

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Original Application No. 169 of 2023 (SZ)**

**Suo Moto**

**Vs.**

**State of Kerala & Others**

**:**

**Respondents**

**REPORT FILED BY THE FIFTH RESPONDENT IN THE ABOVE CASE**



**Adv. Rema Smrithi.V.K**

**ADDITIONAL STANDING COUNSEL  
Respondent 5**

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL  
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**VOLUME 1**

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Dated this the 2<sup>nd</sup> day of August, 2025.

**Rema Smrithi. V.K.**, Advocate  
Additional Standing Counsel

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**VOLUME 2**

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Dated this the 02<sup>nd</sup> day of August, 2025.

**Rema Smrithi. V.K.**, Advocate  
Additional Standing Counsel

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

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**Vs.**

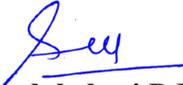
**State of Kerala & Others**

**:**

**Respondents**

**VERIFICATION**

I, Sreelakshmi P.B, Environmental Engineer, Kerala State Pollution Control Board, District Office, Kasaragod, do hereby verify on this the 02<sup>nd</sup> day of August, 2025, that all what is stated above are true and correct to the best of my knowledge and information.

  
**Sreelakshmi P.B.**

**Environmental Engineer**



**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Original Application No. 169 of 2023 (SZ)**

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**State of Kerala & Others : Respondents**

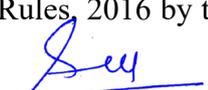
**REPORT FILED BY THE FIFTH RESPONDENT IN THE ABOVE CASE**

I, Sreelakshmi P.B, aged 42 years, currently working as Environmental Engineer of the District office of Kerala State Pollution Control Board, Kasaragod, do hereby solemnly affirm and state as follows:

I am the Environmental Engineer, Kerala State Pollution Control Board (hereinafter referred to as Board), and duly authorized to represent the 5<sup>th</sup> respondent in the above case. I am aware of the facts affirmed by me in this report. I am swearing this report based on the best of my knowledge, information and belief and the facts revealed from the records. It is respectfully submitted that a report was filed pursuant to the order of the Hon'ble Tribunal on 26-03-2025 and in continuation with the above said report, following details are submitted additionally.

1. It is respectfully submitted that the Board has received an application for Consent to Operate from M/s MCK KUTTY ENGINEERING PROJECTS PVT LTD for carrying out bio-mining of waste dumping yard in Mangalpady Panchayath. Based on the application, the Board officials had inspected the site on 03-05-2025. During enquiry, it was noted that no machinery for bio mining had been installed at the site. The Board returned the online application directing the unit to install machinery and submit detailed proposals on pollution control measures adopted during bio-mining. The copy of letter no. PCB/KSRD/CON-GEN/93/2014 dated 28.04.2025 is produced herewith and marked as Annexure -R5(1).
2. It is humbly submitted that in view of the continuous non-compliance of the Solid Waste Management Rules, 2016 by the Mangalpady Grama Panchayat, the Board had



  
**Sreelakshmy P.B**  
**Environmental Engineer**

issued direction imposing Environmental Compensation of Rs. 60 lakhs under Section 5 of the Environment (Protection) Act, 1986 vide order no. PCB/HO/EE3/OA 169/2023 dated 30/06/2025. A copy of the above said direction is produced herewith and marked as Annexure -R5(2).

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 02<sup>nd</sup> day of August, 2025.

For and on behalf of the Kerala State Pollution Control Board (5th Respondent)



  
**Sreelakshmi P.B**

**Environmental Engineer**

Kerala State Pollution Control Board

District Office, Kasaragod

**Sreelakshmy P.B**  
**Environmental Engineer**



കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

ജില്ലാ ഓഫീസ്, കാസർഗോഡ്, എം.എ.എം. ആർക്കേഡ്,

റെയിൽവേ സ്റ്റേഷനു സമീപം, കാഞ്ഞങ്ങാട് -671 315

Phone : 0467-2201180, E-mail: ksdpcbnew2@gmail.com,

website - kspcb.kerala.gov.in



In reply please refer to: PCB/KSRD/CON-GEN/93/2014

Date: 28.04.2025

*Regd with A/D*

From,

Environmental Engineer  
District Office, Kasaragod

To,

M/s. MCK KUTTY ENGINEERING PROJECTS PVT LTD.  
RASHIN YASLIN  
NARAKKOTTIL, PUTHALAM, AREACODE P.O,  
MALAPPURAM -673639

Sir,

Sub: - Bio mining of Legacy Waste- Kubanoor, Mangalpady, Kasaragod-reg.

Ref: - Application dated 09.04.2025.

This is to inform you that the Board has conducted site inspection on the application for starting biomining activity of legacy waste at Kubanoor dump site, Mangalpady. During enquiry, it was noticed that you have not installed any machinery for bio mining activity. Board can consider the application after installation of the machinery and air pollution and water pollution control facilities. Hence, you are hereby directed to install bio mining machineries and also submit the following details for further processing your application.

1. Submit agreement/permission with Mangalpady panchayat for conducting bio- mining.
2. The details of storm water management in yard shall be submitted with layout diagram.
3. The details of dust control measures adopted in the activity area.
4. The scheme for leachate treatment.
5. Delay ponds shall be provided before storm water outlets.
6. The details of excavation plan shall be submitted along with the location map showing excavated area, stabilizing area etc.
7. The details of waste disposal. If any agreement executed with recyclers/cement plants the details shall be submitted.
8. The measures taken to avoid any leachate/spillage to nearby wells.
9. The preventive measures taken to protect excavated area while rainfall.

10. Details on fire protection measures adopted in the yard.

11. The details of storage of hazardous category or other category wastes recovered and also their disposal.

You are hereby directed to comply the above directions along with necessary clarification and documents. The application will be processed only complying the directions.



Yours Faithfully,

A handwritten signature in black ink, appearing to be "Jey", written over a horizontal line.

ENVIRONMENTAL ENGINEER

Copy to.

The Secretary, Mangalpady Grama Panchayat

## Annexure -R5(2)

Ph: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman:  
2318150 Member Secretary: 2318151  
e-mail: [chn.kspcb@gov.in](mailto:chn.kspcb@gov.in); [ms.kspcb@gov.in](mailto:ms.kspcb@gov.in) FAX: 2318152 web:  
[kspcb.kerala.gov.in](http://kspcb.kerala.gov.in)



**KERALA STATE POLLUTION CONTROL BOARD**

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ, തിരുവനന്തപുരം 695 004



PCB/HO/EE3/OA169/2023

Date: 30/06/2025

**Regd. With A/D**

**DIRECTION ISSUED UNDER SECTION 5 OF THE ENVIRONMENTAL PROTECTION ACT,1986**

Sub: Non- compliance of Solid Waste Management Rules, 2016 -Imposition of Environmental Compensation on Mangalpady Panchayat.

- Ref: 1.This office Letter No. PCB KSRD/MSW/492/2007 dated 27.04.2019  
2.This office Letter No. PCB/KSRD/SMW/127/2016 dated 21.06.2019  
3.This office Letter No. PCB/KSRD/COMP/MANJESWAR/2019 dated 02.03.2020  
4.This office letter No: PCB/KSRD/SWM/127/2016 dated 17.09.2020  
5.This office letter No. PCB/KSRD/G/EC/142/2019 dated 30.11.2020  
6.Show cause notice No. PCB/HO/SFE-2/SWM-KASARGOD/2018 dated 19.02.2021  
7.This office letter No. PCB/KSRD/G/EC/142/2019 dated 14.02.2022  
8.Notice No. PCB/HO/SEE-2/SWM-KASARGOD/2018 dated 24.04.2022  
9.Notice No. PCB/RO/KKD/GEN/MSW/19105 dated 10.04.2023  
10.Show cause notice No.PCB/RO-KKD/KSGD/MSW/MGP/01/2023 dated 03.07.2023  
11.Show cause notice No. PCB/KSRD/SWM/127/2016 dated 14.02.2024  
12. Letter no.PCB/KSRD/DO/G/MANGALPADY/173/2024 dated 19.03.2025.  
13. Showcause notice no.PCB/HO/EE3/OA169/2023, dated 26.03.2025.  
14. Letter no.WM1/112/2025/LSGD , dated 09-05-2025 from Secretary, Local Self Government Department.

WHEREAS the Government of India, in the exercise of its powers conferred under the Environment (Protection) Act, 1986, has notified the

Solid Waste Management (SWM) Rules, 2016 to ensure effective management of solid waste for the protection of the environment and public health;

AND WHEREAS the Hon'ble National Green Tribunal (NGT), in O.A. 606/2018, directed all local bodies, including Mangalpady Panchayat, to implement the SWM Rules, 2016 by establishing adequate infrastructure for the collection, segregation, processing, and disposal of solid waste in a time-bound manner;

AND WHEREAS the Mangalpady Panchayat was instructed to implement the SWM Rules, 2016, vide references (1) and (2), but failed to comply with the directions, necessitating a site inspection on 22.02.2020. The inspection revealed severe violations, leading to the issuance of a Show Cause Notice vide reference (3);

AND WHEREAS despite repeated directions and adequate opportunities for compliance, the Panchayat failed to rectify the deficiencies, resulting in a recommendation for imposing Environmental Compensation of Rs. 7 Lakhs till 31.10.2020, as communicated vide reference (5);

AND WHEREAS a Show Cause Notice was issued by the Chairman, Board, vide reference (6) for continued non-compliance. Even after the hearing before the Chairman, the Panchayat failed to take corrective measures, necessitating further recommendation for the imposition of Environmental Compensation till December 2021, as per reference (7);

AND WHEREAS directions under Section 5 of the Environment (Protection) Act, 1986 (vide reference 8) and under Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981 and Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 (vide reference 9) were issued by the Board. However, the Panchayat continued to exhibit non-compliance with the statutory provisions;

AND WHEREAS a site inspection on 03.11.2023 revealed substantial volumes of unprocessed legacy waste and recently collected waste dumped indiscriminately without any treatment. The bio-mining operations had not commenced, and the site was inadequately managed, evidenced by the absence of personnel and overgrowth of wild vegetation. The occurrence of a significant fire on the night of 12-13 February 2024, causing damage to the waste processing facility, further aggravated the environmental degradation;

AND WHEREAS a subsequent Show Cause Notice was issued on 14.02.2024 (vide reference 11) for persistent non-compliance with the SWM Rules, 2016. Despite repeated directions, the Panchayat has failed to comply with its statutory obligations, leading to severe environmental harm and violation of the directives of the Hon'ble NGT.

AND WHEREAS in order to review the waste management in Mangalpady Grama Panchayath and progress in action taken by the Panchayath in remediating the site, the Chairperson, Kerala State Pollution Control Board convened a hearing with the Secretary, Mangalpady Panchayat on 23.07.2024. In compliance with the decision of above said hearing, the Chief Environmental Engineer, Regional office, Kozhikode conducted a joint meeting with Environmental engineer, District Office, Secretary, Mangalppady Grama Panchayat and representative from Private waste managing agency on 14.08.2024.

AND WHEREAS The panchayat officials reported that the collected waste will be removed before August 2024 and the Bio-mining work will commenced thereafter and will be completed by 31.03.2025.

AND WHEREAS an inspection was conducted on 14.03.2025 by the officials of the Board along with representatives from the Local Self Government Department (LSGD) and the Health Department to assess the progress in implementing the SWM Rules.

AND WHEREAS the inspection revealed that non-biodegradable waste collected is inadequately segregated and dumped in a roofed shed behind the collapsed MCF. The bio-mining of legacy waste has not commenced. The collapsed MCF has not been re-established, and there is a lack of fire-fighting equipment, power supply, and adequate safety measures, increasing the risk of further fire hazards. Unauthorized dumping of non-segregated solid, plastic, and slaughter waste on vacant private lands and roadsides continues, and the efforts of the local body to address these issues remain unsatisfactory. The Panchayat has also failed to obtain the necessary Authorization under the SWM Rules, 2016, and Integrated Consent to operate for bio-mining of legacy waste, despite repeated instructions, with no response received on this matter.

AND, WHEREAS NOW, THEREFORE, in the exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, read with Government of India Notification S.O.327(E) dated 10.04.2001, the Mangalpady Panchayat has to remit Environmental Compensation of

Rs.1,00,000 (Rupees One Lakh Only) per month for the period from April 2020 to March 2025, amounting to a total of Rs. 60,00,000 (Rupees Sixty Lakhs Only) for failure to comply with the SWM Rules, 2016.

AND WHEREAS show cause notice was issued vide reference (13) above to show cause reasons not recovering Environmental Compensation of Rs. 60 Lakhs from April 2020 to March 2025 for non-compliance of SWM Rules, 2016.

Vide reference (14), The Secretary, Local Self Government Department, informed that, the Board can proceed as per the show cause notice issued vide reference (13).

NOW THEREFORE in exercise of the powers vested under section 5 of the Environment Protection Act, 1986, read with Government of India notification S.O. 327 (E) dated 10/04/2001, **you are directed to remit the Environmental Compensation of Rs. 60 lakhs (Rupees Sixty Lakh only) from 01.04.2020 to 31.03.2025 for the non-compliance of the Solid Waste Management Rules, 2016, within thirty days of receipt of this Direction,** in the new head of account given below which is opened for crediting the compensation, ordered by Hon'ble NGT in O.ANo.606/2018 in its order dated 14.12.2020.

**Head of Account**

1425-00-800-91-Compensation issued for non compliance of Solid Waste Management Rules, 2016 and other important environmental issues for the protection of public health and the environment as ordered by the Hon'ble National Green Tribunal.

To  
The Secretary,  
Mangalpady Panchayath

CHAIRPERSON  
Signed by

Sreekala S

Date: 30-06-2025 22:53:27

Copy to:

1. The Chairman State Level Monitoring Committee
2. The Additional Chief Secretary,  
Local Self Government Department

3. The District Collector, Kasaragod
4. The Director, Urban Directorate
5. The Chief Environmental Engineer, Regional Office, Kozhikode
6. The Environmental Engineer, District Office, Kasaragod