

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

Original Application No. 198 of 2024 (SZ)
[Earlier O.A. No. 550 of 2024(PB)]

IN THE MATTER OF:

Suo Moto matter in respect of news item appearing in 'The New Indian Express' dated 08.04.2024 titled "Garbage pile-up on Fort Kochi beach hampers tourism prospects".

Versus

Kochi Municipal Corporation,
Through its Secretary,
Ernakulam, and Ors.

...Respondent(s)

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Revathi Manivannan

REVATHI MANIVANNAN
COUNSEL FOR RESPONDENT NO. 3

J Chandra Babu
17/3/2025

(J Chandra Babu)
REGIONAL DIRECTOR

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903



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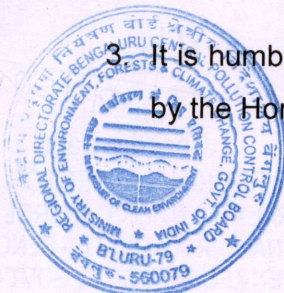
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...Respondent(s)

**REPLY ON BEHALF OF RESPONDENT NO. 3,
CENTRAL POLLUTION CONTROL BOARD (CPCB)**

1. It is humbly submitted that, this Hon'ble Tribunal vide order dated 23.08.2024 & 19.12.2024 in the instant matter has issued notice to all Respondents and thereby the reply is made in succeeding paragraphs.
2. It is humbly submitted that, Central Pollution Control Board (hereinafter referred to as CPCB) is constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.

3. It is humbly submitted that the instant application was registered as Suo-Motu by the Hon'ble National Green Tribunal, Principle Bench, New Delhi as original



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application No.550 of 2024 (PB) based on the news item published in 'The New Indian Express' dated 08.04.2024 titled, "Garbage pile-up on Fort Kochi beach hampers tourism prospects". Central Pollution Control Board was impleaded as Respondent No. 3 and the matter was transferred by Hon'ble NGT (PB) to the Hon'ble NGT SZ Bench, wherein the same has been renumbered as OA No. 198 of 2024(SZ).

4. It is humbly submitted that, Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF&CC) has notified the Solid Waste Management Rules, 2016 (hereinafter referred to as SWM Rules 2016) vide notification S.O 1357(E) dated April 8, 2016 in suppression of Municipal Solid Waste (Management and Handling) Rules 2000. As per the relevant provisions under the SWM Rules 2016, the local bodies and panchayats are entrusted with the primary responsibility of collection and management of municipal solid waste, maintenance and operation of the solid waste processing sites and dump yards etc.
5. It is humbly submitted that, as per the relevant provisions of the SWM Rules, 2016, the local authorities have to obtain an authorisation for setting up waste processing, treatment, recycling or disposal facility including landfills from State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as SPCBs/PCCs). It is the duty of the State Urban Department to ensure implementation of provisions of these rules by all local authorities. The SPCBs/PCCs are entrusted with the responsibility for enforcement of the SWM Rules, 2016 in their states through local bodies in their respective jurisdiction and a periodical review of implementation with monitoring of environmental standards and adherence to conditions prescribed under SWM Rules, 2016. The SPCBs/PCCs are also entrusted with the responsibility of issuance of authorization to the local bodies after examining the proposals submitted by them.
6. It is humbly submitted that as per provision of SWM Rules it is the duty of the local authorities to facilitate construction, operation and maintenance of solid

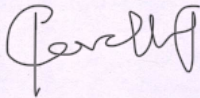


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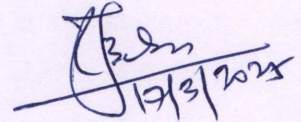
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waste processing facilities and associated infrastructure on their own or with private sector participation or through any agency for optimum utilisation of various components of solid waste adopting suitable technology. Further, CPCB has prepared "Guidelines on Selection Criteria for Waste Processing Technologies" and the same has been uploaded on CPCB website.

7. It is humbly submitted that, in light of the submissions made above, the KSPCB, the Kochi Corporation, District Administration and Local Self Govt. Department(LSGD) and State Urban Development of Kerala are required to take necessary action in the matter, as per provision of SWM Rules 2016.
8. That, in the light of the above submissions, it is respectfully prayed that this Answering Respondent No.3 i.e., CPCB shall abide by orders or directions passed by the Hon'ble Tribunal in the instant matter.



REVATHI MANIVANNAN
COUNSEL FOR RESPONDENT No. 3



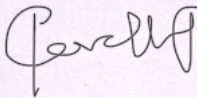
DEPONENT

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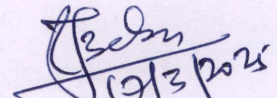
VERIFICATION

I, Jathikartha Chandra Babu, working as Scientist 'E' and posted as Regional Director (Bengaluru), CPCB, the respondent herein do hereby verify that the contents of the above paragraphs are true and correct to the best of my knowledge, information and belief.

Verified at Bengaluru on this, the 17th day of March, 2025.



REVATHI MANIVANNAN
COUNSEL FOR RESPONDENT No. 3



DEPONENT

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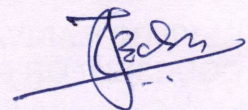
...Respondent(s)

AFFIDAVIT

I, Jathikartha Chandra Babu, Son of (Late) Sh. J Balaramaiah, aged about 57 years, having office at the Regional Directorate - Bengaluru, Central Pollution Control Board, 1st and 2nd Floors, Nisarga Bhavan, A-Block, Thimmaiah Main Road, 7th D Cross, Shivanagar, Bengaluru, Karnataka – 560 079, do hereby solemnly affirm, declare on oath and state as under:-

1. I humbly submit that, the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
2. I submit that, the accompanying reply has been drafted and filed under my instructions and authority, the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and





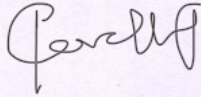
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available records and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

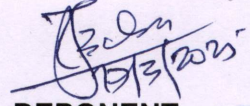
VERIFICATION

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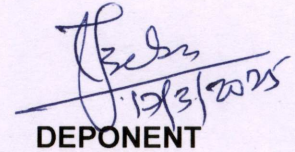
Verified at Bengaluru on this, the 17th day of March, 2025.



REVATHI MANIVANNAN
COUNSEL FOR RESPONDENT No. 3

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