

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH, CHENNAI
ORIGINAL APPLICATION NO.312 OF 2024 (SZ)

Tribunal on its own motion Suo Moto
based on the news item in The New Indian
Express, Chennai Edition dated 17-12-2024,
Titled "Kerala's Medical Waste dumped in
Nellai Villages"

With

The Principal Secretary to Government of Tamil Nadu
Department of Environment, Climate Change and Forests,
Chennai and Ors. ...Respondents

INDEX

No	Description	Page Nos
01	Affidavit of 8 th respondent	03 - 09
02	<u>Annexure R8(A)</u> : Copy of the notice dated 18-12-2024 issued by the Kerala State Pollution Control Board	10 - 11
03	<u>Annexure R8(B)</u> :Copy of the reply dated 20-12-2024 given to Kerala State Pollution Control Board	12 - 13
04	<u>Annexure R8(C)</u> : Copy of the notice dated 19-12-2024 issued by Kerala State Pollution Control Board	14 - 16
05	<u>Annexure R8(D)</u> : Copy of the reply dated 21-12-2024 given to Kerala State Pollution Control Board	17 - 18
06	<u>Annexure R8(E)</u> : Copy of the order dated 16-01-2024 issued by Kerala State Pollution Control Board	19 - 23



07	<u>Annexure R8(F)</u> : Copy of the reply dated 17-01-2025 given to Kerala State Pollution Control Board	24 - 27
08	<u>Annexure R8(G)</u> : Copy of the appeal No.3 of 2025 dated 12-02-2025 along with stay petition filed before the appellate authority	28 - 37
10	<u>Annexure R8(H)</u> : Copy of the show cause notice dated 16-01-2024 issued by Kerala State Pollution Control Board	38 - 45
11	<u>Annexure R8(I)</u> : Copy of the reply dated 29-01-2025 given to Kerala State Pollution Control Board	46 - 49
12	<u>Annexure R8(J)</u> : Copy of the show cause notice dated 17-01-2025 issued by Kerala State Pollution Control Board	50 - 58
13	<u>Annexure R8(K)</u> : Copy of the reply dated 30-01-2025 given to the Chairperson, Kerala State Pollution Control Board	59 - 62

Dated at Thiruvananthapuram on this the 20th day of March 2025



T.K.Ananda Padmanabhan
Counsel for the 8th Respondent

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The Principal Secretary to Government of Tamil Nadu
Department of Environment, Climate Change and Forests,
Chennai and Ors. ...Respondents

REPLY AFFIDAVIT FILED BY THE 8TH RESPONDENT

I, Dr.Gigi Joseph, Son of V.V.Joseph, aged 59 years, Chief
Executive Officer, Credence Hospital Pvt Ltd, Ulloor,
Thiruvananthapuram do hereby solemnly affirm and state as follows:

1. I am the Chief Executive Officer of Credence Hospital. I am
conversant with the facts and circumstances of the case and am
therefore competent to swear this affidavit.

2. This Hon'ble Tribunal took suo motu cognizance of the
matter based on a news item in The New Indian Express, Chennai
Edition dated 17-12-2024, Titled "Kerala's Medical Waste dumped in
Nellai Villages". Our hospital is arrayed as 8th respondent on the basis
of the above news item. We received notice from this Hon'ble Tribunal



For CREDENCE HOSPITAL Pvt. Ltd.

Authorised Signatory

and we made appearance in response to the same. This affidavit is necessitated in view of the developments after we made appearance before this Hon'ble Tribunal.

3. At the outset we humbly submit that we are not in any way involved in the dumping of any waste lest bio medical waste from our hospital in any place whatsoever till date. We have provided proof and documents to show that all our biomedical waste are segregated at source and handed over to the government approved agency IMAGE since 2006 and is evidenced by records submitted. We have been dutifully complying with all Biomedical Waste Management rules since 2006. There is absolutely no reason for a change to this in December 2024, after 18 years of strict compliance and without even one complaint from any authority.

4. The Tamil Nadu Pollution Control Board team which examined the site following reports in news channels has not reported our name or mentioned of any waste from our hospital being identified at the sites in Tamil Nadu (Letter DEE/TNPCB/TNV/Tech-60/2024 dated 17/12/2024 and letter dated 18-12-2024 from the Chairperson, Tamil Nadu Pollution Control Board to the Chairperson, Kerala State pollution Control Board which is already produced by the 6th respondent as Annexure R6 (D) along with their report before this Hon'ble Tribunal. We appeared before this Hon'ble Tribunal and submitted the true facts. This Hon'ble Tribunal by its order dated 02-01-2025 in paragraph 13 held as follows : ".....While presuming that two of the institutions are health care facilities which could not be disturbed, the other institutions which are only private resorts, they could not have been stopped from further operation till such time an order is passed by the Kerala SPCB after enquiry." But to our utter surprise, we were



For CREDENCE HOSPITAL Pvt. Ltd.

Authorised Signatory

included as an offender and unjust action was taken against us without a proper enquiry. Initially the allegation against us was that we dumped bio medical waste. When we submitted proof of our innocence, it was changed to plastic waste which later became food waste. Again when we resubmitted proof of our proper waste disposal methods, the same was further changed to paper waste. Till date no evidence is shown to us or any report given to us to show that we are involved in dumping of waste. In this backdrop we humbly submit the following facts for consideration of this Hon'ble Tribunal.

5. On 18-12-2024, Kerala State Pollution Control Board issued a show cause notice No.KSPCB/2089/2024-EE-1 dated 18-12-2024, to us to reply within 7 days why Board shall not initiate action against us including levying of environmental compensation. A copy of the notice dated 18-12-2024 issued by the Kerala State Pollution Control Board is produced herewith and marked as Annexure R8(A).

6. It is clear from the notice itself that the Board admit that the same was issued on the basis of a newspaper report dated 17-12-2024 that biomedical waste, food waste and plastic waste from our health care facility are found dumped at multiple locations such as Kodaganallur and Palavoor villages in Tirunelveli District of Tamil Nadu. Since the allegations levelled against us was baseless that too based on a newspaper report, we submitted a detailed reply on 20-12-2024 denying the entire allegations leveled against us. Copy of the reply dated 20-12-2024 given to Kerala State Pollution Control Board is produced herewith and marked as Annexure R8(B).

7. On the very next day of issuance of Annexure R8(A) notice, a consent revoke intention notice dated 19-12-2024 was issued by



For CREDENCE HOSPITAL Pvt. Ltd.

Authorised Signatory

Kerala State Pollution Control Board seeking to revoke the consent given to us and directed us to show cause within 7 days why the consent shall not be revoked. Even in the said notice, the reason stated was dumping of bio medical waste. A copy of the notice dated 19-12-2024 issued by Kerala State Pollution Control Board is produced herewith and marked as Annexure R8(C).

8. Immediately on receipt of Annexure R8(C) notice, on the very next day that is 21-12-2024 we submitted a detailed reply stating in clear terms that we are not at all involved in the issue in any manner whatsoever and requesting to drop all further proceedings in the matter. We submitted all relevant documents and reiterated that the action based on newspaper report is untenable. Copy of the reply dated 21-12-2024 given to Kerala State Pollution Control Board is produced herewith and marked as Annexure R8(D).

8. To our utter surprise, without advertng to any of the facts pleaded and records produced, Kerala State Pollution Control Board issued an order dated 16-01-2025 revoking the integrated consent to operate granted to us. The reasons mentioned in the order are totally contradictory to their earlier stand and goes against the direction of this Hon'ble Tribunal. The order was issued in a most callous manner. A copy of the order dated 16-01-2025 issued by Kerala State Pollution Control Board is produced herewith and marked as Annexure R8(E).

9. On receipt of the above order, we submitted our reply on 17-01-2025 that is on the very next day since the order issued had wider ramifications for us to function being in the medical care facility for women and children and further requesting to drop all further



For CREDECE HOSPITAL Pvt. Ltd.

Authorised Signatory

proceedings. A copy of the reply dated 17-01-2025 given to Kerala State Pollution Control Board is produced herewith and marked as Annexure R8(F).

10. We hardly received any reply to our application which was not at all considered by the Kerala State Pollution Board. Aggrieved by the said order, we moved an appeal No.3 of 2025 dated 12-02-2025 before the appellate authority as provided under the Act. We also moved an application for stay of the order. Copy of the appeal along with stay application is produced herewith and marked as Annexure R8(G).

11. To our surprise on the very same day of issuance of consent to revoke letter another show cause notice dated 16-01-2025 was issued to us to show cause within 15 days why Board shall not initiate legal action against us. A copy of the show cause notice dated 16-01-2024 issued by Kerala State Pollution Control Board is produced herewith and marked as Annexure R8(H).

12. As done on earlier occasions, we submitted our detailed reply on 29-01-2025 adverting to each and every averment and allegations contained therein within the time stipulated. A copy of the reply dated 29-01-2025 given to Kerala State Pollution Control Board is produced herewith and marked as Annexure R8(I).

13. On 17-01-2025, we received another show cause notice under Environment Protection Act, 1986 to reply within 15 days why we shall not be directed to remit an environmental compensation of Rs.6,90,000/- for violation of the said act and rules. A plain reading of



For CREDENCE HOSPITAL Pvt. Ltd.

Authorised Signatory

the said notice would make it amply clear that the authorities have issued the said notice in total negation of all settled principles of law and in utter violation of the principles of natural justice. A copy of the show cause notice dated 17-01-2025 issued by Kerala State Pollution Control Board is produced herewith and marked as Annexure R8(J).

14. We submitted a reply on 30-01-2025 narrating the entire facts. We requested the authorities to hand over copies of documents relied on by them for arriving at the conclusion of imposing compensation and sought an opportunity of being heard before proceeding with the matter. A copy of the reply dated 30-01-2025 given to the Chairperson, Kerala State Pollution Control Board is produced herewith and marked as Annexure R8(K).

15. I most humbly submit that the entire proceedings initiated against us are based on newspaper reports and totally ignoring the findings of TamilNadu Pollution Control Board submitted before this Hon'ble Tribunal in their enquiry reports. We have responded in a timely manner to all notice and hearings. Yet unjust action was taken against us without any enquiry as contemplated under law. Till date we are not served with any report or finding substantiating the newspaper report with regard to our involvement in the whole issue. Just because newspaper reports carried our name, we are dragged into this issue without any bonafides. Numerous replies filed by us to each notice are not considered in the right proper perspective. We are also informed that since the matter is pending before this Hon'ble Tribunal, they will not be able to do anything. This shows that the authorities are deliberately holding us for a ransom without any basis. Proceedings one after the other are initiated against us without any legal, factual or



For CREDECE HOSPITAL Pvt. Ltd.

Authorised Signatory

documentary evidence and without any bonafides just because we are made a party in this proceedings. This has resulted in untold hardship and mental agony to us.

16. In the above circumstances, we most humbly beg and pray that this Hon'ble Tribunal may be pleased accept the reply affidavit and further be pleased to drop all further proceedings against us in the matter in the interest of justice. The 8th respondent shall ever remain duty bound and pray.

Dated at Thiruvananthapuram on this the 20TH day of March, 2025



For CREDENCE HOSPITAL Pvt. Ltd.


Authorised Signat
Deponent

Solemnly affirmed and signed before me by the deponent in my office at Thiruvananthapuram on this the 20th day of March, 2025. The deponent is personally known to me.



T.K.Ananda Padmanabhan
Advocate

Ph. General: 0471- 2312910, 2318150, 2318151, 2318152 Chairman.
2318150 Member Secretary 2318151
e-mail: chm.kspcb@gov.in ms.kspcb@gov.in FAX: 2318152 web:
kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന പ്രദൂഷണ നിയന്ത്രണ ബോർഡ്
Pattom P.O., Thiruvananthapuram - 695 004
പട്ടം പി.ഒ. തിരുവനന്തപുരം 695 004



KSPCB/2089/2024-EE-1

18.12.2024

Regd.A/D

SHOW CAUSE NOTICE

Sub: - Non Compliance of Rules under Environment (Protection) Act, 1986 -reg.

Ref: - (1) Consent No. PCB/RO/TVM/ICO-R/04/2020 dated 07/10/2020
(2) Reports on dailies on 17/12/2024 regarding the illegal dumping waste in Tamil Nadu.

WHEREAS, the Kerala State Pollution Control Board (herein after referred to as the Board) is the statutory authority for implementing Water (Prevention & Control of Pollution) Act, 1974 (herein after referred to as Water Act), Air (Prevention & Control Of Pollution) Act, 1981 (herein after referred to as Air Act), Environment (Protection) Act 1986, (herein after referred to as EP Act) and rules thereunder in the State of Kerala;

WHEREAS , M/s. Credence Hospital Pvt. Ltd, near Ulloor Bridge, Ulloor Medical College P.O, Thiruvananthapuram comes under the purview of Water Act, Air Act and Environment (Protection) Act 1986;

WHEREAS , you are bound to comply with the conditions mentioned in the consent issued to you vide reference cited (1) above;

WHEREAS , as per condition number 5.4 of the consent to operate issued to you, Biomedical Waste, except liquid waste, generated in your Hospital shall be disposed through IMAGE ;

WHEREAS ,as per condition no.5.5,garbage shall be disposed through biogas plant;

WHEREAS, it has come to the notice of the Board, through Newspaper dated 17.12.2024, that biomedical waste, foodwaste and plastic waste from your health care facility are found to be dumped at multiple

locations such as Kodaganallur and Palavoor villages in Thirunelveli District of TamilNadu;

WHEREAS ,the above action is in gross violation of the provisions of Bio Medical Waste Management Rules 2016, Plastic Waste Management Rules, 2016 and Solid Waste Management Rules, 2016 and the consent issued vide reference (1).

NOW THEREFORE you are hereby called upon to show cause, if any, within 7 days of receipt of this notice, why Board shall not initiate actions against you, including levying of environmental compensation, under the relevant sections of the Environment (Protection) Act 1986 and the aforementioned Rules.

Dated this the 18th days of December, 2024


CHAIRPERSON
o/c

To

M/s Credence Hospital,
Ulloor Medical College P.O,
Thiruvananthapuram

Copy to:

1. The Chief Environmental Engineer
Regional Office, Thiruvananthapuram
2. The Environmental Engineer
District Office, Thiruvananthapuram
3. Environmental Engineer-3, Head office
4. The Secretary, Thiruvananthapuram Corporation

1078

CREDENCE HOSPITAL

Credence Hospital Pvt. Ltd
Ulloor Trivandrum 695 011 India
Tel : ++91 471 403 3333, 2554343
Fax : ++91 471 403 3334
Email : info@credencehospital.com
www.credencehospital.com

Cred/Gen/33/2024

20th December 2024

To:

The Chairperson

Kerala State Pollution Control Board

Pattom P. O.

Thiruvananthapuram : 695 004

SUBJECT : REPLY TO SHOWCAUSE NOTICE DT. 18.12.2024

**REFERENCE : THAT OFFICE LETTER NO. KSPCB / 2089 / 2024 – EE I
DT. 18.12.2024**

Received
20/12/24
Kerala State Pollution Control Board
Pattom Junction, Pattom Palace P.O.
Thiruvananthapuram - 695 011

Sir:

We are in receipt of your show cause notice dated 18-12-2024. We submit the following facts for your kind information.

At the outset we completely deny any role on the part of the Hospital in the entire episode. It was extremely shocking for us to know of such an incident through media in which the name of the Hospital was also included. Immediately we conducted a detailed internal enquiry. We submit that all waste in the hospital are collected through agencies approved by the Government and Medical Council.

Biomedical Waste generated in our hospital are entirely collected by IMAGE, authorized collection agency of Indian Medical Association. Copy of the bill to show the above fact is produced herewith (Annexure I).

With regard to non bio waste, as instructed by Health Inspector, Thiruvananthapuram Corporation, we got affiliated with Haritha Karma Sena who take non bio waste from the hospital on payment. Copy of their certificate evidencing the same and also the user fee card are attached herewith for your reference (Annexure II).

Similarly bio waste like food etc are handed over to "USE AGAIN SYSTEMS", an agency approved by the Secretary, Thiruvananthapuram Corporation vide order

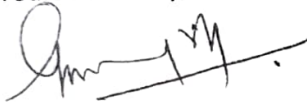
CREDENCE  HOSPITAL

No.H19/22306/22 dated 13-03-2024. Copy of vouchers evidencing the same is attached herewith (Annexure III).

We also bring to your kind notice that we also have a Bio Gas Plant in addition to getting associated with all approved agencies for disposal of waste. From the above it is clear that we don't indulge in removing or disposing of any type of waste whatsoever in any public place. We are deeply pained by the news item which appeared in media resulting in issuance of the above show cause notice to us, that too for no fault of us.

In the above circumstances, we humbly request your goodself to accept our reply submitted with utmost sense of responsibility and we assure your goodself that we never indulged nor will we ever indulge in any such practice which is a threat to the society. We are always willing and ready to cooperate with any investigation in this regard so as to bring truth in the entire episode.

Yours Faithfully,



Dr. Gigi Joseph
Chief Executive Officer

Ph: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman:
2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web:
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



KSPCB/2089/2024-EE-1

19-12-2024

- Ref: - (1) Consent No.PCB/TVM-DO/ICO (R)/HSP/328/2012 dated 26/07/2012
- (2) Consent No. PCB/RO/TVM/ICO-R/04/2020 dated 07/10/2020
- (3) Reports on dailies on 17/12/2024 regarding the illegal dumping of waste in Tamil Nadu.
- (4) Lt.No.T3/TNPCB/BMW/F.31777/2024-1 dated 18/12/2024 from the Chairperson of Tamil Nadu Pollution Control Board.
- (5) Show cause notice of even number dated 18/12/2024

CONSENT REVOKE INTENTION NOTICE

WHEREAS, the Kerala State Pollution Control Board (herein after referred to as the Board) is the statutory authority for implementing Water (Prevention & Control of Pollution) Act, 1974 (herein after referred to as Water Act), Air (Prevention & Control of Pollution) Act, 1981 (herein after referred to as Air Act), Environment (Protection) Act 1986, (herein after referred to as EP Act) and rules there under in the State of Kerala;

WHEREAS, M/s. Credence Hospital Pvt. Ltd, near Ulloor Bridge, Ulloor Medical College P.O, Thiruvananthapuram comes under the purview of Water Act, Air Act and Environment (Protection) Act 1986;

WHEREAS, you are bound to comply with the conditions mentioned in the consent issued to you vide reference cited (1) and (2) above;

WHEREAS, as per condition no.5.4 of the consent to operate, vide ref (1) issued to you, Bio medical Waste, except liquid waste, generated in your Hospital shall be disposed through the common facility of IMAGE;

WHEREAS, as per condition no.5.5, vide ref (1) garbage shall be disposed through biogas plant;

WHEREAS, it has come to the notice of the Board, through ref cited (3) & (4), that Biomedical waste, food waste, and plastic waste from your health care facility are found to be dumped at multiple locations in Kodaganallur and Palavoor villages in Thirunelveli district of Tamil Nadu;

WHEREAS, the above action is in gross violation of the provisions of Bio Medical Waste Management Rules 2016, Plastic Waste Management Rules, 2016 and Solid Waste Management Rules, 2016 and the consent issued vide reference (1) and (2).

WHEREAS, Notice has been issued to you, vide ref cited (5), pointing out the aforesaid violations.

NOW THEREFORE the Board intends to revoke the consent issued to you, vide ref cited (2), due to the above reasons. You are hereby directed to Show Cause if any within 7 days of receipt of this Notice as to why the Consent to Operate issued to you shall not be revoked;

Dated this the 19th day of December, 2024


CHAIRPERSON

To

M/s Credence Hospital,
Ulloor Medical College P.O,
Thiruvananthapuram

Copy to:

1. The Chief Environmental Engineer
Regional Office, Thiruvananthapuram
2. The Environmental Engineer
District Office, Thiruvananthapuram

3.The Environmental Engineer-3, Head Office

4.The Secretary, Thiruvananthapuram Corporation

1079

CREDENCE HOSPITAL

Credence Hospital Pvt. Ltd
Ulloor Trivandrum 695 011 India
Tel : ++91 471 403 3333, 2554343
Fax : ++91 471 403 3334
Email : info@credencehospital.com
www.credencehospital.com

Cred/Gen/33/2024

21th December 2024

To:

The Chairperson
Kerala State Pollution Control Board
Pattom P. O.
Thiruvananthapuram : 695 004

Kerala State Pollution Control Board
Pleamoodu Junction, Pattom Palace P.O.
Thiruvananthapuram - 695 001

Received
Dhanuja For CA
Sudhan
(Signature)

SUBJECT : CONSENT REVOKE INTENTION NOTICE DT. 19.12.2024
REFERENCE : THAT OFFICE LETTER NO. KSPCB/2089/2024-EE-1
DT. 19.12.2024

Sir:

We are in receipt of your letter dated 19-12-2024 directing us to showcause within seven days as to why the consent to operate issued to us shall not be revoked.

In this context we submit the following facts for your kind information:

The cause for issuing this notice is the reports on dailies on 17-12-2024 regarding illegal dumping of waste in Tamil Nadu.

At the outset we completely deny any role on the part of the Hospital in the entire episode. It was extremely shocking for us to know of such an incident through media in which the name of the Hospital was also included. Immediately we conducted a detailed internal enquiry. We submit that all waste in the hospital are collected through agencies approved by the Government and Medical Council.

We depend on agencies authorised by government authorities for the disposal of waste generated in the hospital. We segregate different types of waste at the point of origin and hand it over to the agencies contracted on the basis of government recommendations. We have no say or control over the waste disposal thereafter. The agencies are paid for their services as per rates approved.

CREDENCE HOSPITAL

Biomedical Waste generated in our hospital are entirely collected by **IMAGE**, authorized collection agency of Indian Medical Association. Copy of the bill to show the above fact is produced herewith (Annexure I).

With regard to non bio waste, as instructed by Health Inspector, Thiruvananthapuram Corporation, we got affiliated with **Haritha Karma Sena** who take non bio waste from the hospital on payment. Copy of their certificate evidencing the same and also the user fee card are attached herewith for your reference (Annexure II).

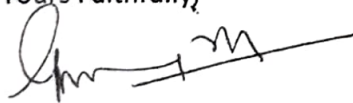
Similarly bio waste like food etc are handed over to "**USE AGAIN SYSTEMS**", an agency approved by the Secretary, Thiruvananthapuram Corporation vide order No. H19/22306/22 dated 13-03-2024. Copy of vouchers evidencing the same is attached herewith (Annexure III).

We also bring to your kind notice that we also have a Bio Gas Plant in addition to getting associated with all approved agencies for disposal of waste. From the above it is clear that we don't indulge in removing or disposing of any type of waste whatsoever in any public place. We are deeply pained by the news item which appeared in media resulting in issuance of the above show cause notice to us, that too for no fault of us.

We humbly submit that till date we have not committed any violation of any provisions of law lest Pollution Control law as we are fully aware of the consequences that might cause to the society and the public at large.

In the above circumstances, we humbly request your goodself to accept our reply submitted with utmost sense of responsibility and drop all further proceedings against the Hospital. As a Hospital with immense goodwill and repute, we are fully aware of our responsibilities to Patients and Society. We understand that investigations are in full swing and we are more than willing to cooperate with the same to prove our complete innocence in the whole episode.

Yours Faithfully,



Dr. Gigi Joseph
Chief Executive Officer





റീജ്യണൽ ഓഫീസ്
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്
KERALA STATE POLLUTION CONTROL BOARD

Pattom P.O., Thiruvananthapuram - 695 004
പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004
☎ General: 0471- 2312910, 2318153, 2318154, 2318155
e-mail: ceetvm.kspcb@kerala.gov.in web: kspcb.kerala.gov.in



PCBRTM/3/2025-AE2

Dated: 16.01.2024

Regd with A/D

- Ref: 1. Integrated Consent to Operate Renewal no: PCB/TVM/DO/ICO(R)/HSP/328/2012 dtd 26.07.2012.
2. Integrated Consent to Operate Renewal no: PCB/RO/TVM/ICO R/04/2020 dated 07.10.2020.
3. Newspaper report on 17/12/2024 regarding illegal dumping of waste at Thirunelveli, TamilNadu
4. Letter no. T3/TNPCB/BMW/F.31777TV/2024-1 dated 18.12.2024 from the Chairperson of Tamil Nadu Pollution Control Board.
5. Inspection by the Board Officials to your unit held on 18.12.2024.
6. Show Cause Notice no. KSPCB/2089DA24-EE- 1 dated 18.12.2024.
7. Consent Revoke Intention Notice no. KSPCB/2 08912024-EE-1 dated 19.12.2024.
8. Reply Letter no. Cred/Gen/33/2024 dated 20.12.2024 from M/s Credence Hospital.
9. Reply Letter no. Cred/Gen/33/2024 dated 21.12.2024 from M/s Credence Hospital.
10. Report of Joint Inspection conducted at Thirunelveli on 20/12/24
11. Report of Joint Inspection conducted from Board's Regional Office along with the Enquiry Commission on 31.12.2024.
12. Joint Enquiry commission report dated : 10.01.2025
13. Letter no.KSPCB/2089/2024-EE-1 dated 15.01.2025 from Head Office

CONSENT REVOCATION ORDER

WHEREAS, the Kerala State Pollution Control Board (herein after referred to as the Board) is the statutory authority for implementing the Water (Prevention & Control of Pollution) Act 1974 (herein after referred to as the Water Act), the Air (Prevention & Control of Pollution) Act 1981 (herein after referred to as the Air Act), and the Environment

(Protection) Act 1986 (herein after referred to as the EP Act) and Rules there under in the State of Kerala;

WHEREAS M/s. Credence Hospital Pvt. Ltd, near Ulloor Bridge, Ulloor Medical College P.O, Thiruvananthapuram comes under the purview of Water (Prevention & Control of Pollution) Act 1974, the Air (Prevention & Control of Pollution) Act 1981 and the Environment (Protection) Act 1986 and the rules there under;

WHEREAS you are bound to comply with the conditions mentioned in the Integrated Consent issued to you vide ref. cited (1) & (2) above, by the Board as per section 25 of Water (Prevention & Control of Pollution) Act 1974 and section 21 of Air (Prevention & Control of Pollution) Act 1981;

WHEREAS, as per condition no.5.4 of the consent, vide ref (1) issued to you, Bio medical Waste, except liquid waste, generated in your Hospital shall be disposed through the common facility of IMAGE;

WHEREAS, as per condition no.5.5 of the consent, vide ref (1) garbage shall be disposed through biogas plant;

WHEREAS it has come to the notice of the Board through newspaper dated 17/12/2024 that biomedical waste, food waste and plastic waste from some of the institutions in Trivandrum, RCC, Credence Hospital Ulloor, and M/s Leela Raviz, Kovalam, are found to be dumped at multiple locations such as Kodaganallur, Vadakku Ariyanayakipuram and Palavoor Villages in Thirunelveli district of Tamil Nadu;

WHEREAS during the inspection conducted by the Board officials on 18.12.2024 across various units, it was observed that you have been disposing of your paper waste through M/s Use Again Systems, an unauthorized agency;

WHEREAS as per reference cited (6) above, Board had issued Show Cause Notice in light of the above incident, directing to show cause if any within 7 days of notice;

WHEREAS as per reference cited (7) above, Board had issued Consent Revoke Intention Notice, directing to show cause if any within 7 days of notice;

WHEREAS during the Joint inspection held on 20/12/2024 including Board officials, Trivandrum Corporation, IMAGE, Officials of Tamil Nadu Government and Tamil Nadu Pollution Control Board, dumps of solid waste with documents in proof of the institutions viz, RCC, Trivandrum, Credence Hospital Ulloor, Trivandrum, and Leela Kovalam, Trivandrum were identified at the above said locations in Thirunelveli;

WHEREAS you had submitted reply to Showcause Notice vide ref cited (8), assured that you had not indulged in removing or disposing of any type of waste whatsoever in any public place;

WHEREAS you had submitted reply to Consent Revoke Intention Notice cited (9);

WHEREAS as per section 4(1-a) of Solid Waste Management Rules, 2016, (1) Every waste generator shall segregate and store the waste generated by them in three separate streams namely bio-degradable, non bio-degradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorised waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

WHEREAS as you have disposed off wastes generated from your premises through an unauthorized agency which constitutes a violation of the section 4(1-a) of Solid Waste Management Rules, 2016;

WHEREAS as per section 8(2) of PWM Rules, 2016, all institutional generators of plastic waste shall segregate and store the waste generated by them in accordance with SWM Rules and handover segregated waste to authorized waste processing or disposal facility or deposition centers either on its own or through authorized waste collection agency;

WHEREAS you have disposed wastes through M/s Use Again Systems;

WHEREAS it is found that M/s Use Again Systems does not have valid Registration/Consent of the Board;

WHEREAS during the Joint Inspection conducted by the Board Officials along with Trivandrum Corporation, LSGD officials and Suchitwa mission as part of the Enquiry commission on 31/12/2024, it was observed that large quantities of food waste mixed with plastic and paper waste were stored without segregation, inside and around the hospital canteen premises, which is in violation of section 4(1-a) of Solid Waste Management Rules, 2016 and 8(2) of Plastic waste management rules 2016;

WHEREAS per section 8(1) of Bio Medical Waste Management Rules, 2016, the bio-medical waste shall be segregated into containers or bags at the point of the generation in accordance with the Schedule I prior to its storage, transportation, treatment and disposal;

WHEREAS during the Joint Inspection conducted by the Board Officials along with Trivandrum Corporation, Suchitwa mission and LSGD officials as part of the Enquiry commission on 31/12/2024, it was observed that untreated Biomedical waste bags were stored along with plastic and other general waste bags which is in violation of section 8(1) of Bio Medical Waste Management Rules 2016;

WHEREAS per section 4(2) of Solid Waste Management Rules, 2016, No waste generator shall throw, burn or bury the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.

WHEREAS it was found that general waste (Paper Waste) from your industry was seen dumped at Vadakku Ariyanayakipuram, as per the report cited (10) above and also as per the Enquiry commission report cited (12) above, prescription letters from your unit were reported to be dumped, in the above premises which is in violation of section 4(2) of Solid Waste Management Rules 2016;

WHEREAS it is noted that you have violated the above provisions of Biomedical Waste Management Rules, 2016; Plastic Waste Management Rules, 2016 and Solid Waste Management Rules, 2016;

WHEREAS it was informed that proper source level segregation was not implemented within the facility and direction was issued to take further necessary action vide ref(13).

NOW THEREFORE in exercise of powers conferred under the above Acts, the Board hereby revokes the integrated consent to Operate issued to you vide reference cited (2) due to the aforesaid violations.

Dated this 16 th day of January 2025.



**For and Behalf of the
KERALA STATE POLLUTION CONTROL BOARD**

Vinay
CHIEF ENVIRONMENTAL ENGINEER

To

Dr. Santhamma Mathew,
Credence Hospital,
Ulloor, Medical College P.O
Thiruvananthapuram

Copy To

1. Chairperson,
Kerala State Pollution Control Board, Head Office,
Thiruvananthapuram.
2. Member Secretary,
Kerala State Pollution Control Board, Head Office,
Thiruvananthapuram.
3. Secretary,
Thiruvananthapuram Corporation

CREDENCE HOSPITAL

Credence Hospital Pvt. Ltd
Ulloor Trivandrum 695011 India
Tel: ++91 471 4033333, 2554343
Fax: ++91 471 4033334
Email: info@credencehospital.com
www.credencehospital.com

Regd/Ack

Cred/Gen/04/2025

17th January 2025

To
The Chief Environmental Engineer
Kerala State Pollution Control Board
Regional Office, Pattom P.O.,
Thiruvananthapuram, Kerala 695004

REFERENCE: PCBRTM/3/2025-AE2, Dated- 16-01-2025.

Respected Sir,

We are in receipt of your consent revocation letter dated 16-01-2025. We would like to submit the following facts for your reconsideration.

It appears that the consent revocation letter was issued in a hurry without proper verification of facts, records and the submissions made by us to your earlier notices dated 18-12-2024 (show cause notice) and 19-12-2024 (Consent revoke intention notice).

We have already provided proof and documents to show that all our biomedical waste is segregated at source and handed over to IMAGE as evidenced by records submitted already. The recent certificate issued to us by IMAGE also clearly states that we have been complying with all Biomedical Waste Management rules since 2006. There is absolutely no reason for a change to this in December 2024, after 18 years of strict compliance.

We have subjected ourselves to all scrutiny and cooperated with all investigations as well as submitted all documents and responses in a timely manner.

All non biomedical waste has been handed over after segregation to only Government approved agencies. Specifically plastic waste is disposed off only through Haritha Karma Sena as recommended by the Government. Records for the same have also been submitted.

The statement that the joint inspection done on 31/12/2024 found violations is not true to facts. All biomedical waste is segregated at source and placed in bar coded and colour coded bags issued by IMAGE and then collected by IMAGE from the designated and approved storage area. Till this time no violations have been reported by IMAGE who conduct daily and periodical checks before collecting waste from our hospital.

The Tamil Nadu Pollution Control Board team which examined the site following reports in news channels has not reported our name or mentioned of any waste from our hospital being identified at the sites in Tamil Nadu (Letter DEE/TNPCB/TNV/Tech-60/2024 dated 17/12/2024). The letter from the Chairperson of Tamil Nadu Pollution Control Board also does not mention our name and clearly exempts us from the list of possible offenders against whom action was recommended.

We may also place on record that it is quite surprising that without taking appropriate legal action against the agency IMAGE, who is the sole agency authorised by Pollution Control Board to collect bio medical waste, orders are issued against us. The above order might be perceived as a vain attempt to escape from the clutches of law and an attempt to convince the Hon'ble National Green Tribunal, Southern Zone, Chennai that necessary action has been taken in the matter.

As you are fully aware, the whole issue started with dumping of waste in Tamil Nadu resulting in Suo Motu proceedings initiated by the Hon'ble National Green Tribunal, Southern Zone, Chennai.

The Hon'ble National Green Tribunal, Southern Zone, Chennai by its order dated 02-01-2025, l in paragraph 11 observed as follows **" Surprisingly the report of the State of Kerala states that they had a high level meeting and conducted the joint inspection along with the experts from M/s IMAGE who is the alleged violator in this case".**

After the above order was passed by the Hon'ble National Green Tribunal, Southern Zone, Chennai, we received a letter dated 04-01-2025 from IMAGE, the agency solely responsible for collecting and disposing of bio medical waste attempting to fix liability on us. We replied on 06-01-2025 with facts and figures. Thereafter to our utter shock we received another letter from IMAGE on 10-01-2025, threatening to withhold collecting bio medical waste without assigning any valid reason. This is nothing short of holding us in ransom, IMAGE being the sole agency authorised by Pollution Control Board. This virtually puts us at the mercy of this single agency approved by you and who is liable in disposing of bio medical waste collected from hospitals like us.

Our hospital is unnecessarily dragged into this controversy for reasons best known to you. We make it clear that we have never indulged in any such activity till day nor will ever be a party to any such improper or illegal ways of disposing any waste whatsoever which is evident from the inspections conducted by all authorities including you.

We are a reputed hospital specializing in the care of women and children and complying with all laws and rules since 2006. We have not received even a single letter of violation related to waste management until this time. It is evident that there is no motive for us for any violation, after complying with all legal and social obligations for the last 18 years. In

view of the above facts, we humbly request you to reconsider and cancel your revocation of the integrated consent to operate, and issue orders immediately to this effect. Being an essential service and catering to the care of lot of women and children, such things that affect our activities will result in untold hardship to patients at large.

For the above reasons, we request your goodself to reconsider the order dated 16-01-2025 and drop all proceedings against us in the interests of justice, equity and fairplay.

Yours truly



Authorised Signatory

17-01-2025



BEFORE THE HON'BLE AIR/WATER APPELLATE AUTHORITY
(ENVIRONMENT) THIRUVANANTHAPURAM

APPEAL No: /2025

M/S CREDENCE HOSPITAL PVT LTD : APPELLANT
ULLOOR, THIRUVANANTHAPURAM

THE CHIEF ENVIROLMENT ENGINEER, : RESONDENT
KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, PATTOM,
THIRUVANANTHAPURAM - 695 004

APPEAL FILED UNDER RULE 16 OF THE BIO-MEDICAL WASTE
MANAGEMENT RULES, 2016 AGAINST THE CONSENT REVOCATION
ORDER NO:PCBRTM/3/2025-AE-2 DATED 16-01-2025

FACTS OF THE CASE

A. On the basis of a news report published in The New Indian Express, Chennai Edition, on 17/12/2024, that biomedical waste, food waste, and plastic waste originating from certain institutions in Trivandrum, namely, the Regional Cancer Centre (RCC), Credence Hospital Ulloor, and M/s Leela Raviz, Kovalam, were being illegally dumped at multiple locations, including Kodaganallur and Palavoor villages in the Thirunelveli district of Tamil Nadu, the Hon'ble National Green Tribunal (NGT) took suo motu cognizance of the matter and registered a case Original Application O.A.No.312 of 2024 (SZ).

B. Subsequently, relying on reports published in various newspapers on 17/12/2024 regarding the illegal dumping of waste in Tamil Nadu, as well as on Letter

For CREDENCE HOSPITAL Pvt. Ltd.

Authorised Signatory

No. T3/TNPCCB/8MW/F.31777-TV/2024-1 dated 18/12/2024, from the Chairperson of the Tamil Nadu Pollution Control Board, the respondent Board became aware of allegations that biomedical waste, food waste, and plastic waste were allegedly found dumped at multiple locations, including Kodaganallur and Palavoor villages in Thirunelveli.

C. On the basis of the above newspaper report, the respondent issued a show cause notice No: KSPCB/2089DA24-EE-1 dated 18/12/2024, to the appellant to show cause within 7 days as to why Board shall not initiate action including levying of environmental compensation. In response to the same, the appellant submitted a detailed reply dated 20-12-2024 addressing the concerns raised in the notice. Immediately on the very next day of issuance of show cause notice that is on 19-12-2024, the respondent Board issued another Consent Revocation Intention Notice bearing No: KSPCB/208912024-EE-1, notifying its intention to revoke the consent to operate. The appellant submitted a detailed response to the same on 21/12/2024.

D. To the utter surprise and dismay of the appellant herein, the respondent without taking consideration the facts submitted in reply issued impugned order dated 16-01-2025 revoking the integrated Consent to Operate.

E. Appellant respectfully submit that, the main allegation in the impugned order is that the appellant is disposing waste through M/s Use Again Systems which is an unauthorized agency. However, M/s Use Again Systems was duly approved by the Thiruvananthapuram Corporation as per Order

CREDENCE HOSPITAL PVT. LTD.



A. 150/2025

No:H19/22306/22 dated 13-03-2024. It is respectfully submitted that the appellant use to segregate different types of waste at the point of origin and hand it over to the Government approved agencies. Once the waste is handed over to the concerned agency, the appellant has no control over the waste disposal thereafter.

F. The allegation under Rule 4(2) of the Solid Waste Management Rules, 2016, regarding the disposal of general waste (paper waste) from the appellant's facility at various locations in the Thirunelveli district, was made without an iota of evidence. This allegation was made solely on the basis of a newspaper report, which cannot be acted upon without proper check or evidence and hence the same is highly irregular and unprecedented in the eyes of the law.

G. Another allegation against the appellant was that during the joint inspection dated 31-12-2024, a significant quantity of unsegregated food waste was found stored in and around the premises of a canteen. However, it is to be noted that this restaurant was not operated by the hospital in any capacity. The allegation under Rule 4(1-a) of the Solid Waste Management Rules, 2016, and Rule 8(2) of the Plastic Waste Management Rule 2016 is therefore unwarranted, as unsegregated food waste and other waste materials found in and around the restaurant did not belong to the appellant's hospital.

H. Another allegation is that untreated waste bags were stored along with plastic and other general waste bags which is violation under Rule 8(1) of the Bio-Medical Waste Management

Rules, 2016. It is pertinent to note that there was no untreated bio medical waste mixed with any other waste and the same is incorporated for the sole purpose of invoking Rule 8(1) of the Bio-Medical Waste Management Rules, 2016.

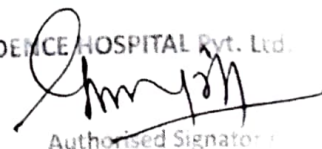
I. No copy or copies of any inspection report held by any statutory authority/authorities have been served to the appellant till date nor any explanation sought for from the appellant based on any such inspection. It is trite law to serve copy of any report to the aggrieved on any adverse remark against them and seek their explanation before initiating any action. In the instant case no such report or reports are served on the appellant till date and consent was revoked behind the back of the appellant based on those reports which are not served on the appellant. The same is highly illegal, arbitrary, unjust and violates all principles of natural justice. Further no opportunity of being heard is given to the appellant before passing any orders which vitiates the entire proceedings.

Aggrieved by the Consent Revocation Order No:PCBRTM/3/2025-AE-2, Dated 16-01-2025 the appellant submits this appeal on the following among other Grounds:

Grounds

- i. The impugned order is unjust, unwarranted, and lacks legal basis as the same is based on newspaper reports rather than any substantive findings by any authority conducted in a fair, proper and just manner.

for CREDENCE HOSPITAL Pvt. Ltd.



Authorized Signatory

- ii. The appellant is strictly adhering to all environmental regulations, including proper segregation, storage, and disposal of biomedical and other waste through authorized agencies. The allegations regarding illegal waste dumping in Thirunelveli are unsubstantiated and not backed by conclusive evidence.
- iii. The entire issue arose from a newspaper report, which led to the Hon'ble National Green Tribunal taking suo motu cognizance of the matter.
- iv. No authority, including the Kerala State Pollution Control Board (KSPCB), has provided any conclusive findings linking the appellant's hospital in the alleged dumping.
- v. The appellant all along complied with the provisions of the Bio-Medical Waste Management Rules, 2016, and Solid Waste Management Rules, 2016. The entire biomedical waste in the hospital is collected and disposed of through the authorized Common Bio-Medical Waste Treatment Facility (IMAGE) while other solid and plastic waste are handed over to the approved agencies of the Municipal Corporation.
- vi. The Hon'ble National Green Tribunal on 02-01-2025, observed that action against hospitals should be based on proper inquiry and logical conclusions. This implies that arbitrary penalization without due investigation is unjustified. Despite submitting detailed replies to all notices served on the appellant, an order revoking the Integrated Consent to Operate was issued on 16-01-2025 which is against law and liable to be set aside.

CHILDREN'S HOSPITAL TRUST

Authorized Signatory

vii. Various inspections, including joint inspections conducted by the authorities, did not establish any direct or indirect involvement of the appellant's hospital in the illegal disposal of waste in Thirunelveli.

viii. The records submitted by the appellant clearly show that all waste generated at the facility is properly segregated and handed over to authorized disposal agencies.

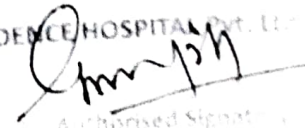
ix. In Union of India v. Tulsiram Patel, the Hon'ble Supreme Court held that penalizing a compliant institution without substantive proof contravenes principles of natural justice and due process.

x. In the instant case, all basic principles of natural justice like serving enquiry reports, inspection reports, granting an opportunity of being heard before any adverse action is taken are all violated.

xi. In Sterlite Industries (India) Ltd. v. Union of India, the Hon'ble Supreme Court held that in pollution related penal actions must be based on conclusive findings rather than speculative accusations.

For these and other grounds to be urged at the time of hearing, the appellant pray that this appeal be admitted and that the Hon'ble Authority may be pleased to:

1. set aside the Consent Revocation Order NO:PCBRTM/3/2025-AE-2 dated 16-01-2025 issued by the respondent Board.

For CREDENCE HOSPITAL Pvt. Ltd.

Authorized Signatory

2. grant any other relief as deemed fit and proper by this Hon'ble Authority in the interest of justice and equity.

Dated at Thiruvananthapuram on this the 12th day of February, 2025.

For CREDENCE HOSPITAL Pvt. Ltd



Authorised Sign

Appellant



P.Nandakumar
Counsel for the Appellant

BEFORE THE HON'BLE AIR/WATER APPELLATE AUTHORITY
(ENVIRONMENT) THIRUVANANTHAPURAM

APPEAL No: /2025

M/S CREDENCE HOSPITAL PVT LTD
ULLOOR, THIRUVANANTHAPURAM

: APPELLANT

THE CHIEF ENVIROLMENT ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, PATTOM,
THIRUVANANTHAPURAM - 695 004

: RESONDENT

AFFIDAVIT

I, Dr.Giji Joseph, Son of V.V.Joseph, aged 59 years, Chief Executive Officer, Credence Hospital Pvt Ltd, Ulloor, Thiruvananthapuram do hereby solemnly affirm and state as follows:

1. I am the appellant in the above appeal. I am conversant with the facts and circumstances of the case and am therefore competent to swear this affidavit.

2. The above appeal is filed against Consent Revocation Order No:Pcbrrtm/3/2025-Ae-2 Dated 16-01-2025. We are running our hospital since 2006 without any complaint from any quarters. The order under challenge has put us in a situation whereby medical aid to woman and children are in jeopardy. The whole act is unjustified and We are penalized for no fault of us. There is every chance for us to succeed in appeal and We will be able to convince the appellate authority. As such it is highly necessary that all further proceedings pursuance to the

M/S CREDENCE HOSPITAL PVT. LTD

Authorised Signatory

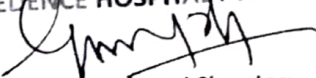
issuance of the Order No:Pcbrrtm/3/2025-Ae-2 Dated 16-01-2025 are stayed pending disposal of the appeal or keep all further proceedings in abeyance till the matter is finally adjudicated by the National Green Tribunal, Southern Zone, in the interest of justice.

3. A separate petition is filed herewith which the Appellate Authority may be pleased to allow.

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

Dated at Thiruvananthapuram on this the 12th day of February, 2025.

For CREDENCE HOSPITAL Pvt. Ltd.



Authorized Signatory

Deponent

Solemnly affirmed and signed before me by the deponent in my office at Thiruvananthapuram on this the 12th day of February, 2025

Advocate

BEFORE THE HON'BLE AIR/WATER APPELLATE AUTHORITY
(ENVIRONMENT) THIRUVANANTHAPURAM

APPEAL No: /2025

M/S CREDENCE HOSPITAL PVT LTD
ULLOOR, THIRUVANANTHAPURAM

: APPELLANT

THE CHIEF ENVIROLMENT ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, PATTOM,
THIRUVANANTHAPURAM - 695 004

: RESONDENT

PETITION FOR STAY

For the reasons stated in the petition and the affidavit accompanying the same, it is most humbly prayed that the Appellate Authority may be pleased to stay all further proceedings pursuance to the issuance of Order No:Pcbrrtm/3/2025-Ae-2 Dated 16-01-2025 pending disposal of the appeal or keep all further proceedings in abeyance till the matter is finally adjudicated by the National Green Tribunal, Southern Zone, in the interest of justice.

Dated at Thiruvananthapuram on this the 12th day of February, 2025.

P.Nandakumar
Advocate



റീജ്യണൽ ആഫീസ്
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്
KERALA STATE POLLUTION CONTROL BOARD

Pattom P.O., Thiruvananthapuram - 695 004
പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004
☎: General: 0471- 2312910, 2318153, 2318154, 2318155
e-mail: ceetvm.kspcb@kerala.gov.in web: kspcb.kerala.gov.in



15*

REGISTERED WITH N/D.

PCBRTM /3/2025-AE2

Dated: 16.01.2025

NOTICE

Sub:- Illegal dumping of waste at various locations of Thirunelveli

- Ref:-
1. Integrated Consent to Operate Renewal no: PCB/TVM DO / ICO(R)/HSP/328/2012 dtd 26.07.2012.
 2. Integrated Consent to Operate Renewal no: PCB/RO/TVM/ICO-R/04/2020 dated 07.10.2020.
 3. Newspaper report on 17/12/2024 regarding illegal dumping of waste at Thirunelveli, TamilNadu.
 4. Letter no. T3/TNPCB/BMW/F.31777TV/2024-1 dated 18.12.2024 from the Chairperson of Tamil Nadu Pollution Control Board.
 5. Order of Hon'ble NGT dated 19.12.2024 in O.A. 312/2024.
 6. Inspection by the Board Officials to your unit held on 18.12.2024.
 7. Show Cause Notice no. KSPCB/2089DA24-EE- 1 dated 18.12.2024.
 8. Consent Revoke Intention Notice no. KSPCB/2 08912024-EE-1 dated 19.12.2024.
 9. Letter no. Cred/Gen/33/2024 dated 20.12.2024 from M/s Credence Hospital.
 10. Letter no. Cred/Gen/33/2024 dated 21.12.2024 from M/s Credence Hospital.
 11. MoEF Notification no. S.O.394 E dated 16.04.1987.
 12. Proceedings no KSPCB/2089/2024-EE-1 dated 19.12.2024 from Chairperson, Kerala State Pollution Control Board.
 13. Report of joint Inspection conducted from Board's Regional Office with the Enquiry Committee on 31.12.2024.
 14. Order of Hon'ble NGT dated 02.01.2025 in O.A. 312/2024.

15. Consent Revocation order No. PCBRTM /3/2025-AE2 dated
16.01.2025

16. Proceedings No. KSPCB/2089/2024-EE-1 Dated 15.01.2025

WHEREAS the Kerala State Pollution Control Board (herein after referred to as the Board) is the statutory authority for implementing the Water (Prevention & Control of Pollution) Act 1974 (herein after referred to as the Water Act), the Air (Prevention & Control of Pollution) Act 1981 (herein after referred to as the Air Act), and the Environment (Protection) Act 1986 (herein after referred to as the EP Act) and Rules thereunder in the State of Kerala;

WHEREAS the Bio-Medical Waste Management Rules, 2016 and amendments notified thereof (hereinafter referred as BMW Rules) under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound manner thereby reducing the Biomedical Waste generation and its impact on the environment;

WHEREAS Solid Waste Management Rules 2016 (herein after referred as SWM Rules) under the Environment (Protection) Act 1986, is applied to every institutional solid waste generators and should comply with the provisions of Solid Waste Management Rules 2016 ;

WHEREAS Plastic Waste Management Rules 2016 (herein after referred as PWM Rules) under the Environment (Protection) Act 1986, is applied to every waste generators including institutions who are bound to comply with the provisions of Plastic Waste Management Rules 2016

WHEREAS M/s. Credence Hospital Pvt. Ltd, near Ulloor Bridge, Ulloor Medical College P.O, Thiruvananthapuram comes under the purview of the Water (Prevention & Control of Pollution) Act 1974, the Air (Prevention & Control of Pollution) Act 1981 and the Environment Protection Act 1986,

WHEREAS you are bound to comply with the conditions mentioned in the Integrated Consent issued to you vide ref. cited (1) above;

WHEREAS as per condition no.5.4 of the consent, vide ref (1) issued to you, Bio Medical Waste, except liquid waste, generated in your Hospital shall be disposed through the common facility of IMAGE;

WHEREAS, as per condition no.5.5 of the consent, vide ref (1) garbage shall be disposed through biogas plant;

WHEREAS it has come to the notice of the Board through newspaper dated 17/12/2024 that biomedical waste, food waste and plastic waste from some of the institutions in Trivandrum, RCC, Credence Hospital Ulloor and M/s Leela Raviz, Kovalam, are found to be dumped at multiple locations such as Kodaganallur, Vadakkau Ariyanayakipuram and Pazhavor Villages in Thirunelveli district of Tamil Nadu;

WHEREAS Hon'ble NGT has taken a SUO MOTO based on the news item in The New Indian Express, Chennai Edition dt: 17.12.2024, in O.A. No. of 312 of 2024(SZ);

WHEREAS during the inspection conducted by the Board officials on 18.12.2024 across various units, it was observed that you have been disposing of your paper waste through M/s Use Again Systems, an unauthorized agency;

WHEREAS during the Joint Inspection held on 20/12/2024 including Board officials, Trivandrum Corporation, IMAGE, Officials of Tamil Nadu Government and Tamil Nadu Pollution Control Board, dumps of solid waste with documents in proof of the institutions viz, RCC, Trivandrum, Credence Hospital Ulloor, Trivandrum, and M/s Leela Kovalam, Trivandrum were identified at the above said locations in Thirunelveli;

WHEREAS as per reference cited (7) above, Board had issued Show Cause Notice, directing to show cause if any within 7 days of notice;

WHEREAS as per reference cited (8) above, Board had issued Consent Revoke Intention Notice, directing to show cause if any within 7 days of notice;

WHEREAS you had submitted reply to Show Cause Notice vide ref cited (9); assured that you had not indulged in removing or disposing of any type of waste whatsoever in any public place;

WHEREAS you had submitted reply to Consent Revoke Intention Notice vide ref cited (10);

WHEREAS Rule 4 of BMW Rules, 2016 stipulates the duties of the occupier of Healthcare facilities (HCFs) and Rule 4(a) of BMW Rules, 2016 stipulates that every occupier shall take all necessary steps to ensure that Bio-Medical Waste is handled without any adverse effect to human health and the environment and in accordance with these rules;

WHEREAS Rule 4(b) of BMW Rules 2016 stipulates to make provisions within the premises for a safe, ventilated and secured locations for storage of segregated bio-medical wastes in colored bags or containers in the manner as specified in Schedule I, to ensure that there shall be no secondary handling, pilferage of recyclables and the biomedical waste from such place or premises shall be directly transported to the common Biomedical waste treatment facility ;

WHEREAS Rule 4(f) of BMW Rules, 2016 stipulates not to give treated biomedical waste with Municipal Solid waste;

WHEREAS Rule 4(e) of BMW Rules, 2016 stipulates that every occupier shall dispose of solid waste other than Bio-Medical Waste in accordance with the provisions of respective Solid Waste Management Rules made under the relevant laws and amended from time to time;

WHEREAS Rule 4(l) of BMW Rules, 2016 stipulates that every occupier shall ensure occupational safety of all its health care workers and others involved in handling of bio-medical waste by providing appropriate and adequate personal protective equipment;

WHEREAS Rule 7(2) of BMW Rules, 2016 stipulates that occupier shall hand over segregated waste as per the Schedule I to common biomedical waste treatment facility for treatment processing and final disposal;

WHEREAS as per section 8(1) of Bio Medical Waste Management Rules, 2016, No untreated bio-medical waste shall be mixed with other wastes;

WHEREAS as per section 4(1-a) of Solid Waste Management Rules, 2016, (1) Every waste generator shall,- segregate and store the waste generated by them in three separate streams namely bio-degradable, non bio-degradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorised waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

WHEREAS as per section 4(2) of Solid Waste Management Rules 2016, (2) No waste generator shall throw, burn or bury the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies;

WHEREAS Rule 8(2) of PWM Rules,2016 stipulates that all institutional generators of plastic waste shall segregate and store the waste generated by them in accordance with SWM Rules and handover segregated waste to authorized waste processing or disposal facility or deposition centers either on its own or through authorized waste collection agency;

WHEREAS as you have disposed off wastes within your premises through an unauthorized agency which constitutes a violation of the section 4(1-a) of Solid Waste Management Rules, 2016;

WHEREAS you have disposed wastes through M/s Use Again systems;

WHEREAS it is found that M/s Use Again Systems does not have valid Registration/Consent of the Board;

WHEREAS during the Joint Inspection conducted by the Board Officials along with Trivandrum Corporation and LSGD officials as part of the Enquiry commission on 31/12/2024, it was observed that large quantities of food waste mixed with plastic and paper waste were stored without segregation, inside and around the hospital canteen premises, which is in violation of section 4(1-a) of Solid Waste Management Rules, 2016;

WHEREAS during the Joint Inspection conducted by the Board Officials along with Trivandrum Corporation and LSGD officials as part of the Enquiry commission on 31/12/2024, it was observed that untreated Biomedical waste bags stored along with plastic and other general waste bags which is in violation of section 4(b) of Bio Medical Waste Management Rules 2016 & section 8(2) of Plastic Waste Management Rules 2016;

WHEREAS general waste (Paper Waste) from your industry was found dumped at Vadakku Ariyanayakipuram of Thirunelveli district, which is in violation of section 4(2) of Solid Waste Management Rules 2016;

WHEREAS as per the above report the hospital authorities have not effectively implemented a source level segregation of waste which is in violation of Rule 4(1-a) of SWM Rules, 2016 ;

WHEREAS as per the above report various types of wastes, including bags of solid, bio-medical and bio degradable waste, were mixed together and placed in a common plastic bag .These bags were carelessly disposed of in the waste yard, which is in violation of Rule 4(a) of BMW Rules 2016,

Rule 4(b) of BMW Rules 2016, Rule 4(c) of BMW Rules 2016, Rule 4(1-a) of SWM Rules, 2016, Rule 7(2) of BMW Rules, 2016, Rule 8(1) of BMW Rules, 2016, Rule 8 (2) of BMW Rules, 2016;

WHEREAS as per the above report it was reported that waste collected in bags from the nursing units and patient rooms was stored in a mixed manner in a designated location for future segregation which is in violation of BMW Rules, 2016, PWM Rules, 2016 and SWM Rules, 2016;

WHEREAS as per the above report it was reported that a thorough examination reveals that proper source level segregation of waste materials was not implemented within the hospital. It is also reported that different bags containing solid waste, paper products & biomedical waste were seen kept in the same container which is in violation of Rule 4(b) of BMW Rules 2016, Rule 4(e) of BMW Rules 2016, of Rule 4(f) of BMW Rules 2016, Rule 7(2) of BMW Rules 2016, Rule 8(1) of BMW Rules 2016, Rule 8(2) of BMW Rules 2016, 4(1-a) of SWM Rules and Rule 8(2) of PWM Rules, 2016;

WHEREAS as per the above report the inadequate segregation not only poses a significant health risk to patients and staff but also contravenes established regulations for safe medical waste management which is a blatant violation of Rule 4(a) of BMW Rules 2016 and Rule 4(l) of BMW Rules 2016;

WHEREAS it is noted that you have violated the above provisions of, Biomedical Waste Management Rules, 2016; Plastic Waste Management Rules, 2016 and Solid Waste Management Rules, 2016;

WHEREAS Consent Revocation Order was issued as cited (15) above;

WHEREAS Chief Environmental Engineer, Regional Office Thiruvananthapuram, is authorized under Section 19 of Environment (Protection) Act, 1986 to initiate legal action against you;

NOW THEREFORE you are here by directed to show cause if any within 15 days why Board shall not initiate legal action against you.

Dated this 16th day of January 2025.

For and Behalf of the

KERALA STATE POLLUTION CONTROL BOARD

Vinaya

CHIEF ENVIRONMENTAL ENGINEER

To

✓ Dr. Santhamma Mathew,
Credence Hospital,
Ulloor, Medical College P.O
Thiruvananthapuram

Copy To

1. ✓ Chairperson,
Kerala State Pollution Control Board,
Head Office,
Thiruvananthapuram.
2. Member Secretary,
Kerala State Pollution Control Board,
Head Office,
Thiruvananthapuram.
3. Environmental Engineer
Kerala State Pollution Control Board,
District Office,
Thiruvananthapuram.
4. Secretary,
Thiruvananthapuram Corporation

780

CREDENCE HOSPITAL

Credence Hospital Pvt. Ltd
Ulloor Trivandrum 695011 India
Tel: ++91 471 4033333, 2554343
Fax: ++91 471 4033334
Email: info@credencehospital.com
www.credencehospital.com

Regd/Ack

Cred/Gen/05/2025

29th January 2025

To

The Chief Environmental Engineer
Kerala State Pollution Control Board
Regional Office,
Pattom P.O., Thiruvananthapuram, Kerala 695004

REFERENCE: PCBRTM/3/2025-AE2, Dated- 16-01-2025.

Respected Sir,

We are in receipt of your notice dated 16-01-2025 to show cause within 15 days as to why the board shall not initiate legal action against us for various allegations of violating Bio Medical Waste Management Rules, 2016. At the outset we submit that the proposed legal action is totally unjust, unwarranted and proposed without any legal basis and purely based on newspaper reports. We submit the following facts for your kind consideration.

The whole issue relating to issuance of consent revocation letter and subsequent letters issued to us including the present one is based on a newspaper report alleging dumping of bio medical waste at Tirunelveli and resultant developments leading to the Hon'ble National Green Tribunal taking suo motu cognizance of the matter. There is no finding with regard to involvement of our Hospital in the whole issue by any authority. For the first time we received a letter from Kerala State Pollution Control Board on 18-12-2024 which too was based on a newspaper report alleging dumping of waste. Immediately on

20-12-2024 we submitted our detailed reply with facts and records making it clear in unequivocal terms the name of authorised agencies of the Board and the approved agencies of the Municipal Corporation to whom we hand over waste after proper segregation.

On the very next day that is on 19-12-2024, we received another consent revoke intention notice for which also we submitted a detailed reply on 21-12-2024. Thereafter we appeared before the Hon'ble National Green Tribunal on 02-01-2025 and made our submissions. The Hon'ble National Green Tribunal by its order dated 02-01-2025 in paragraph 13 observed "....While presuming that two of the institutions are health care facilities which could not be disturbed, the other institutions which....." The above order of the Hon'ble National Green Tribunal makes it very clear that action against hospitals should be based on proper enquiry and based on logical conclusion.

But without looking into the facts and records submitted by us, consent revocation order was passed on 16-01-2025 revoking the integrated consent to operate. The same has resulted in undue hardship to us. We submitted a detailed reply to the same on 17-01-2025, pointing out clearly that the whole proceedings initiated by Kerala State Pollution Control Board is in totally negation of the reports of different authorities who did not find any fault or violation on the part of our hospital in dumping waste in Tirunelveli. Furthermore the records produced by us before your authority would also make it clear that after proper segregation Bio medical waste is handed over to IMAGE, the approved agency for collecting bio medical waste authorized by your good self. With regard to collecting non bio waste and food waste, the same are handed over to two authorized agencies approved by the Government and Municipal Corporation. None of these authorities till date have issued any communication to us with regard to improper segregation of waste or mixing waste by us while handing over the same to the agencies. While that be so, the allegations mentioned in your notice go against facts and records and is issued based on surmises and conjectures.

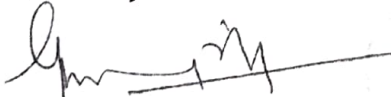
The observation in your notice that M/s Use Again Systems is an unauthorized agency is alien to us. We are totally taken aback with the above averment. As per proceedings No.H19/22306/22 dated 13-03-2024 issued by the Secretary, Corporation of Thiruvananthapuram, M/s Use Again Systems is one among the authorized agencies to collect waste. While that be so it is not clear as to how it is stated now that M/s Use Again Systems is an unauthorized agency. Similarly another approved agency of Municipal Corporation of Thiruvananthapuram is Haritha Karma Sena who collects other waste as approved by the authorities. Under these circumstances, it is not clear as to how your good self arrived at a finding that we hand over waste to an unauthorised agency which is far from truth made only for the sole purpose of finding fault with us.

It is further submitted that an action is contemplated based on a paper report alleging dumping of bio medical waste in nearby State of Tamil Nadu. When we vehemently denied any such illegal act from our part, we were informed of dumping paper waste. Again we informed your good self that we have never indulged in any such illegal acts nor will we expose ourselves to such acts and agreed to cooperate with any investigation agency to prove our innocence in the matter. But without conducting a proper enquiry or investigation or hearing our side in the matter, all these notices and actions are contemplated. This is nothing short of violation of the principles of natural justice and the whole act is liable to be set aside. We also submit that the allegation of dumping bio medical waste toned down to paper waste which itself shows that the whole allegation is based on newspaper report which cannot be relied upon without a proper investigation by a competent authority and after hearing us. When we submitted records to substantiate that we never handed over any waste, lest medical waste to any unauthorized agency, a joint inspection was conducted in our hospital by all statutory authorities who got convinced with regard to the proper segregation and handing over of waste by us. Even after the same issuing letter one after the other for no fault of us could only be construed as an attempt to fix liability on us so as to save some vested interests.

Our hospital, having very high repute catering to mother and child health since 2006, is unnecessarily dragged into this controversy for reasons best known to you. The reproduction of provisions in the notice alleging violation of Bio Medical Waste Management Rules, 2016 clearly shows that the same is a vain attempt to show that the authorities have acted in accordance with law whereas the truth is otherwise. Kerala State Pollution Control Board authorized only one agency in Trivandrum to collect bio medical waste IMAGE, an agency run by the Indian Medical Association. When this agency collects bio medical waste from hospitals as per the Standard operating procedure, it is their sole responsibility and duty to dispose of the same in a safe and secure environment. When they fail to do so, it is neither fair nor proper to shield them from any action and initiate action against the innocent like us. The attitude of Pollution Control Board is an attempt to protect and shield perpetrators of the crime by fixing unwanted liability and unwarranted legal action on hospitals like us who cater to the needs of women and children since 2006, scrupulously complying with all statutory and legal provisions. All the allegations mentioned in your notice of violating provisions of Bio Medical Waste Management Rules, 2016 are denied in toto. Without conducting a proper, fair and transparent enquiry in the matter, action of any sort lest legal action is inequitable, unjust, improper, and irregular.

For the above reasons, we request your good self to drop any further legal action in the matter. We also request your good self to give us an opportunity of being heard in the matter before proceeding further so as to enable us to produce all documents and records to show our innocence in the matter, and in the interest of justice, equity and fairplay.

Yours truly



Authorised Signatory

29-01-2025

Ph: General. 0471- 2312910, 2318153, 2318154, 2318155 Chairman:
2318150 Member Secretary. 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web:
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



KSPCB/2089/2024-EE-1

17-01-2025

Regd A/D

NOTICE UNDER ENVIRONMENT (PROTECTION) ACT, 1986

Sub:- Levying Of Environmental Compensation from M/s. Credence Hospital Pvt. Ltd,Ulloor, Thiruvananthapuram

- Ref: - (1) Consent No. PCB/TVM-DO/ICO(R)/HSP/328/2012 dated 26/07/2012
(2) Consent No. PCB/RO/TVM/ICO-R/04/2020 dated 07/10/2020
(3) Reports on dailies on 17/12/2024 regarding the illegal dumping of waste in Tamil Nadu.
(4) Lr.No.T3/TNPCB/BMW/F.31777/2024-1 dated 18/12/2024 from the Chairperson of Tamil Nadu Pollution Control Board
(5) Show cause notice of even number dated 18/12/2024
(6) Report of inspection conducted on 18-12-2024 from District Office,Thiruvananthapuram
(7) Tribunal on its own motion SUO MOTU based on the news item in The New Indian Express, Chennai Edition dt: 17/12/2024, titled "Kerala's Medical waste dumped in Nellai Villages and filed as OA312/2024
(8) Consent Revoke Intention Notice of even no dated 19/12/2024
(9) Reply to the Notice submitted by you dated 20/12/2024 &21/12/2024
(10) Report of inspection conducted from Regional Office along with the enquiry committee

WHEREAS the Kerala State Pollution Control Board (herein after referred to as the Board) is the statutory authority for implementing the Water (Prevention & Control of Pollution) Act 1974 (herein after referred to as the Water Act), the Air (Prevention & Control of Pollution) Act 1981 (herein after referred to as the Air Act), and the Environment (Protection) Act 1986 (herein after referred to as the EP Act) and Rules there under in the

State of Kerala;

WHEREAS the Bio-Medical Waste Management Rules, 2016 and amendments and notified thereof (hereinafter referred as BMW Rules) under the Environment (Protection) Act, 1986, to improve the collection, segregation, processing, treatment and disposal of the Bio-Medical wastes in an environmentally sound manner thereby reducing the Biomedical Waste generation and its impact on the environment

WHEREAS Solid Waste Management Rules 2016 (herein after referred as SWM Rules) under the Environment (Protection) Act 1986, is applied to every institutional solid waste generators and should comply with the provisions of Solid Waste Management Rules 2016;

WHEREAS Plastic Waste Management Rules 2016 (herein after referred as PWM Rules) under the Environment (Protection) Act 1986, is applied to every waste generators including institutions who are bound to comply with the provisions of Plastic Waste Management Rules 2016 ;

WHEREAS the Central Government notified the Environment (Protection) Act, 1986 for the protection of environment;

WHEREAS the Hon'ble National Green Tribunal, vide order dated 19/02/2019 in O.A.593 of 2017 (W.P (Civil) No.375/2012 by the Paryavaran Suraksha Samiti and Anr. Vs. Union of India and Ors.), directed that "CPCB may take penal action for failure against those who are accountable for not setting up and maintaining STPs, CETPs ETPs and CPCB may also assess and recover compensation for damage to the environment and the said fund may be kept in a separate account and utilized in terms of an action plan for protection of the Environment.";

WHEREAS the NGT vide order dated 12/03/2019 in O.A. No. 710/2017, directed that the State Pollution Control Boards are also authorized to recover compensation from the polluters or laying down their own scale which should not be less than the scale fixed by Central Pollution Control Board;

WHEREAS the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the Order dated 22/11/2018 in O.A No. 353/2016 clarified that apart from prosecution, the statutory authorities under the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, must, in exercise of their incidental powers, prescribed scale of compensation to be collected from the polluters on the "Polluter Pays Principle". Such scale which may be laid down at various levels, having regard to the local

condition or as per direction in the hierarchy of the authorities. In various other application also, the Hon'ble NGT passed similar orders, for instance, in the Order dated 20/11/2018 in O.A No. 117/2014, 499/2014 and 102/2014 the Hon'ble NGT noted as; "Needless to say that statutory authorities under the Environment (Protection) Act, 1986, Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution Act), 1974 are entitled to assess and recover damages as "Polluter Pays Principle" in exercise of incidental powers to protect environment";

WHEREAS in pursuant to Hon'ble National Green Tribunal, in the matter of O.A. 593 of 2017 CPCB has developed a "Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund";

WHEREAS the methodology developed by the CPCB for assessing Environmental Compensation is as follows;

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC –Environmental Compensation in Rupees.

PI – Pollution index of industrial sector (PI of 80, 50 & 30 may be taken for Red, Orange and Green respectively)

N – Number of days for which violation took place, which is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified.

R – Factor in Rupees. Which may be minimum 100 and maximum of 500. It is suggested to consider R as 250 as the Environmental Compensation in case of violation.

S – Factor for scale of operation (Suggested to take 0.5 for micro and small, 1 for medium and 1.5 for large units)

LF – Location factor based on population of city/town and location of industrial unit.

LF can be taken as follows :

1 for less than 1 million population, 1.25 for population 1 million to < 5

million, 1.5 for population 5 million to less than 10 million and 2 for population 10 million and above.

LF will be 1.0 in case unit is located >10km from municipal boundary

LF is presumed as 1 for city/town having population less than one million.

WHEREAS in any case, minimum Environmental Compensation shall be Rs.5000/day;

WHEREAS as per the CPCB Guidelines for Imposition of Environmental Compensation Charges against Healthcare Facilities and Common Biomedical Waste Treatment Facilities, the Environmental Compensation may be assessed using the methodology as below;

Environmental Compensation for HCFs = HR x T x S x R x N

Where; HR – Health Risk factor

T- Type of Healthcare Facility

S – Size of Health Care Facility

R – Environmental Compensation factor

N – Number of days of Violation

WHEREAS M/s. Credence Hospital Pvt. Ltd, near Ulloor Bridge, Ulloor Medical College P.O, Thiruvananthapuram comes under the purview of water Act, Air Act and Environment (Protection) Act 1986, comes under the purview of the Water (Prevention & Control of Pollution) Act 1974, the Air (Prevention & Control of Pollution) Act 1981 and the Environment Protection Act 1986;

WHEREAS you are bound to comply with the conditions mentioned in the Integrated Consent issued to you vide ref. cited (1) above;

WHEREAS as per condition no.5.4 of the consent, vide ref (1) issued to you, Bio medical Waste, except liquid waste, generated in your Hospital shall be disposed through the common facility of IMAGE;

WHEREAS as per condition no.5.5 of the consent, vide ref (1) garbage shall be disposed through biogas Plant;

WHEREAS it has come to the notice of the Board through newspaper dated 17/12/2024 that biomedical waste, food waste and plastic waste from some of the institutions in Trivandrum, RCC, Credence Hospital Ulloor, and M/s Leela Raviz, Kovalam, are found to be dumped at multiple locations such as Kodaganallur and Palavoor Villages in Thirunelveli district of Tamil Nadu;

WHEREAS Hon'ble NGT has taken a SUO MOTO based on the news item in The New Indian Express, Chennai Edition dt: 17.12.2024, in O.A. No. of 312 of 2024(SZ);

WHEREAS it has come to the notice of the Board, through ref cited (3) & (4), that Biomedical waste, food waste, and plastic waste from your health care facility are found to be dumped at multiple locations such as Kodaganallur and Palavoor villages in Thirunelveli district of Tamil Nadu;

WHEREAS notice has been issued to you, vide ref cited (5), pointing out the aforesaid violations;

WHEREAS during the inspection conducted by the Board officials on 18.12.2024 across various units, it was observed that you have been disposing your paper waste through M/s Use Again Systems, an unauthorized agency;

WHEREAS as per reference cited (8) above, Board had issued Consent Revoke Intention Notice, directing to show cause if any within 7 days of notice;

WHEREAS you had submitted reply to the Notices vide ref cited (9);

WHEREAS you have disposed wastes through M/s Use Again Systems;

WHEREAS it is understood that Use Again Systems does not have valid Registration/Consent of the Board;

WHEREAS as you have disposed off wastes within your premises through an unauthorized agency which constitutes a violation of the section 4(1-a) of Solid Waste Management Rules, 2016;

WHEREAS Rule 4 of BMW Rules, 2016 stipulates the duties of the occupier of Healthcare facilities (HCFs) and Rule 4(a) of BMW Rules, 2016 stipulates that every occupier shall take all necessary steps to ensure that Bio-Medical Waste is handled without any adverse effect to human health and the environment and in accordance with these rules;

WHEREAS Rule 4(b) of BMW Rules 2016 stipulates to make provisions within the premises for a safe, ventilated and secured locations for storage

of segregated bio-medical wastes in colored bags or containers in the manner as specified in Schedule I, to ensure that there shall be no secondary handling, pilferage of recyclables and the biomedical waste from such place or premises shall be directly transported to the Common bio medical waste treatment facility ;

WHEREAS Rule 4(e) of BMW Rules, 2016 stipulates that every occupier shall dispose of solid waste other than Bio-Medical Waste in accordance with the provisions of respective Solid Waste Management Rules made under the relevant laws and amended from time to time;

WHEREAS Rule 4 (f) of BMW Rules, 2016 stipulates not to give treated biomedical waste with Municipal Solid waste;

WHEREAS Rule 7(2) of BMW Rules, 2016 stipulates that occupier shall hand over segregated waste as per the Schedule I to common biomedical waste treatment facility for treatment processing and final disposal;

WHEREAS Rule 8(2) of PWM Rules, 2016 stipulates that all institutional generators of plastic waste shall segregate and store the waste generated by them in accordance with SWM Rules and handover segregated waste to authorized waste processing or disposal facility or deposition centers either on its own or through authorized waste collection agency;

WHEREAS during the Joint Inspection conducted by the Board Officials along with Trivandrum Corporation and LSGD officials as part of the Enquiry commission on 31/12/2024, it was observed that large quantities of food waste mixed with plastic and paper waste were stored without segregation, inside and around the hospital canteen premises, which is in violation of section 4(1-a) of Solid Waste Management Rules, 2016;

WHEREAS as per the said inspection report, the hospital authorities have not effectively implemented a source level segregation of waste which is in violation of Rule 4(1-a) of Solid Waste Management Rules, 2016;

WHEREAS general waste (Paper Waste) from your industry was reported to be dumped at various locations of Thirunelveli district, which is in violation of section 4(2) of Solid Waste Management Rules 2016;

WHEREAS as per section 4(1-a) of Solid Waste Management Rules, 2016, (1) every waste generator shall,- segregate and store the waste generated by them in three separate streams namely bio-degradable, non bio-degradable and domestic hazardous wastes in suitable bins and handover

segregated wastes to authorised waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

WHEREAS during the above inspection, it was observed that untreated Biomedical waste was stored along with plastic and other general waste which is in violation of section 8(1) of Bio Medical Waste Management, Rules 2016;

WHEREAS as per section 8(1) of Bio Medical Waste Management Rules 2016, no untreated bio-medical waste shall be mixed with other wastes;

WHEREAS as per the inspection report, the waste collected from the nursing units and patient rooms was stored in a mixed manner in a designated location for future segregation which is in violation of Bio Medical Waste Management Rules, 2016, Plastic Waste Management Rules, 2016 and Solid Waste Management Rules, 2016;

WHEREAS as per the inspection report, various types of wastes, including solid, bio-medical and bio degradable waste were mixed together and placed in a common plastic bag. These bags were carelessly disposed of in the waste yard, which is in violation of Rule 4(a) of BMW Rules 2016, Rule 4(b) of BMW Rules 2016, Rule 4(e) of BMW Rules 2016, Rule 4(1-a) of SWM Rules, 2016, Rule 7(2) of BMW Rules, 2016, Rule 8(1) of BMW Rules, 2016, Rule 8(2) of BMW Rules, 2016;

WHEREAS as per the inspection report, the inadequate separation not only poses a significant health risk to patients and staff but also contravenes established regulations for safe medical waste management which is a blatant violation of Rule 4(a) of BMW Rules 2016 and Rule 4(l) of BMW Rules 2016;

WHEREAS the Environmental Compensation is assessed as furnished below in light of the inspection reports;

(i) Environmental Compensation for violation of consent conditions of Credence Hospital

Environmental Compensation (EC) = PI x N x R x S x LF

PI = 50 (Pollution Index for Orange category industry)

N = 23 days (17/12/2024 to 08/01/2025)

R = 250 (Rupee Factor)

S = 1.5 (Scale Factor for large scale industry)

LF = 1 (Location Factor for population < 1 million)

$$\begin{aligned}\text{Environmental Compensation} &= 50 \times 23 \times 250 \times 1.5 \times 1 \\ &= \text{Rs. 4,31,250 /-}\end{aligned}$$

(Rupees Four Lakh Thirty One Thousand Two Hundred and Fifty Only).

Environmental Compensation for violation of Biomedical waste Management Rules

As per the guidelines for imposition of Environmental Compensation charges against Healthcare Facilities and Common Biomedical waste Treatment Facilities, Environmental Compensation has assessed as Rupees 2,58,750 /- (Rupees Two Lakh Fifty Eight Thousand Seven Hundred and Fifty Only) for 23 days (from 17/12/2024 till 08/01/2025) of violation (Detailed calculation is as shown below);

$$\text{Environmental Compensation (EC)} = \text{HR} \times \text{T} \times \text{S} \times \text{R} \times \text{N}$$

Where,

HR-Health Risk factor = 45 [20 (For improper segregation of BMW)+10(For absence of Pre treatment) +15 (For violation of Rules 4,7 &8 of BMW Rules, 2016)

T- Type of Healthcare facility = 1 (for bedded hospitals)

S-Size of health care facility = 1 (for 100-500 bedded hospitals)

R-Environmental Compensation factor = 250

N-Number of days of violation = 23 days (from date of observing violation on 17/12/2024 till date of EC assessment on 08/01/2025)

$$\begin{aligned}\text{Environmental Compensation (EC)} &= 45 \times 1 \times 1 \times 250 \times 23 \\ &= \text{Rs. 2,58,750 /-}\end{aligned}$$

(Rupees Two Lakh Fifty Eight Thousand Seven Hundred and Fifty Only).

NOW THEREFORE in exercise of the powers vested under section 5 of the Environment (Protection) Act, 1986, you are hereby directed to show cause within 15 days of receipt of this notices as to why you shall not be directed to remit an Environmental Compensation of Rs. 6,90,000/- (Rupees Six Lakh Ninety Thousand only) for the violations of the said Acts and Rules.

**For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD**


CHAIRPERSON

To

✓ M/s Credence Hospital,
Ulloor Medical College P.O,
Thiruvananthapuram

Copy to:

1. The Chief Environmental Engineer
Regional Office, Thiruvananthapuram
2. The Environmental Engineer
District Office, Thiruvananthapuram
3. The Environmental Engineer-3, Head Office

CREDENCE HOSPITAL

Credence Hospital Pvt. Ltd
Ulloor Trivandrum 695011 India
Tel: ++91 471 4033333, 2554343
Fax: ++91 471 4033334
Email: info@credencehospital.com
www.credencehospital.com

Regd/Ack

30th January 2025

Cred/Gen/06/2025

To

The Chairperson
Kerala State Pollution Control Board
Pattom P.O., Thiruvananthapuram, Kerala 695004

REFERENCE: KSPCB/2089/2024-EE-1, Dated- 17-01-2025.

Respected Sir,

We are in receipt of your notice dated 17-01-2025 issued under Environment Protection Act 1986 to show cause within 15 days as to why we shall not be directed to remit an environmental compensation of Rs.6,90,000/-

In response to the same we submit the following facts. At the outset the notice seeking compensation from us is highly unjust, inequitable and goes against all principles of natural justice. The issue of dumping bio medical waste in Tirunelveli and other parts of Tamil Nadu from Kerala was reported by newspapers on 17-12-2024. Immediately the matter was taken note of by the Hon'ble National Green Tribunal by initiating suo motu proceedings. When we received notice from your office with regard to the same, we submitted a detailed reply with facts and records making it clear in unequivocal terms the name of authorised agencies of the Board and the approved agencies of the Municipal Corporation to whom we hand over waste after proper segregation. Thereafter a detailed inspection was conducted in our hospital by all statutory authorities who found everything in order and left the place. We also came to know that the statutory authorities like Tamil Nadu Pollution Control Board along with other statutory authorities in a

joint inspection also found nothing against our hospital in connection with dumping of bio medical waste.

Thereafter we were issued notices one after the other including consent revocation order for which we submitted our detailed reply based on facts and records. The records produced by us before your authority would also make it clear that after proper segregation Bio medical waste is handed over to IMAGE, the approved agency for collecting bio medical waste authorized by your good self. With regard to collecting non bio waste and food waste, the same are handed over to two authorized agencies approved by the Government and Municipal Corporation. None of these authorities till date have issued any communication to us with regard to improper segregation of waste or mixing waste by us while handing over the same to the agencies.

In your notice referred to above, you have alleged numerous violations against us which are not legally tenable. We have not received any report from any authority fixing any liability of any sort or alleging any illegal act committed from our side. Further allegation that we dispose of paper waste through M/s Use Again Systems is stoutly denied. We have our own system of disposing paper waste. The waste papers generated in our hospital go to shredder and then disposed through proper disposal mechanism without causing any harm either to environment or society. It is also submitted that as provided all other waste generated in our hospital are segregated properly and handed over to concerned authorities in a proper bar coded bags without giving room for any complaint from any quarters. As such the allegation that large quantities of food waste mixed with plastic and paper waste were stored without segregation inside and around the hospital canteen premises is stoutly denied. It is also submitted that we have issued strict orders to our own staff not to bring any food items in plastic containers. While that be so, it is totally unfair to level untrue accusations against us.

The further allegation in page 6 of your notice which reads as follows "WHEREAS general waste (Paper waste) from your industry was reported to be dumped at various locations of Thirunelveli district which is in violation of

section 4(2) of Solid Waste Management Rules 2016" is bereft of truth and hence denied in toto. Till date we have not received any letter from any authority with regard to the above allegation. It is surprising as to how you arrived at such a conclusion even without affording us an opportunity of being heard or even showing us any scrap of evidence in this regard.

The further allegation in page 7 of your notice that untreated biomedical waste was stored along with plastic and other general waste is something unheard of till date. We have a clear separate mechanism to segregate waste in our hospital under a separate wing. All wastes are segregated then and there and handed over to the agencies after entering even the vehicle numbers which carry the waste. It is with pride we submit that ours is one among the very few hospitals which take utmost care in disposing of waste lest bio medical waste. It is not clear as to how your good self arrived at the above findings which is far from truth made only for the sole purpose of finding fault with us.

It is further submitted that an action is contemplated based on a paper report alleging dumping of bio medical waste in nearby State of Tamil Nadu. When we vehemently denied any such illegal act from our part, we were informed of dumping paper waste. Again we informed your good self that we have never indulged in any such illegal acts nor will we expose ourselves to such acts and agreed to cooperate with any investigation agency to prove our innocence in the matter. But without conducting a proper enquiry or investigation or hearing our side in the matter, all these notices and actions are contemplated. This is nothing short of violation of the principles of natural justice and the whole act is liable to be set aside. We also submit that the allegation of dumping bio medical waste toned down to paper waste by itself shows that the whole allegation is based on newspaper report which cannot be relied upon without a proper investigation by a competent authority and after hearing us. When we submitted records to substantiate that we never handed over any waste lest medical waste to any unauthorized agency, a joint inspection was conducted in our hospital by all statutory authorities who got convinced with regard to the proper segregation and

handing over of waste by us. Even after the same, issuing letter one after the other for no fault of us could only be construed as an attempt to fix liability on us so as to save some vested interests.

Our hospital, having very high reputation catering to mother and child health since 2006, is unnecessarily dragged into this controversy for reasons best known to you. The reproduction of provisions in the notice alleging violation of Bio Medical Waste Management Rules, 2016 clearly shows that the same is a vain attempt to show that the authorities have acted in accordance with law whereas the truth is otherwise. Our hospital caters to the needs of women and children since 2006 after scrupulously complying with all statutory and legal provisions. All the allegations mentioned in your notice of violating provisions of Bio Medical Waste Management Rules, 2016 are denied in limine. Without conducting a proper, fair and transparent enquiry in the matter, fixing liability on us and directing to pay compensation to the tune of Rs.6,90,000/- that too for no fault of us is highly inequitable, unjust, improper, and irregular.

For the above reasons, we request your good self to give us an opportunity of being heard before proceeding further in the matter. We also request to give us copies of the documents relied on by your good self for arriving at this conclusion which is highly exorbitant so as to enable us to substantiate our case and produce all documents and records to show our innocence in the matter in the interest of justice, equity and fairplay.

Yours truly



Authorised Signatory

30-01-2025