലിസ്റ്റ് ജില്ല തിരിച്ചും, പ്രധാനപ്പെട്ട കുടിശ്ശികകളുടെ വിവരവും, ആയതിന്റെ ശീർഷകവും (*Head of Account*) താഴെ പറയുന്ന മാതൃകയിൽ *Excel Format* ൽ തയ്യാറാക്കി എൻ.ഐ.സിയെ അറിയിക്കേണ്ടതാണ്.

<i>Departmentwise Status of Master Data Available</i>			
<i>Name of Department</i>	<i>of List of offices (Requisition Authorities)</i>	<i>List of Nature of Dues available</i>	<i>Head of Account against Nature of Dues</i>

<i>Name of Department :</i>						
<i>District</i>	<i>Office Name</i>	<i>Address</i>	<i>Pin Code</i>	<i>IFSC Code (For Banks only)</i>	<i>Phone No</i>	<i>E-mail Id</i>

2. ബന്ധപ്പെട്ട വകുപ്പ് / സ്ഥാപനം റിക്വിസിഷൻ കൈകാര്യം ചെയ്യുന്ന ഉദ്യോഗസ്ഥരുടെ വിവരം *User Id, Password* എന്നിവ തയ്യാറാക്കുന്നതിനായി താഴെ പറയുന്ന മാതൃകയിൽ വിവരങ്ങൾ *State Level Nodal Officer* മാർ ശേഖരിക്കേണ്ടതാണ്. ബന്ധപ്പെട്ട വകുപ്പ് / സ്ഥാപനത്തിന്റെ *State Level Nodal Officer* എൻ.ഐ.സി യുടെ നിർദ്ദേശ പ്രകാരം ഉദ്യോഗസ്ഥർക്ക് *User Id, Password* എന്നിവ അനുവദിക്കേണ്ടതാണ്.

<i>Details of Users</i>						
<i>PEN NO/ ID No</i>	<i>Name</i>	<i>Designation</i>	<i>Address</i>	<i>Phone No.</i>	<i>E-mail Id</i>	<i>Seat</i>

3. *State Level Nodal Officer* നെ കൂടാതെ ബന്ധപ്പെട്ട വകുപ്പ് / സ്ഥാപനം ആർ.ആർ ഓൺലൈൻ സോഫ്റ്റ് വെയറിൽ പരിശീലനം നൽകുന്നതിനായി മാസ്റ്റർ ട്രെയിനർമാരെ കൂടി കണ്ടെത്തേണ്ടതാണ്. ടി മാസ്റ്റർ ട്രെയിനർമാർ അതത് ജില്ലാ കളക്ടറേറ്റുകളിലെ മാസ്റ്റർ ട്രെയിനർമാരിൽ നിന്നും പരിശീലനം നേടേണ്ടതും, പ്രസ്തുത മാസ്റ്റർ ട്രെയിനർമാരെ ഉപയോഗപ്പെടുത്തി വകുപ്പ് / സ്ഥാപനത്തിലെ ഉദ്യോഗസ്ഥർക്ക് പരിശീലനം നൽകേണ്ടതുമാണ്.
4. റിക്വിസിഷനിൽ ഒപ്പു വയ്ക്കുന്ന ഉദ്യോഗസ്ഥന് *Digital Signature* ആവശ്യമാണ്. ആയതിനുള്ള നടപടികൾ ബന്ധപ്പെട്ട വകുപ്പ് / സ്ഥാപന മേധാവികൾ സ്വീകരിക്കേണ്ടതാണ്.
5. പുതിയ ആർ.ആർ ഓൺലൈൻ സോഫ്റ്റ് വെയറിന്റെ നിർവഹണത്തിനായി മേൽനോട്ടവും, ഏകോപനവും ബന്ധപ്പെട്ട വകുപ്പ്/ സ്ഥാപനത്തിന്റെ സംസ്ഥാനതല മേധാവികളും, *State Level Nodal Officer* നും നിർവഹിക്കേണ്ടതാണ്.

NIC തിരുവനന്തപുരത്തിന്റെ ഇ-മെയിൽ വിലാസം ചുവടെ ചേർക്കുന്നു.

E-mail : jaitha@kerala.nic.in, jaitha.r@nic.in, arun.raj@nic.in
 Mobile No : 9387825136, 0471-2725495, 8606582899

(ഒപ്പ്)
 കമ്മീഷണർ
 ലാൻഡ് റവന്യൂ

എല്ലാ റിക്വിസിഷൻ അതോറിറ്റികൾക്കും

- പകർപ്പ് :
- 1) പ്രിൻസിപ്പൽ സെക്രട്ടറി (റവന്യൂ) (ആമുഖ കത്ത് സഹിതം)
 - 2) കമ്മീഷണർ (സി.എ മുഖേന)
 - 3) ജോയിന്റ് കമ്മീഷണർ (സി.എ മുഖേന)
 - 4) എല്ലാ ജില്ലാ കളക്ടർമാർക്കും
 - 5) എൻ.ഐ.സി, തിരുവനന്തപുരം
 - 6) കരുതൽ ഫയൽ

// അംഗീകാരത്തോടെ //

 സീനിയർ സൂപ്രണ്ട്



കളക്ടറേറ്റ്, എറണാകുളം
13/10/2020

പ്രേഷകൻ
ജില്ലാ കളക്ടർ
എറണാകുളം

സ്വീകർത്താവ്
എൻവൈറോണ്മെന്റൽ എഞ്ചിനീയർ
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്
എൻവൈറോണ്മെന്റൽ സർവൈലൻസ് സെന്റർ
ഫാക്ട് , ഉദ്യോഗമണ്ഡൽ പി ഓ
എറണാകുളം -683501

സർ ,

വിഷയം : -റവന്യൂ റിക്കവറി -എടയാർ സിക് /ബിനാനി സിക് ലിമിറ്റഡ്-
മലിനീകരിക്കപ്പെട്ട പ്രദേശങ്ങളുടെ പുനരുദ്ധാരണത്തിനു
വേണ്ടിവരുന്ന തുക ഈടാക്കുന്നത് സംബന്ധിച്ച്

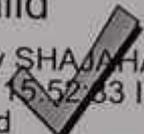
സൂചന 1: -അസിസ്റ്റന്റ് രജിസ്ട്രാർ, ബഹു ഹൈക്കോടതിയുടെ 01.10.2020
തീയതിലെ IA.1/2020 IN WPC No.19291/2020 (j) നമ്പർ
ഉത്തരവ്

2:-ഈ കാര്യലയത്തിൽനിന്നും അഡ്വക്കേറ്റ് ജനറൽ എറണാകുളത്തിന്
06.10.2020 തീയതിയിൽ അയച്ച ഇതേ നമ്പർ കത്ത്

സൂചനയിലേയ്ക്ക് ശ്രദ്ധ ക്ഷണിക്കുന്നു , ഈശ്വർ പ്രസാദ് ബി എ , നന്ദ വിഹാർ , നോർത്ത് പറവൂർ , ബഹു ഹൈക്കോടതിയിൽ ഫയൽ ചെയ്തിട്ടുള്ള IA.1/2020 IN WPC No.19291/2020 (j) കേസിന്റെ 01.10.2020 തീയതിലെ വിധി ന്യായ പ്രകാരം ബിനാനി സിക്സിന്റെ പ്രദേശത്തുനിന്നും ജംഗമങ്ങൾ നീക്കം ചെയ്യുന്നതിനും വിൽക്കുന്നതിനും 6th റെസ്പോണ്ടന്റ് ആയ പഞ്ചാബ് നാഷണൽ ബാങ്കിന് അനുമതിനൽകി ഉത്തരവ് ആയിരിക്കുന്നു. എടയാർ ബിനാനി സിക്സിന്റെ പ്രവർത്തനം മൂലം മലിനപ്പെട്ട പ്രദേശങ്ങളായ എടയാറിലെ ചക്കരച്ചാൽ , എടയാട്ടുചാൽ എന്നീ പ്രദേശങ്ങൾ പുനരുദ്ധാരണം ചെയ്യുന്നതിനുള്ള പദ്ധതിയ്ക്ക് ആവശ്യമായ 47.88 കോടി രൂപ കൂടി കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡിനുവേണ്ടി ടി കമ്പനിയിൽ നിന്നും ഈടാക്കേണ്ടതാണെന്നു സൂചന 2 പ്രകാരം ഈ കാര്യലയത്തിൽനിന്നും അഡ്വക്കേറ്റ് ജനറലിനെ അറിയിച്ചിട്ടുള്ളതാണ് . എന്നാൽ കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡിന്റെ കടിശ്ശികയെ സംബന്ധിച്ച യാതൊരു വിവരവും കോടതി പരാമർശിച്ചിട്ടില്ലാത്തതാണ്. ആയതിനാൽ കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡിന്റെ ഭാഗത്തുനിന്നും മേൽ വിഷയം സംബന്ധിച്ച കോടതിയുമായി ബന്ധപ്പെട്ട ആവശ്യമെങ്കിൽ അപ്പീൽ അടക്കമുള്ള നിയമ നടപടികൾ സ്വീകരിക്കേണ്ടതാണെന്ന വിവരം അറിയിച്ചുകൊള്ളുന്നു .

Signature valid

Digitally signed by SHAJAHAN S
Date: 2020.10.13 15:52:33 IST
Reason: Approved



DEPUTY

വിശ്വസ്തയോടെ

COLLECTOR

ജില്ലാ കളക്ടർക്കുവേണ്ടി .

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE A.K. JAYASANKARAN NAMBIAR

Thursday, the 1st day of October 2020/9th Aswina, 1942

WP(C) No.19291/2020(J)

PETITIONER

FINE FAB ENGINEERING AND CONSTRUCTIONS, MUDOKUZHY BUILDING,
NEAR HOC JUNCTION, AMBALAMUGHAL, ERNAKULAM DISTRICT - 682 302,
REPRESENTED BY ITS PARTNER, NOUSHAD KVM.

RESPONDENTS

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, ERNAKULAM - 682 030.
3. THE DEPUTY COLLECTOR (REVENUE RECOVERY),
COLLECTORATE, KAKKANAD, ERNAKULAM - 682 030.
4. THE TAHSILDAR, TALUK OFFICE,
PARAVUR, ERNAKULAM - 683 513.
5. EDAYAR ZINC LIMITED, REGD. OFFICE - 37/2,
CHINAR PARK, RAJAHAT MAIN ROAD, P.O. HATIARA,
KOLKATA - 700 157, REPRESENTED BY ITS DIRECTOR.
6. PUNJAB NATIONAL BANK, BO ILACO HOUSE, SIR PM ROAD,
FORT MUMBAI - 400 001, NOW OPERATING OUT OF 181A,
18TH FLOOR, E WING, MAKER, CUFFE PARADE, MUMBAI - 400 005,
REPRESENTED BY ITS MANAGER, Amresh.prasad2@pnb.co.in
7. VILLAGE OFFICER, VILLAGE OFFICE,
KADUNGALLOOR, PARAVUR TALUK - 683 110.
8. THE KERALA STATE ELECTRICITY BOARD LIMITED,
VYDYUTHI BHAVANAM, PATTOM, TRIVANDRUM - 695 004,
REPRESENTED BY ITS SECRETARY.

ADDL. R9 IMPEADED

ADDL. R9. EASWAR PRASAD B.A.,
S/O.LATE E. ANANTHANARAYAN, AGED 57 YEARS,
RESIDING AT NANDHA VIHAR, REPUBLIC ROAD,
NORTH PARAVOOR, ERNAKULAM DISTRICT, PIN-683 513.

ADDL. R9 IS IMPEADED AS PER ORDER DATED 01/10/2020 IN
IA.1/2020 IN WPC.

ADDL. R10 TO R12 IMPEADED

- ADDL. R10. COMINCO BINANI ZINC EMPLOYEES UNION,
BINANIPURAM, P.O. ALUVA, 683 502, REPRESENTED BY ITS SECRETARY,
RAGESH KUMAR, S/O.N.K. RAMACHANDRAN, AGED 48 YEARS,
RESIDING AT 'VIJAYA NIYAS', BINANIPURAM, ALUVA,
ERNAKULAM DISTRICT, PIN-683 502.
- ADDL. R11. COMINCO BINANI ZINC EMPLOYEES ASSOCIATION,
BINANIPURAM P.O., ALUVA, 683 502, REPRESENTED BY ITS SECRETARY,
UNNIKRISHNAN K.V., S/O.K. VELAYUDHAN PILLAI, AGED 56 YEARS,
SANTHI NIKETHAN, KESARI ROAD, NORTH PARAVOOR, 683 513,
ERNAKULAM DISTRICT.
- ADDL. R12. COMINCO BINANI ZINC EMPLOYEES ORGANISATION,
BINANIPURAM P.O., ALUVA, 683 502, REPRESENTED BY ITS SECRETARY,
P.P. JOY, S/O.P.O. PAPPACHAN, AGED 55 YEARS, PUTHUSSERY HOUSE,
OLANAD NORTH, VARAPUZHA P.O., ERNAKULAM DISTRICT, PIN-683 517.

ADDL. R10 TO R12 ARE IMPEADED AS PER ORDER DATED 01/10/2020
IN IA.2/2020 IN WPC.

WP(C) No.19291/2020(J)

ADDL. R13 IMPEADED

ADDL. R13. M/S.SUPREME AIR PRODUCTS, 6/597,
INDUSTRIAL DEVELOPMENT AREA, BINAMI PURAM P.O.,
EDAYAR, ALUVA-683 502, RIBIN KURIEN, MANAGING PARTNER.

ADDL. R13 IS IMPEADED AS PER ORDER DATED 01/10/2020 IN
IA.3/2020 IN WPC.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the respondents 2 to 4 and 7 to permit the petitioner to dismantle and remove the materials sold by the 6th respondent covered by Exhibit P5 Sale Certificate under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 and to remove equipments including the two cranes brought into the premises of the 5th respondent Edayar Zinc by the petitioner for the purpose of dismantling and removing of the Plant and Machinery, pending hearing and final disposal of the Writ Petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI.JOSEPH KODIANTHARA (SENIOR ADVOCATE) along with M/S. ABRAHAM MARKOS, ALEXANDER JOSEPH MARKOS, SHARAD JOSEPH KODIANTHARA, ZAINAB ZEBAI BRAHIM, ABRAHAM JOSEPH MARKOS, ISAAC THOMAS & P.G.CHANDAPILLAI ABRAHAM, Advocates for the petitioner, SRI.RANJITH THAMPAN, ADDL. ADVOCATE GENERAL & GOVERNMENT PLEADER for R1 to R4 & R7, SRI.SANTHOSH MATHEW, STANDING COUNSEL for R5, SRI.C.AJITH KUMAR, STANDING COUNSEL for R6 and of SRI.N.SATHEESH, STANDING COUNSEL for R8, M/S. N.K.SUBRAMANIAN & ABRAHAM MATHAN, Advocates for Addl. R9, SMT.B.BINDU, Advocate for Addl. R10 to R12 and of M/S.DENU JOSEPH & BIBIN BABU, Advocates for Addl. R13, the court passed the following:

P.T.O.

rs.

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

Thursday, the 1st day of October 2020/9th Aswina, 1942

IA.1/2020 IN WP(C) No.19291/2020(J)

PETITIONER/NOT A PARTY

EASWAR PRASAD B.A.,
S/O.LATE E. ANANTHANARAYAN, AGED 57 YEARS,
RESIDING AT NANDHA VIHAR, REPUBLIC ROAD,
NORTH PARAVOOR, ERNAKULAM DISTRICT, PIN-683 513.

RESPONDENTS/RESPONDENTS 1-8 & PETITIONER IN WPC

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, ERNAKULAM - 682 030.
3. THE DEPUTY COLLECTOR (REVENUE RECOVERY),
COLLECTORATE, KAKKANAD, ERNAKULAM - 682 030.
4. THE TAHSILDAR, TALUK OFFICE,
PARAVUR, ERNAKULAM - 683 513.
5. EDAYAR ZINC LIMITED, REGISTERED OFFICE - 37/2,
CHINAR PARK, RAJAHAT MAIN ROAD, P.O. HATIARA,
KOLKATA - 700 157, REPRESENTED BY ITS DIRECTOR.
6. PUNJAB NATIONAL BANK, 80 ILACO HOUSE, SIR PM ROAD,
FORT MUMBAI - 400 001, NOW OPERATING OUT OF 181A,
18TH FLOOR, E WING, MAKER, CUFFE PARADE, MUMBAI - 400 005,
REPRESENTED BY ITS MANAGER, Anresh.prasad2@pnb.co.in
7. VILLAGE OFFICER, VILLAGE OFFICE,
KADUNGALLOOR, PARAVUR TALUK - 683 110.
8. THE KERALA STATE ELECTRICITY BOARD LIMITED,
VYDYUTHI BHAVANAM, PATTOM, TRIVANDRUM - 695 004,
REPRESENTED BY ITS SECRETARY.
9. FINE FAB ENGINEERING AND CONSTRUCTIONS,
MUDOKUZH Y BUILDING, NEAR HOC JUNCTION, AMBALAMUGHAL,
ERNAKULAM DISTRICT - 682 302, REPRESENTED BY ITS PARTNER,
NOUSHAD KVM.

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to implead the petitioner herein as additional respondent No.9 in the above writ petition.

This application coming on for orders upon perusing the application and the affidavit filed in support thereof, and upon hearing the arguments of M/S. N.K.SUBRAMANIAN & ABRAHAM MATHAN, Advocates for the petitioner in IA/Addl. R9 in WPC, SRI.RANJITH THAMPAN, ADDL. ADVOCATE GENERAL & GOVERNMENT PLEADER for R1 to R4 & R7 in IA/WPC, SRI.SANTHOSH MATHEW, STANDING COUNSEL for R5 in IA/WPC, SRI.C.AJITH KUMAR, STANDING COUNSEL for R6 in IA/WPC, SRI.N.SATHEESH, STANDING COUNSEL for R8 in IA/WPC and of SRI.JOSEPH KODIANTHARA (SENIOR ADVOCATE) along with M/S. ABRAHAM MARKOS, ALEXANDER JOSEPH MARKOS, SHARAD JOSEPH KODIANTHARA, ZAINAB ZEBAI BRAHIM, ABRAHAM JOSEPH MARKOS, ISAAC THOMAS & P.G.CHANDAPILLAI ABRAHAM, Advocates for R9 in IA/petitioner in WPC. the court passed the following:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

Thursday, the 1st day of October 2020/9th Aswina, 1942

IA.2/2020 IN WP(C) No.19291/2020(J)

PETITIONER/NOT A PARTIES

1. COMINCO BINANI ZINC EMPLOYEES UNION,
BINANIPURAM, P.O. ALUVA, 683 502, REPRESENTED BY ITS SECRETARY,
RAGESH KUMAR, S/O.N.K. RAMACHANDRAN, AGED 48 YEARS,
RESIDING AT 'VIJAYA NIYAS', BINANIPURAM, ALUVA,
ERNAKULAM DISTRICT, PIN-683 502.
2. COMINCO BINANI ZINC EMPLOYEES ASSOCIATION,
BINANIPURAM P.O., ALUVA, 683 502, REPRESENTED BY ITS SECRETARY,
UNNIKRISHNAN K.V., S/O.K. VELAYUDHAN PILLAI, AGED 56 YEARS,
SANTHI NIKETHAN, KESARI ROAD, NORTH PARAVOOR, 683 513,
ERNAKULAM DISTRICT.
3. COMINCO BINANI ZINC EMPLOYEES ORGANISATION,
BINANIPURAM P.O., ALUVA, 683 502, REPRESENTED BY ITS SECRETARY,
P.P. JOY, S/O.P.O. PAPPACHAN, AGED 55 YEARS, PUTHUSSERY HOUSE,
OLANAD NORTH, VARAPUZHA P.O., ERNAKULAM DISTRICT, PIN-683 517.

RESPONDENTS/RESPONDENTS 1-8 & PETITIONER IN WPC

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, ERNAKULAM - 682 030.
3. THE DEPUTY COLLECTOR (REVENUE RECOVERY),
COLLECTORATE, KAKKANAD, ERNAKULAM - 682 030.
4. THE TAHSILDAR, TALUK OFFICE,
PARAVUR, ERNAKULAM - 683 513.
5. EDAYAR ZINC LIMITED, REGISTERED OFFICE - 37/2,
CHINAR PARK, RAJAHAT MAIN ROAD, P.O. HATIARA,
KOLKATA - 700 157, REPRESENTED BY ITS DIRECTOR.
6. PUNJAB NATIONAL BANK, BO ILACO HOUSE, SIR PM ROAD,
FORT MUMBAI - 400 001, NOW OPERATING OUT OF 181A,
18TH FLOOR, E WING, MAKER, CUFFE PARADE, MUMBAI - 400 005,
REPRESENTED BY ITS MANAGER, Amresh.prasad2@pnb.co.in
7. VILLAGE OFFICER, VILLAGE OFFICE,
KADUNGALLOOR, PARAVUR TALUK - 683 110.
8. THE KERALA STATE ELECTRICITY BOARD LIMITED,
VYDYUTHI BHAVANAM, PATTOM, TRIVANDRUM - 695 004,
REPRESENTED BY ITS SECRETARY.
9. FINE FAB ENGINEERING AND CONSTRUCTIONS,
MUDOKUZHY BUILDING, NEAR HOC JUNCTION, AMBALAMUGHAL,
ERNAKULAM DISTRICT - 682 302, REPRESENTED BY ITS PARTNER,
NOUSHAD KVM.

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to implead the petitioners herein as additional respondent Nos.10 to 12 in the above writ petition.

IA.2/2020 IN WP(C) No.19291/2020(J)

This application coming on for orders upon perusing the application and the affidavit filed in support thereof, and upon hearing the arguments of SMT.B.BINDU, Advocate for the petitioners in IA/Addl. R10 to R12 in WPC, SRI.RANJITH THAMPAN, ADDL. ADVOCATE GENERAL & GOVERNMENT PLEADER for R1 to R4 & R7 in IA/WPC, SRI.SANTHOSH MATHEW, STANDING COUNSEL for R5 in IA/WPC, SRI.C.AJITH KUMAR, STANDING COUNSEL for R6 in IA/WPC, SRI.N.SATHEESH, STANDING COUNSEL for R8 in IA/WPC and of SRI.JOSEPH KODIANTHARA (SENIOR ADVOCATE) along with M/S. ABRAHAM MARKOS, ALEXANDER JOSEPH MARKOS, SHARAD JOSEPH KODIANTHARA, ZAINAB ZEBAI BRAHIM, ABRAHAM JOSEPH MARKOS, ISAAC THOMAS & P.G.CHANDAPILLAI ABRAHAM, Advocates for R9 in IA/petitioner in WPC, the court passed the following:

P.T.O.

rs.

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

Thursday, the 1st day of October 2020/9th Aswina, 1942

IA.3/2020 IN WP(C) No.19291/2020(J)

PETITIONER/ADDL. RESPONDENT NO.9 SOUGHT TO BE IMPLEADED

M/S.SUPREME AIR PRODUCTS, 6/597,
INDUSTRIAL DEVELOPMENT AREA, BINAMI PURAM P.O.,
EDAYAR, ALUVA-683 502, RIBIN KURIEN, MANAGING PARTNER.

RESPONDENT/PETITIONER/RESPONDENTS/RESPONDENTS

1. FINE FAB ENGINEERING AND CONSTRUCTIONS,
MUDUKUZH Y BUILDING, NEAR HOC JUNCTION, AMBALAMUGHAL,
ERNAKULAM DISTRICT - 682 302.
2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
3. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD- 682 030.
4. THE DEPUTY COLLECTOR (REVENUE RECOVERY),
COLLECTORATE, KAKKANAD - 682 030.
5. THE TAHSILDAR, TALUK OFFICE,
PARAVUR, ERNAKULAM - 683 513.
6. EDAYAR ZINC LIMITED, REGISTERED OFFICE - 37/2,
CHINAR PARK, RAJAHAT MAIN ROAD, P.O. HATIARA,
KOLKATA - 700 157, REPRESENTED BY ITS DIRECTOR.
7. PUNJAB NATIONAL BANK, BO ILACO HOUSE, SIR PM ROAD,
FORT MUMBAI - 400 001, NOW OPERATING OUT OF 161A,
18TH FLOOR, E WING, MAKER, CUFFE PARADE, MUMBAI - 400 005,
REPRESENTED BY ITS MANAGER, Amresh.prasad2@pnb.co.in
8. VILLAGE OFFICER, VILLAGE OFFICE,
KADUNGALLOOR, PARAVUR TALUK - 683 110.
9. THE KERALA STATE ELECTRICITY BOARD LIMITED,
VYDYUTHI BHAVANAM, PATTOM, TRIVANDRUM - 695 004,
REPRESENTED BY ITS SECRETARY.

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to implead the petitioner herein as additional respondent No.9 in the above writ petition, in the interest of justice.

This application coming on for orders upon perusing the application and the affidavit filed in support thereof, and upon hearing the arguments of M/S.DENU JOSEPH & BIBIN BABU, Advocates for the petitioner in IA/Addl. R13 in WPC, SRI.JOSEPH KODIANTHARA (SENIOR ADVOCATE) along with M/S. ABRAHAM MARKOS, ALEXANDER JOSEPH MARKOS, SHARAD JOSEPH KODIANTHARA, ZAINAB ZEBAI BRAHIM, ABRAHAM JOSEPH MARKOS, ISAAC THOMAS & P.G.CHANDAPILLAI ABRAHAM, Advocates for R1 in IA/petitioner in WPC, SRI.RANJITH THAMPAN, ADDL. ADVOCATE GENERAL & GOVERNMENT PLEADER for R1 to R5 & R8 in IA/R1 to R4 in WPC, SRI.SANTHOSH MATHEW, STANDING COUNSEL for R6 in IA/ R6 in WPC, SRI.C.AJITH KUMAR, STANDING COUNSEL for R7 in IA/R6 in WPC, SRI.N.SATHEESH, STANDING COUNSEL for R9 in IA/R8 in WPC, and of the court passed the following:

P.T.O.

A.K.JAYASANKARAN NAMBIAR, J.

.....
L.A.Nos.1, 2 & 3 of 2020

in

W.P.(C).No.19291 of 2020
.....

Dated this the 1st day of October, 2020

O R D E R

When this matter was taken up for consideration of the interim application, I heard the learned Senior Advocate Sri. Joseph Kodianthara on behalf of the petitioner, Sri. Ranjith Thampan, the learned Additional Advocate General on behalf of respondents 1 to 4 and 7, Sri. Santhosh Mathew, the learned counsel appearing for the 5th respondent, Sri.C.Ajith Kumar, the learned counsel appearing for the 6th respondent and Sri. N Satheesh, the learned counsel appearing for the 8th respondent. The Interim prayer sought in the writ petition is for a direction to respondents 2 to 4 and 7 to permit the petitioner to dismantle and remove the materials sold to it by the 6th respondent, and covered by Ext.P5 sale certificate, as also to remove equipments, including two cranes, brought into the premises of the 5th respondent by the petitioner for the purposes of dismantling and removing the plant and machinery that was sold to it under cover of Ext.P5 sale certificate,

pending disposal of the writ petition.

2. The brief facts that require to be noticed are that the petitioner, which is a partnership firm that specializes in dismantling, purchase and sale of scrap plant and machinery, had participated in an auction of the plant and machinery belonging to the 5th respondent at the instance of the 6th respondent who was a secured creditor in a loan availed by the 5th respondent. The 6th respondent in its capacity as secured creditor had taken physical possession of the plant, machinery and movable assets of the 5th respondent under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act ('the SARFAESI Act' for short). In the meanwhile, pursuant to a One Time Settlement entered into between the 5th respondent, the 6th respondent and other consortium Banks, the secured assets of the 5th respondent were permitted to be sold as scrap, subject to utilization of the realized proceeds towards the payment of dues to the 6th respondent and the consortium Banks. To implement the terms of the settlement, the 5th respondent approached the DRT Mumbai, which by Ext.P3 order permitted the sale of the plant and machinery aforementioned. Consequently, the 6th respondent appointed M/S M.Tech services LLP, Mumbai to monitor the sale and removal of the plant and machinery as evidenced by Ext.P4 communication. The plant and machinery were sold to the petitioner for an amount of Rs. 4,26,00,000/- and Ext.P5 sale certificate came

to be issued to it by the 6th respondent in terms of Section 13(12) of the SARFAESI Act r/w Rule 8 of the Security Interest (Enforcement) Rules, 2002.

3. Immediately thereafter, when the petitioner approached the 2nd respondent District Collector, for permission to remove the plant and machinery from the premises of the 5th respondent, it was informed through Ext.P7 communication dated 24.8.2020 that the permission sought for could not be granted, in as much as, there were tax dues owing from the 5th respondent to the State Government as also other dues to the 8th respondent and others. The liability due to the State Government by way of tax, as also the dues to the 8th respondent were evidenced by notices that were affixed to the gate of the premises of the 5th respondent and with a view to safeguarding the said revenue, the 3rd and 4th respondent Revenue Authorities, acting on the instructions of the 2nd respondent, sealed the premises of the 5th respondent as evidenced by Exts.P8 and P9 communication. It would appear that as a result of the sealing of the premises, the petitioner was effectively prevented from taking delivery of the goods sold to him through Ext.P5 sale certificate, as also from removing the two cranes that had been brought by it into the premises in March 2020 for the purposes of carrying on the dismantling operation. It is confronted with the said situation that the petitioner has approached this Court through the present writ petition where the contention raised is essentially that, in view of Ext.P5 sale certificate issued to him,

consequent to a sale that was conducted by the 6th respondent, pursuant to the rights conferred on it under Section 26 E of the SARFAESI Act, the contesting respondents have no right to obstruct the removal of the goods from the premises of the 5th respondent. In the writ petition, Exts.P7, P8 and P9 are impugned.

4. A counter affidavit has been filed on behalf of the 5th respondent company wherein details of the past attempts made by the 6th respondent to sell the assets as well as the details of the revenue recovery notices received by the 5th respondent company are furnished. It is pointed out that Section 26 E of the Act mandates that the debts due to the secured creditor shall get priority over other debts that may be due to the other creditors of the company. It is further pointed out that the provisions of Section 26 E of the SARFAESI Act came into force with effect from 24.1.2020, pursuant to Ext.R5(4) notification that was issued by the Central Government. Details are also given of the dues towards sales tax, and to the workmen of the company, dues outstanding consequent to Labour Court orders and dues to the Electricity Board, the Motor Vehicles Department and to the Kerala Water Authority. What is discernible from a reading of the counter affidavit of the 5th respondent is that while the said respondent acknowledges the liabilities mentioned therein, it is its case that the said liabilities are the subject matter of writ petitions and other legal proceedings that have been instituted by the company. At any rate,

the said liabilities are that of the 5th respondent company and have nothing to do with the petitioner before this Court.

5. In the counter affidavit filed on behalf of the 4th respondent State Government, it is emphasized that a priority over a charge created through a State legislation has to be expressly stated and one does not find such an express statement in the provisions of Section 26 E of the SARFAESI Act. It is contended that the terms 'first charge' and 'priority of payments' cannot be given the same meaning and that, notwithstanding the provisions of Section 26 E of the SARFAESI Act, that enable a financial institution such as the 6th respondent to obtain a priority of payment from the sale proceeds of the secured assets, the statutory charge created in favour of the State Government under the Sales Tax/ VAT legislation, does not get effaced but rather continues to adhere to and run with the property into the hands of its purchaser. A reference is made to the provisions of Section 26 C of the SARFAESI Act to contend that Government dues do not require to be registered with the Central registry so as to rank in priority over the secured interests created thereafter and this would suggest that Section 26 E was not intended to override the first charge created in favour of the State Government under the Sales Tax/ VAT legislation. It is also pointed out that the SARFAESI Act does not contain a provision similar to that contained in the State Revenue Recovery Act, where a sale of property under the Act is made free from all encumbrances. The last

mentioned contention is taken to buttress the argument that, notwithstanding that the petitioner has purchased the property from the 5th respondent, pursuant to the sale conducted at the instance of the 6th respondent under the SARFAESI Act, the property purchased by him cannot be seen as free of the encumbrance created through the statutory charge recognised in the State Government under the Sales Tax/ VAT legislation.

6. Before proceeding to deal with the rival contentions advanced before me, I must briefly state that, at the time of hearing the application for interim relief, interlocutory applications viz. I.A No.1 of 2020 and I.A No.2 of 2020 were filed in this writ petition, by workmen and trade unions, seeking to get themselves impleaded in the writ petition. I permitted the learned counsel appearing for the persons seeking impleadment to address their arguments in the matter, so as to ascertain the nature of their claim vis-a- vis the issues that are raised in the writ petition. It would appear that the claims of the said persons are essentially against the 5th respondent company and the 6th respondent Bank, and the said persons look to the proceeds of the sale conducted in favour of the petitioner, rather than to the property that was sold to the petitioner, for satisfaction of their claims. Two other learned counsel, who claim to have filed impleadment applications in this matter, but which are not before this Court today, were also heard. Their claims too, like those of the petitioners in the two IA's mentioned above, look to the sale proceeds rather

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than to the property itself for satisfaction. Under the said circumstances, I do not deem it necessary to defer the passing of an interim order since I am of the view that the claims of the said persons, while strictly not relevant for a consideration of the issues in this writ petition, can be considered at the time final disposal of the writ petition. I.A No.1 of 2020, I.A No.2 of 2020 and I.A No.3 of 2020 are allowed for the limited purpose of enabling the said persons to bring material before this court that might persuade this court to pass orders protecting their interests vis-a-vis the 5th respondent Company or the 6th respondent Bank.

7. Returning now to the central issue at hand, and on a consideration of the rival submissions, I am of the prima facie view that, the issue regarding priority of payment in favour of a secured creditor under Section 26E of the Act, vis-a-vis the statutory charge created in favour of the State Government under the provisions of the Sales Tax/VAT Legislations, has already been decided by the decision of a Single Judge of this Court in **State Bank of India v. State of Kerala - [2019 (4) KLT 521]**. The said judgment of the learned Single Judge was referred to and approved by a judgment of a Division Bench of this Court in **Travancore Devaswom Board v. Local Fund Audit - [2020 (3) KLT 296]**. That apart, I also find that the said issue has been considered and answered in favour of the financial institution by the Division Bench judgments of the Bombay High Court in **ASREC (India) Limited v. State of**

Maharashtra Through the Office of the Govt. and Others - [2019 SCC Online Bombay 5480], a Division Bench judgment of the Gujarat High Court in **Kalupur Commercial Co-operative Bank Ltd. v. State of Gujarat - [2019 SCC Online Gujarat 1892]** as also a Full Bench judgment of the Madras High Court in **Assistant Commissioner (CT) Anna Salai-III Assessment Circle, Chennai v. Indian Overseas Bank, Chennai and Another - [AIR 2017 Madras 67]**, which hold that inasmuch as Section 26 E of the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, hereinafter referred to as the 'SARFAESI Act' had come into force from 01.09.2015, the right of the secured creditor to realise the secured debt by sale of asset over which security interest is created would take priority over all dues including Government dues. No doubt, Sri.Ranjith Thampan, the learned Additional Advocate General would point out that a contrary view has been taken by the Rajasthan High Court in Civil Writ Petition .No.6872 of 2017 and the Madras High Court in **V. Sridhar v. The Authorized Officer, Indian Bank, Guindy Branch - [AIR 2018 Madras page 87]**. I am, however, bound to follow the judgments of this Court and must proceed to consider the application for interim relief by recognising the rights conferred on the petitioner through Ext.P5 sale certificate issued to him by the 6th respondent.

8. I must hasten to add, however, that I do find force in the contention

of Sri.Ranjith Thampan, the learned Additional Advocate General that, notwithstanding the priority of payments recognised in favour of the 6th respondent financial institution, the State Government continues to have a charge over the property that was the subject matter of the sale in favour of the petitioner under Ext.P5 sale certificate. It is relevant to note that under the SARFAESI Act, unlike under the State Revenue Recovery Act, a sale in favour of an auction purchaser is not made free from all encumbrances. This would suggest that the statutory charge created in favour of the State Government continues to adhere to, and run with, the property notwithstanding the sale and transfer of possession to the petitioner auction purchaser. Consequently, I would have to make some arrangement to protect the revenue interest of the State Government, while permitting the petitioner to take delivery of the goods covered by Ext.P5 sale certificate. On an overall consideration of the matter, I am of the view that the interests of justice would be served through the issuance of the following directions pending final disposal of the Writ Petition:

i. The petitioner is permitted to remove from the premises of the 5th respondent, the goods covered by Ext.P5 sale certificate, as also the two cranes that were brought into the said premises by the petitioner, under the supervision of M/s.Mtech Services LLP, Mumbai, who were appointed by the 6th respondent to monitor the sale and removal of plant and machinery by the petitioner.

ii. The 2nd respondent District Collector, as also the Revenue authorities under him, shall facilitate the removal of the goods

covered by Ext.P5 sale certificate, by rendering the petitioner all assistance, including police protection if required, so as to enable the petitioner to take the aforesaid goods out of the premises of the 5th respondent.

iii. It is made clear that the removal of the goods covered by Ext.P5 sale certificate, pursuant to the above permission, shall be on the clear understanding that the State Government continues to hold a charge over the goods covered by Ext.P5 sale certificate and can look to the said goods for realisation of its dues, notwithstanding its removal by the petitioner. In fact, pending final disposal of the writ petition, the State Government can look to the 5th respondent, 6th respondent and the petitioner for a realisation of the tax amounts due to it from the 5th respondent. It is further made clear that, if the 5th respondent offers alternate security, in lieu of the property sold to the petitioner, to the State Government as security for the amount covered by the first charge created in favour of the State Government, then it will be open to the State Government to consider the said offer of the 5th respondent.

iv. The *inter se* claims between the impleaded respondents and the 5th respondent will be considered at the time of disposal of the Writ Petition.

v. For the sake of clarity, it might also be pointed out that, while the interim directions issued above would normally have sufficed to dispose the writ petition itself, the issue raised by Sri. Ranjith Thampan, the learned Additional Advocate General, as regards the continuation of the charge over the property, even in the hands of the petitioner/auction purchaser of the property, is

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one that requires to be examined in detail at the time of final hearing of the writ petition. The learned counsel for the petitioner also wanted to advance arguments on this aspect to contend that the statutory charge created in favour of the State Government would not adhere to and run with the property subsequent to the sale in his favour. It is therefore that the above directions have been issued through an interim order, pending disposal of the writ petition.

Post on 28.10.2020.

Sd/- A.K.JAYASANKARAN NAMBIAR, JUDGE

/true copy/



ASSISTANT REGISTRAR

SJ

- EXHIBIT P3 - TRUE COPY OF THE ORDER OF THE DEBTS RECOVERY TRIBUNAL DATED 07/02/2020.
- EXHIBIT P4 - TRUE COPY OF THE LETTER DATED 03/01/2020 ISSUED BY THE PUNJAB NATIONAL BANK, APPOINTING M/S.M.TECH SERVICES LLP AS THE MONITORING AGENCY.
- EXHIBIT P5 - TRUE COPY OF THE SALE CERTIFICATE DATED 18/03/2020 ISSUED IN FAVOUR OF THE PETITIONER BY PUNJAB NATIONAL BANK.
- EXHIBIT P7 - TRUE COPY OF LETTER DATED 24 AUGUST 2020 REFUSING THE PETITIONER PERMISSION TO REMOVE MATERIALS.
- EXHIBIT P8 - TRUE COPY OF LETTER DATED 2ND SEPTEMBER 2020 ISSUED BY THE 7TH RESPONDENT.
- EXHIBIT P9 - TRUE COPY OF LETTER DATED 2ND SEPTEMBER 2020 ISSUED BY THE 7TH RESPONDENT.
- EXHIBIT R5(4)- TRUE COPY OF THE NOTIFICATION DATED DECEMBER 16, 2019 ISSUED BY THE MINISTRY OF FINANCE (DEPARTMENT OF FINANCIAL SERVICES).

TRUE COPY
EXHIBIT

1. Ninth meeting of the Project Steering Committee (PSC) for project "Remediation of hazardous waste contaminated dumpsites" under National Clean Energy Fund (NCEF) Project was held on 07/06/2018 at CPCB, Delhi under the chairmanship of Chairman, CPCB to review the progress of the project, Detailed Project Reports (DPRs), financial issues, etc.
2. Chairman, CPCB welcomed all the members to 9th meeting of the PSC. The list of member representatives of PSC and other officials participated, is given at Annexure -I.
3. Nodal Officer, WM Division, CPCB made a brief presentation on DPRs, recommended/proposed remediation technologies followed by discussions of following contaminated areas:
 - (i) Mercury contaminated area at Ganjam, Odisha,
 - (ii) Chromium contaminated area at Orichem, Talcher, Odisha,
 - (iii) Chromium contaminated area at Rania, Kanpur Dehat, UP,
 - (iv) Chromium contaminated area at Nibra village, WB
 - (v) Pesticides & heavy metals contaminated area at Eloor-Edayar, Kerala
 - (vi) Chromium contaminated area at Ranipet, TN, &
 - (vii) Pesticides contaminated area at Deva Road & IPL, Lucknow, UP
 - (viii) H-acid contaminated area at Ratlam, MP.

4. Area wise discussions and decisions taken by the Committee;

(i) Mercury contaminated area at Ganjam, Odisha:

Details of DPR prepared based on remediation technologies recommended by Technical Expert Committee (TEC) has been presented before the Committee. As per DPR the estimated remediation cost for Ganjam area is about Rs. 28.72 crore.

Member Secretary, OSPCCB, informed that M/s Grasim Industries Limited, Ganjam (responsible party) has already deposited an initial amount of Rs. 40 lakhs against the 60% cost of the DPR study to OSPCCB. In this regard, Member Secretary, OSPCCB enquired whether fund collected can be deposited with CPCB.

Decision of PSC:

The scope of remediation works outlined in DPR (as per the recommendations of TEC) are accepted by the Committee. With regard to implementation of remediation works, it was decided that M/s Grasim Industries Limited, Ganjam being the new occupier and inherited the liability of remediating the sites, shall take-up the responsibility of remediating the sites as per the DPR.

It is suggested that the approved DPR shall be forwarded by Odisha SPCB to the responsible industry/party i.e. M/s Grasim Industries Limited, Ganjam for execution of actual remediation works based on the DPR.

Odisha SPCB shall ensure time bound implementation and also validate the remediation works.

OSPCB to transfer the cost recovered from Responsible Party for preparation of DPR to the project account of CPCB.

(ii) Chromium contaminated area at Orichem, Talcher, Odisha:

A brief presentation made before the Committee giving details of DPR prepared based on technologies recommended by TEC. As per DPR the estimated cost of remediating contaminated area at the premises of erstwhile closed industry M/s Orichem Limited, Angul, Talcher is about Rs. 50.68 crore.

Member Secretary, OSPCB, informed that M/s Orichem Limited, Angul (responsible party) has already deposited an initial amount of Rs. 1.05 crore against the 60% cost of the DPR preparation to OSPCB. MS, OSPCB also informed that the responsible party was apprised about their responsibility to meet cost of remediation works. However, he has expressed that the responsible party may not be able to arrange RS. 50 crore for remediation.

The Committee was informed that the above estimated remediation cost can be reduced to about Rs. 15-20 crore, if the waste & sediment is excavated and disposed in on-site Secured Landfill (SLF) without stabilization. It was also informed that reduction in both cost and duration for groundwater remediation is possible by applying pump & treat system in combination with bioremediation. OSPCB also requested for inclusion of such techniques in DPR.

Decision of PSC:

While agreeing to the DPR prepared as per the recommendations of TEC, PSC suggested that the option of on-site disposal in a SLF with double composite liner at bottom, leachate collection system and capping without stabilisation may also be appended to the said DPR. Such option shall address the scope for implementing ultimate remedial option outlined in DPR. However, Committee suggested that opinions of TEC and the Consultant may be taken by CPCB before finalising the DPR.

CPCB may approve the modified DPR as per the recommendations of TEC.

OSPCB shall take-up the matter with responsible party for remediation as per DPR. In case of funds constraint, interim remediation by disposal of waste/sediment/contaminated soil in on-site SLF may be considered as per recommendations of TEC.

OSPCB to transfer the cost recovered from Responsible Party for preparation of DPR to the project account of CPCB.

(iii) Chromium contaminated area at Rania, Kanpur Dehat, UP:

CPCB presented the details of technologies outlined in DPR for remediation of contaminated area near Rania, Kanpur Dehat. The cost of DPR is estimated to be Rs. 141.5 crore excluding OPEX of groundwater remediation. Depending on concentration of hexavalent chromium in abstracted groundwater, the operating expenditure (OPEX) could be Rs. 2 - 2.5 crore per month for initial years and there will gradual reduction over a period of about 10-15 years. It was explained that OPEX can be reduced significantly with application of bio-remediation techniques along with Pump & Treat system.

Committee was also informed about interim remedial measures to contain entire source of contamination (i.e. waste & contaminated soil) by disposing the same in an on-site SLFs without stabilization was discussed by the Supervisory Committee under Ministry of Water Resource (MoWR) in the matter of OA No. 200 of 2014. As per interim proposal, on-site SLFs with double composite liner (2mm HDPE), leachate collection

system & capping for waste and on-site single liner SLF for soil was suggested with an estimated cost of Rs. 23-25 crore. If the source is removed, the combination of bioremediation along with Pump & Treat system may be feasible and cost effective. Member Secretary, CPCB also stated that the matter was also pursued by NMCG, MoWR, as the site falls in Ganga river basin. As desired by NMCG, a proposal of interim remedial measures as mentioned above also provided by CPCB.

UPPCB has informed that they are bound to initiate remediation work as per the Hon'ble NGT order and requested to provide a DPR for executing remediation works.

UPPCB has also suggested that remediation of groundwater by applying Pump & Treat system in combination with bio-remediation may be considered for Rania sites, as in case of on-going remediation works at Lohia Nagar, Ghaziabad, UP. UPPCB has informed that the concentration level of hexavalent chromium has been reduced to 0.01 mg/L from 16 mg/L.

Committee emphasised the need for immediate interim measures to address the concerns such as health risks of receptor population in the impact zone of subject site.

Decision of PSC:

While agreeing to the DPR prepared as per the recommendations of TEC, Committee suggested that in addition to the remediation scheme outlined in DPR, an interim remedial measure by excavation & on-site disposal in a SLF with double composite liner, leachate collection system and capping without stabilisation may be included. Such interim option shall address the scope for implementing ultimate remedial option as outlined in DPR. It is also suggested to take opinion of TEC in this regard.

In case of implementing groundwater remediation with dual system of Pump & Treat along with bioremediation, it is suggested that Consultant should workout an indicative cost reduction in OPEX over a period of time.

CPCB may approve modified DPR as per the recommendations of TEC.

Till the time remediation works are undertaken, the concerned agencies under State Government shall take measures such as prohibition on use of groundwater for domestic purposes, provision of supply of safe drinking water, impart awareness to the people in affected areas, etc. so as to protect the population from possible health risks.

(iv) Chromium contaminated area, Nibra village, Howrah, WB

Committee was briefed that the detailed investigations found that there is no contamination of groundwater and surface water bodies at Nibra sites. The DPR was prepared as per the recommendations of TEC.

As per DPR, the Dumpsite-1 is required to be remediated by surface capping in Nibra village area at a cost of Rs. 20.7 lakhs. The Dumpsite-2 can be remediated by in-situ capping and surface water control at a cost of RS 22.4 lakhs against the initial proposal for off-site disposal at TSDF. WBPCB was requested by CPCB to follow-up the matter with Local Administration to take-up remediation works.

Decision of PSC:

The scope of remediation works outlined in DPR as per the recommendations of TEC are accepted by the Committee.

(v) Pesticides & heavy metals contaminated area at Eloor & Edyaar, Kochi, Kerala

Eloor Area

It was informed that DPR on remediation of pesticide contaminated area has been placed before Hon'ble Tribunal in the matter of OA (TH) No. 396 of 2013. As per the Orders of Hon'ble Tribunal, Government of Kerala has convened a meeting to apportion the cost of remediation among the polluters in Eloor area including the share of State/Central governments. The remediation proposal comprises of excavation and off-site disposal of contaminated soil and sediments, pump & treat system for groundwater remediation including installation of ETP and monitoring the surface water quality at a cost of Rs. 25.93 crore.

Edayar Area

The remediation works outlined in DPR (prepared as per the recommendations of TEC) comprises of excavation of off-site contaminated areas and backfilling at a cost of Rs. 12.91 crore, remediation of on-site 4 Jarosite ponds (within the premises of closed industry M/s Binani Zinc Limited) at a cost of Rs. 28.9 crore and a Pump & Treat system for remediation of groundwater at a cost of Rs. 6.02 crore (including OPEX). As per DPR the estimated remediation cost for Edayar area is about Rs. 47.88 crore.

Decision of PSC:

Committee agreed to the part of DPR for Eloor area which was recommended by TEC. With regard to Edyaar area, Committee suggested that the DPR may be finalised by CPCB in consultation with Kerala SPCB.

(vi) Chromium contaminated area at Ranipet, Tamil Nadu:

Committee briefed about the technologies recommended by TEC for execution of remediation works at Ranipet, TN. As per the proposal of Consultant, the estimated cost for remediation of waste & contaminated soil varies between of Rs. 184 - 319 crore depending on stabilising chemicals. In case of pump & treat system for groundwater, a capital expenditure (CAPEX) of Rs. 9 - 12 crore and operating expenditure (OPEX) of Rs. 1-1.5 crore monthly for about 15-20 years was indicated.

TNPCB proposed that the method of excavation followed by proper encapsulation for waste and contaminated soil without stabilisation may be considered. In case of groundwater, TNPCB proposed dual system i.e. Pump & Treat in combination with bioremediation may be applied for reduction of remediation cost.

Decision of PSC:

Committee recommends that in addition to the proposed remedial options, an interim remedial option by excavation & on-site disposal in a SLF with double composite liner system for waste and soil without stabilization may be included in the proposed DPR. Such interim option shall address the scope for implementing ultimate remediation as may be envisaged in DPR. The opinion of TEC may also be taken in this regard.

In case of groundwater remediation by Pump & Treat system in combination with bioremediation, the Consultant should be asked to estimate possible reduction in OPEX over a period of time.

(vii) Pesticides contaminated area at Deva Road & IPL, Lucknow, UP:

Committee was briefed about various technologies proposed by Consultant for remediation works at Deva Road & IPL sites, Lucknow, UP. The following remediation methods were proposed;

Contaminated soil and sediment - excavation cum off-site disposal at TSDF / on-site construction of SLF / Soil Vapour Extraction (SVE) system with air sparging.

Contaminated groundwater - Pump & Treatment System / Monitored Natural Attenuation / SVE system with air sparging.

Decision of PSC:

PSC suggested that least cost-effective options should be explored including SVE system. The matter shall be referred to TEC for recommending the remedial option.

Since polluter is identified, UPPCB should ensure that the remediation cost is borne by the responsible Party.

(viii) H-acid contaminated area at Ratlam, MP:

Committee was briefed about of the status of the project and informed that the Step-3 i.e. detailed site investigation completed except for assessment of the premises of erstwhile closed industry M/s Jayant Vitamins Limited (JVL) due to access issue. It was also informed about a communication received from MPPCB that the Step-3 should be treated as not completed till the consultant completes the site investigation at M/s JVL. This has resulted in substantial delay in completion of DPR for Ratlam area.

The TEC in its 12th meeting reviewed the situation and suggested that assessment of JVL site may be kept in abeyance till access is given to carry out site investigations. It was suggested that Step-3 activity be considered as closed, so as to take the project ahead to Step-5 i.e. DPR preparation. Such recommendation was made since the constituents of concern (CoCs) for groundwater contamination has been identified and extent of contamination has been mapped. As the sources and constituents of groundwater contamination are already identified, the groundwater remediation activity can be initiated without any interference even after investigation of JVL site.

Committee asked about the effect on preparation of DPR in case of waste/soil, if the site can be accessed in future. In this regard, it was apprised that as per historic reports, there is hazardous waste /chemicals lying in M/s JVL premises, which may have potential for soil and groundwater contamination. Such potential for groundwater contamination due to JVL site has already been assessed through bore wells around JVL site, which can be incorporated in groundwater remediation plan. Once the JVL site is assessed, it may require only remediation of contaminated soil and waste at JVL premises. Such remediation work can be supplemented to DPR at later stage.

MPPCB has informed that the waste/sludge lying at open shed at Plot No. 61-B has been initiated on 06th June, 2018 for excavation and disposal into a TSDF, Phitampur, MP.

Decision of PSC:

It was decided that sludge stored at Plot No. 51-E should be excavated and disposal in a common TSDF at the earliest.

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Consultant shall be asked to proceed for preparation of DPR excluding the remediation component of M/s JVL site. Once permission is obtained for accessing JVL site, the consultant should complete Step-3 till Step-7 including additional DPR for JVL site.

In case Consultant completes Step-3 till Step-7 without investigating JVL premises, the cost component of Step-3 till Step-7 pertaining to JVL site should be deducted proportionately from payments. In this regard, CPCB shall seek a proposal from Consultant with proper justification for review and decision.

Common decisions of PSC:

- Finalised DPRs shall be forwarded by concerned SPCB to the responsible industry/party(ies) for execution of actual remediation works based on the DPR. Wherein, it was also decided that monitoring & validation of remediation works shall be carried out by concerned SPCB. CPCB may provide technical assistance as and when required.
- It is suggested that remediation works should be expedited to restrict further spread of contaminant plume in groundwater;
- Technical matters pertaining to bioremediation of groundwater may be discussed with Dr. C. R. Babu, Ex. Professor, University of Delhi;
- Upon receipt of DPRs, SPCBs shall take immediate steps for execution of remediation works by responsible parties. In case of orphan-site, they shall approach State Govt. to grant remediation costs.
- SPCBs shall also investigate the closed premises of various industries where leftover chemicals/hazardous waste are lying for long periods posing risk of contamination to soil and groundwater.



List of Participants

CPCB

1. Chairman – Chaired the meeting
2. Shri A. Sudhakar, Member Secretary
3. Shri B. Vinod Babu, Additional Director (Scientist-E) & Nodal Officer, WM Division
4. Shri G. Rambabu, Scientist-C, WM Division-I
5. Dr. Chandan Singh, RA, WM-I
6. Ms. Gargi Biswas, RA, WM-I

MoEFCC

7. Shri Aditya Narayan Singh, Joint Director

OSPCB

8. Shri Debidutta Biswal, IFS, Member Secretary

MPPCB

9. Shri Adesh Shrivastava, SEE
10. Dr. Arti Agrawal, Scientist

UPPCB

11. Shri T. U. Khan, Chief Environmental Officer

TNPCB

12. Shri A. Krishnamoorthy, Joint Chief Environmental Engineer
13. Shri S. Bharathidasan, District Environmental Engineer

Minutes of 10th meeting of the Project Steering Committee for "Remediation of hazardous waste contaminated dumpsites" under NCEF Project held on 11/01/2019 at CPCB, Delhi

1. Tenth meeting of the Project Steering Committee (PSC) for project "Remediation of hazardous waste contaminated dumpsites" under National Clean Energy Fund (NCEF) was held on 11/01/2019 at CPCB, Delhi under the chairmanship of Chairman, CPCB to review progress of the project, Detailed Project Reports (DPRs), financial issues, etc.
2. Chairman, CPCB & PSC welcomed all the members to its 10th meeting. The list of member representatives of PSC and other officials participated is given at Annexure -I.
3. Project coordinator & Nodal Officer, WM Division, CPCB informed that work pertaining to preparation of DPRs for 7 areas has been completed. Status of funding for DPR is submitted as below:
 - CPCB has received grant of Rs. 15.5 cr from MoEF&CC for preparation of DPRs
 - CPCB so far disbursed an amount of Rs. 9.9 cr (@ 55% of Phase-I value) towards Consultancy charges for preparation of DPRs, and the available funds are adequate to pay the consultant.
 - CPCB received DPR cost @ 60% State share only from State of Odisha in case of two areas namely; Ganjam and Talcher. However, yet to receive in case of remaining 6 areas from 5 States (namely; Kerala, MP, TN, UP & WB).

Chairman, Central Board & PSC asked PSC members / representatives of respective SPCBs regarding status of 60% state share towards DPR preparations. In this regard, status is given below:

- **TNPCB:** Representative of TNPCB conveyed that matter has already been pursued with State Govt. and the responsible parties and that TN Govt. has committed for release of 60% State share.
- **Kerala SPCB:** Chairman, Kerala SPCB informed that KSPCB would follow-up the matter for Eloor area as it was assured by State Government. However, for Edayar area, cost of DPR preparation shall be met with funds received from auction of unused chemicals in the premises of M/s Binani Zinc, which is the responsible party.
- **WBPCB:** Representative of WBPCB informed that upon receipt of fresh requisition from CPCB, they shall approach the State Govt. for making provision of funds.
- **OSPCB:** It was informed that DPR cost was already received from responsible parties (industries) of both the contaminated areas located at Ganjam & Talcher. The said funds were deposited into CPCB account through OSPCB.
- **UPPCB:** Representative of UPPCB was not aware about DPR funding status of (i) Rania, Kanpur Dehat and (ii) Deva Road & IPL, Lucknow contaminated areas. However, he assured that matter will be pursued with State Govt.
- **MPPCB:** No member/repetitive was present on behalf of MPPCB.

Decision of PSC:

It was decided that CPCB shall immediately remind the participating State Governments and the SPCBs to remit 60% of cost involved in preparation of DPR as State's share.

4. Heavy metal contaminated area at Edayar, Kerala

An outline of DPR prepared based on remediation technologies recommended by Technical Expert Committee (TEC) presented before PSC. The DPR comprises of (i) transferring Jarosite waste from old ponds 1 to 3 into pond No.4, (ii) lifting and disposal of off-site waste, and (iii) groundwater remediation, at an estimated cost of Rs. 48 crore including operating expenditure of GW remediation over a period of 10 years.

During discussions, Chairman, KSPCB & Member PSC asked to explore the feasibility of utilizing jarosite waste in making bricks after stabilization. However, it was discussed that such option was not proposed by Kerala SPCB during selection/finalization of remedial options before TEC. Further, there were no such inputs from KSPCB when the draft DPR was forwarded to them vide letter dated 23/08/2018.

With regard to funding for remediation, Chairman, KSPCB has informed that State Govt. had agreed to State's commitments only for Eloor site but not for Edayar. In this regard, PSC clarified that that remediation of contaminated areas is the responsibility of State Govt. irrespective of the location, as long as there is health risk to public from such contamination.

Decision of PSC

The scope of remediation as outlined in DPR is accepted by the Committee. With regard to utilization of Jarosite for making bricks, it is suggested that suitable provision shall be explored by Kerala SPCB. KSPCB was also requested to explore the option of funding for remediation works through Polluter Pays Principle.

The approved DPR shall be forwarded by Kerala SPCB to the responsible industry/party for execution of actual remediation works as per DPR.

5. Chromium contaminated area at Ranipet, Tamil Nadu

An outline of DPR prepared based on remediation technologies recommended by TEC presented before PSC. The DPR comprises of (i) excavation of contaminated material, (ii) stabilization and transfer of the same into an in-situ secured landfill and (iii) pump and treat system for groundwater remediation at an estimated cost is about Rs. 235 crore. Additional cost of Rs. 1.3 crore per month towards operating expenditure for GW remediation unit over a period of 15 years. The option of interim remediation by capping at a cost of Rs. 12 crores was also provided in DPR.

With regard to sharing of remediation cost, representative of TNPCB informed that they have directed the responsible parties to pay for remediation. It was also informed that TN State will not be able to invoke the state share until the commitment of the Central Govt. is communicated.

Representative of TNPCB has also suggested that interim proposal is not a feasible.

Chairman of the Committee clarified that funding under NCEF is not feasible since NCEF scheme has been discontinued, however MoEF&CC is seeking financial assistance through a Central grant. In principle commitment of MoEF&CC and Ministry of Finance in this regard is awaited.

Decision of PSC

The scope of remediation as outlined in DPR is accepted by the Committee. With regard to funding for execution of remediation works, CPCB may communicate the funding status once the in-principle commitment of Central government is communicated by MoEF&CC.

6. Pesticides contaminated area at Deva Road & IPL, Lucknow, UP

An outline of DPR prepared based on remediation technologies recommended by TEC presented before PSC. Remediation scheme comprises of (i) excavation and disposal of contaminated material from both sites into TSDF, (ii) installation of common pump and treat system for groundwater remediation for both the sites at a cost of about Rs. 84.80 crore and additional cost of Rs. 1.0 crore per month towards operating expenditure for GW remediation over a period of 15 years.

Chairman of the PSC suggested to examine the scope of utilization of treated groundwater.

Decision of PSC

The scope of remediation as outlined in DPR is accepted by the Committee. With regard to utilization of treated groundwater, CPCB shall seek views of SPCB and also the Consultant. UPPCB shall forward the approved DPR to the responsible party (industry) to ensure execution of remediation works as per DPR.

It shall be the responsibility of State to ensure remediation through polluter pay principle, State funding or any suitable arrangement.

7. Other issues

(i) Mercury contaminated sites at Ganjam, and Chromium contaminated sites at Talcher, Odisha

With regard to the proposed remediation cost of 28 crores as per DPR, Member Secretary, OSPCB has proposed that industry may be allowed to adopt a low cost German technology for remediation of mercury contamination.

It was also informed that the estimated remediation cost Rs.51 cr for Talcher site is not affordable to M/s Orichem Limited being small industry; in this context, it was proposed that suitable cheaper option for remediation of chromium contaminated area may also be considered for Talcher site.

Decision of PSC:

It was decided that OSPCB may hold a meeting and invite TEC members, other experts dealing subject, officers dealing subject in CPCB along with Industry representatives. The outcome of the meeting shall be submitted to CPCB for further decisions. Further, timelines for execution of remediation works shall be communicated to CPCB.

(ii) Chromium contaminated area at Rania, Kanpur Dehat, UP

With regard to the proposal of Interim Remedial measure by removal and transfer of waste and contaminated soil into secured cells at Rania, Kanpur Dehat at cost of Rs.

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23.44cr - the representative of UPPCB informed that State Government will not be able to invoke State's share unless commitment of the Central Govt. is communicated.

Decision of PSC

With regard to funding mechanism for execution of interim/actual remediation works, central share of funding is awaited. CPCB may inform the funding status once the in-principle commitment of Central government is communicated by MoEF&CC.

8. Common decisions of PSC:

- SPCBs shall take steps to execute remediation works (as per DPRs) through the identified Responsible Parties.
- CPCB may provide technical support in execution of remediation works as and when required.
- It shall be the responsibility of State to ensure remediation through polluter pay principle, State funding or any suitable arrangement.

List of Participants

CPCB

1. Chairman – Chaired the meeting
2. Dr. Prashant Gargava, Member Secretary
3. Shri B. Vinod Babu, Additional Director (Scientist-E) & Nodal Officer, WM Division
4. Shri G. Rambabu, Scientist-D, WM Division-I
5. Dr. Gargi Biswas, RA, WM-I

KSPCB

6. Shri K. Sajeevan, Chairman and Member PSC
7. Shri T. A. Thankappan, Member Secretary

WBPCB

8. Shri Subrata Ghosh, Chief Engineer and Representative of PSC

UPPCB

9. Dr. Ram Karan, Regional Officer, Lucknow and Representative of PSC

TNPCB

10. Shri V. Rohit Kumar, Asst. Environmental Engineer and Representative of PSC

OSPCB Through VC

11. Shri Debidutta Biswal, IFS, Member Secretary and Representative of PSC
12. Dr. A. K. Swar, Sr. Environmental Engineer
13. Shri P. C. Rauta, Environmental Engineer