

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

ORIGINAL APPLICATION NO. 312 of 2024(SZ)

The Tribunal on its own motion SUO MOTU based : Applicant(s)
on the news item published in The New Indian
Express, Chennai Edition dt.17.12.2024, titled “
Kerala's Medical Waste dumped in Nellai Villages”

Vs

The Principal Secretary to Government of Tamil : Respondent(s)
Nadu & Others

**REPORT FILED BY THE CHIEF ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD, REGIONAL
OFFICE, THIRUVANANTHAPURAM FOR AND ON BEHALF OF THE
RESPONDENT**



Adv. Rema Smrithi.V.K

ADDITIONAL STANDING COUNSEL FOR THE SIXTH RESPONDENT

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

ORIGINAL APPLICATION NO. 312 of 2024(SZ)

The Tribunal on its own motion SUO MOTU based on the news item published in The New Indian Express, Chennai Edition dt.17.12.2024, titled “ Kerala’s Medical Waste dumped in Nellai Villages”

Vs

The Principal Secretary to Government of Tamil Nadu & Others : Respondent(s)

VOLUME 1

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Dated this the 13th day of June 2025

Rema Smrithi. V.K, Advocate

ADDITIONAL STANDING COUNSEL FOR THE SIXTH RESPONDENT

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No.312 of 2024 (SZ)

Applicant : The Tribunal on its own motion SUO MOTU based on the news Item published in The New Indian Express, Chennai Edition dt.17.12.2024, titled “Kerala’s Medical Waste dumped in Nellai Villages”

Respondents: The Principal Secretary to Government of Tamil Nadu & Others

Report filed by Chief Environmental Engineer, Kerala State Pollution Control Board, Regional Office, Thiruvananthapuram on behalf of The Kerala State Pollution Control Board, in Original Application No. 312/2024.

I, Sumithra S, aged 44 years, working as Chief Environmental Engineer, Regional Office, Thiruvananthapuram, am authorized to represent the 6th Respondent in Original Application No. 312/2024. I am fully acquainted with the facts and circumstances of the case. The factual submissions made hereunder are true and correct to the best of my knowledge, information, and belief. In these circumstances, it is just and necessary that this Hon’ble Tribunal may be pleased to accept the accompanying information on file, and it is so humbly prayed in the interests of justice in this case.

1. It is respectfully submitted that Suo Motu cognizance was taken by the Hon’ble National Green Tribunal based on media reports dated 17.12.2024 regarding the illegal dumping of biomedical, food, plastic, and other wastes from Kerala in Kodaganallur and Palavoor villages, Tirunelveli district,




SUMITHRA S.
Chief Environmental Engineer

Tamil Nadu. In continuation of the previous reports filed, further actions taken on the matter are humbly submitted hereunder.

2. It is humbly submitted that, in continuation of the earlier efforts to strengthen compliance monitoring, Technical Assistants were appointed across Kerala as per proceedings of the Board dated 04.01.2025 for a period of four months and they, are retained for an additional two months through a second order dated 16.05.2025. The technical assistants deployed have been instrumental in conducting systematic inspections at solid waste management facilities and healthcare facilities. A total number of 10,210 inspections are conducted at healthcare facilities across the State. 2687 number of inspections were also conducted at local bodies, specifically targeting waste management infrastructure such as Material Collection Facilities (MCFs) and Resource Recovery Facilities (RRFs). Based on these inspections, instructions are being issued from the District Offices of the Board concerned to local bodies and healthcare facilities to ensure compliance of the Solid Waste Management Rules, 2016 and Bio-Medical Waste Management Rules, 2016 respectively.
3. It is humbly submitted that M/s Kovalam Resorts Pvt. Ltd. (Hotel Leela Kovalam) has remitted the levied compensation amount of Rs.51,00,000/- (Rupees Fifty One Lakh Only) in compliance with the Direction issued by the Board on 22.03.2025. However, M/s Regional Cancer Centre, M/s Sunage Ecosystems Pvt. Ltd. and M/s Credence Hospital have not yet remitted the Environmental Compensation. Hence, the Board is initiating revenue recovery proceedings against these units. A Nodal Officer has been authorized by the Board to coordinate and proceed with the process vide letter dated 21.03.2025. A copy of the letter is produced herewith and marked as Annexure R6 (A).



4. It is humbly submitted that, in line with the amendments introduced under the Jan Vishwas (Amendment of Provisions) Act, 2023, the Board has sent formal letters to the State Government on 21.03.2025 and 15.05.2025 for initiating action to appoint the Adjudicating Officer as per Section 15(C) of the amended Environment (Protection) Act, 1986. Copies of the letters are produced herewith and marked as Annexure R6(B) and Annexure R6 (C) respectively. Meanwhile, the Board has authorized Heads of the Board's District Offices and Regional Offices (Chief Environmental Engineers/ Environmental Engineers/ Assistant Environmental Engineers) vide letter dated 14/04/2025, to file complaints, for violations coming under their respective jurisdictions, before the designated Adjudicating Officer once appointed. A copy of the letter is produced herewith and marked as Annexure R6(D).
5. Meanwhile M/s Credence Hospital, Ulloor has filed Appeal no: 03/2025 to the Hon'ble Water Appellate Authority against the Consent Revocation Order issued by the Board. The Hon'ble Appellate Authority on its hearing dated 05/04/2025 made the following order;

1) The petitioner has to deposit an amount of Rs.3,00,000/- with the Secretary of PCB as a security for using as compensation if ultimately the petitioner is found liable to pay compensation for violations of environmental protection laws. The deposit has to be made within 2 weeks from today.

2) The petitioner has to allow the officers of the respondent to conduct inspection of the hospital and premises to ascertain regarding the disposal of waste at least once in a month, failing which the consent issued will be revoked as per the impugned order.



If the above conditions are satisfied, the impugned order shall stand stayed till the disposal of the appeal.

The copy of the order is produced herewith and marked as Annexure R6 (E). It is humbly submitted that the matter is pending before the Appellate Authority.

6. It is humbly submitted that the Kerala State Pollution Control Board has developed a GPS-based online vehicle tracking mechanism for monitoring the interstate movement of commercial vehicles carrying waste. The system is currently functional, with access granted by the Kerala Motor Vehicles Department to selected vehicles. The web portal is etracks.kerala.gov.in and mobile Applications- Transporter App and Enforcement Authority App are available for transporter and Enforcement authority respectively. Both Apps are available in Google Play store. The Board has prepared USER manuals for waste generators, transporters and receivers; enforcement officers & admin users and shared with the stakeholders. The Board has submitted a proposal to the Government seeking issuance of a Government Order for effective enforcement. The matter is being followed up by the Board.
7. For full implementation of GPS-based online vehicle tracking mechanism, inter-state cooperation is essential. All vehicles transporting waste outside the State of Kerala shall be fitted with GPS as per the requirement of Motor Vehicle Department (MVD) and get it tagged. The vehicles shall also be registered with MVD Suraksha Mitr App prior to the registration in etracks.kerala.gov.in for transporting waste. The Board vide letter dated 15/04/2025 has informed Tamil Nadu Pollution Control Board and Karnataka State Pollution Control Board regarding aforementioned Pre-Requirement of Enabling GPS for tracking in vehicles and to give



instructions to all recyclers and cement plants in their respective States to register in the Online Vehicle Tracking portal & use the portal for strict monitoring of interstate waste transport. USER manuals for waste generators, transporters and receivers have been shared with both SPCBs. Copies of the letters are produced herewith and marked as Annexure R6(F) and Annexure R6(G) respectively.

8. The Tamil Nadu Pollution Control Board (TNPCB) has submitted a detailed statement with bills of the total expenditure of Rs. 4,08,762/- incurred towards removal of wastes from various locations of Tirunelveli District. The Board had transferred the bills to Thiruvananthapuram Corporation to make payment. The Secretary, Thiruvananthapuram Corporation, vide letter No. H19/22306/18 dated 10/06/2025, informed that they had initiated steps to transfer the amount to the Bank account of TNPCB.

All that stated above are true to the best of my knowledge and belief.

Dated this the 13th day of June 2025.




Chief Environmental Engineer
Kerala State Pollution Control Board

SUMITHRA S.
Chief Environmental Engineer

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

ORIGINAL APPLICATION NO. 312 of 2024(SZ)

The Tribunal on its own motion SUO MOTU based on the news item published in The New Indian Express, Chennai Edition dt.17.12.2024, titled “Kerala’s Medical Waste dumped in Nellai Villages”

Vs

The Principal Secretary to Government of Tamil Nadu & Others : Respondent(s)

VOLUME 2

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Dated this the 13th day of June 2025

Adv. Rema Smrithi V. K.

ADDITIONAL STANDING COUNSEL FOR THE SIXTH RESPONDENT

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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

21-03-2025

From

The Chairperson

To

The Chief Environmental Engineer
Regional Office,
Ernakulam

Sub: - Revenue Recovery Service - reg

- Ref:-
- 1.Proceedings No. PCB/HWM/A/9/90 dated 03-12-2020
 2. G.O (P) No 130/2024/RD dated 01/06/2020
 3. Letter No. KSPCB/769/2023-EE-1 dated 30-07-2024
 4. Directions under section (5) of Environment Protection Act issued to M/s. Sunage Ecosystems Private Limited, The Leela Kovalam A Raviz Hotel, Regional Cancer Center and Credence Hospital
 5. Direction under Environment Protection Act, KSPCB/78/2025 EE-1, dated 25/01/2025 issued to M/s. Blue Chips Mines & Industries
 6. Direction under Environment Protection Act, KSPCB/78/2025-EE-1 dated 25/01/2025 issued to M/s. Kalpaka Metal Crushers Quarry

Sir,

In the light of the above, as per the Government Order cited (2), you had been nominated as the nodal officer of the Board for Revenue Recovery Services vide proceedings cited (1). In connection with OA 312/2024 (SZ) which is regarding the illegal dumping of wastes from Kerala in Tamil Nadu, Directions under section (5) of Environment Protection Act slapping Environmental Compensation have been issued to Sunage Ecosystems Private Limited, Regional Cancer Center Trivandrum, Credence Hospital and The Leela Kovalam, A Raviz Hotel .Also in accordance with OA 149/2022, Direction under Environment Protection Act, cited (5) &(6) were issued to M/s. Blue Chips Mines & Industries,Palakkad and M/s. Kalpaka Metal Crushers Quarry, Palakkad, slapping Environmental Compensation. Since these units didn't take any further action towards the remittance of Environmental Compensation, you are hereby directed to take necessary steps to initiate the proceedings for the

Revenue Recovery as per the above mentioned Government Order.

Yours faithfully,


CHAIRPERSON

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



KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

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പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004



KSPCB/434/2022-EE-4

Date:21.03.2025

From

The Chairperson

To

The Special Secretary
Environment Department,
Government Secretariat,
Thiruvananthapuram.

Sub: Appointment of Adjudicating Officer under section 15C of Environment (Protection) Act, 1986 – Reg.

Ref: 1) The Office letter of even no. dated 18.02.2025

2) Order Number F.No.IA-Z-11013/20/2022-IA-II (IND-I) [177428] dated 04.11.2024 of Ministry of Environment, Forest and Climate change (copy enclosed)

Sir,

Kind attention is invited to the above subject matter and references cited. In continuation of the letter referred (1), the order dated 04.11.2024 (ref. 2) issued by Ministry of Environment, Forest and Climate Change (MoEF&CC) appointing Adjudicating officer under section 15C of Environment (Protection) Act, 1986 is forwarded herewith, for further necessary action.

It is pertinent to note that Secretary in-charge of Environment Department of the State Government is appointed as Adjudicating Officer under all the three Acts - Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986. MoEF and CC has also notified the Manner of Holding Inquiry and Imposition of Penalty Rules for each of these Acts. Copies of these three Rules are also attached.

It is requested that instructions may kindly be given at the earliest on the manner of submitting complaints before the Adjudicating Officer as several cases of contravention of Acts and Rules with specific directions for legal action from National Green Tribunal (NGT) are there for consideration.

Yours faithfully,


CHAIRPERSON

Encl. as above

Ph: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman:
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KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

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പട്ടം പി.ഒ. തിരുവനന്തപുരം 695 004



KSPCB/305/2025-SEE-2

Date: 15.05.2025

From

Chairperson

To

The Special Secretary
Environment Department
Government Secretariat
Thiruvananthapuram

Sub: - Appointment of Adjudicating Officer- Illegal dumping of Kerala's Medical waste at Thirunelveli district, Tamil Nadu - leakage of fuel at the Elathur Depot of Hindustan Petroleum Corporation Limited, Kozhikode -reg.

- Ref: - 1. This office letter No. KSPCB/434/2022-EE-4 dated 21.03.2025
(copy enclosed)
2. This office letter No. KSPCB/434/2022-EE-4 dated
14.04.2025 (copy enclosed)

Sir,

Kind attention is invited to the subject matter and the references cited above.

It may be noted that as per the Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules 2024, Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 and Air (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024, the Secretary in-charge of Environment Department of the State Government is appointed as Adjudicating Officer. The State Pollution Control Board, in their respective jurisdictions, through their authorized Officers, or any other persons, may file a complaint to the adjudicating officer regarding any contravention committed under the relevant sections of the concerned Acts. Therefore vide ref.(1) and (2) necessary actions from that office in this regard were

requested. It was also informed vide ref.(2) that the Environmental Engineer/Assistant Environmental Engineer of the District Offices concerned and Chief Environmental Engineer/Environmental Engineer/Assistant Environmental Engineer of the Regional Offices concerned were authorized to file complaints before the Adjudicating officer on a case to case basis.

Currently there are cases which are to be considered by the Adjudicating officer. There is one case regarding the illegal dumping of Kerala's Medical waste at Thirunelveli district, Tamil Nadu. The Hon'ble National Green Tribunal on its own motion SUO MOTU took the case as Original Application No.312 of 2024(SZ) 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". Subsequently the Honourable Tribunal vide order dated 19.12.2024, has directed the State of Kerala and the Kerala State Pollution Control Board (KSPCB) to take strict action to remove the waste dumped within a period of 3 (three) days from the date of the order and to file the action taken report. In compliance with the Order of the Hon'ble Tribunal, action was taken by the Board on this matter. The Board has to file report in that matter before the Hon'ble NGT. It is necessary to initiate action against Credence Hospital, Thiruvananthapuram and M/s Sunage Ecosystems, Thiruvananthapuram in connection with the illegal dumping of waste at multiple locations in Kodaganallur and Palavur villages in Thirunelveli District of Tamil Nadu.

There is another case regarding the leakage of fuel at the Elathur Depot of Hindustan Petroleum Corporation Limited, Kozhikode. The leakage occurred during the transfer of fuel from an overhead tank to an underground tank and diesel had also been reported to be spread to the nearby thodu and drain. The analysis report of legal samples collected from the most affected sections of the water body revealed high concentration of Hydrocarbon in the Thodu. In light of the above, action is to be taken against M/s Hindustan Petroleum Corporation Limited Depot, Elathur, Kozhikode.

Therefore it is requested that instructions may kindly be given at the

earliest on the manner of submitting complaints before the Adjudicating Officer in compliance with the above Rules.

Yours faithfully,


CHAIRPERSON

Encl: As above

Copy to:

1. The Chief Environmental Engineer, RO, TVM/KKD
2. SEE1/ EE1/EE3, Head Office
3. The Environmental Engineer, DO, TVM/ KKD
4. The Environmental Engineer, CSO-EMC, Govt. Secretariat,
Thiruvananthapuram - For follow up

Annexure R 6 (D)

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KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ, തിരുവനന്തപുരം 695 004



KSPCB/434/2022-EE-4

Date: 14-04-2025

From

Chairperson

To

The Secretary,
Environment Department,
Government Secretariat,
Thiruvananthapuram.

Sub: Appointment of authorized officer for filing complaints before
Adjudicating officer – reg.

Ref: 1. Letter No. D.O. No. Q-15012/1/2022-CPW dated 14.02.2025 from
Ministry of Environment, Forest and Climate Change
2. Ministry of Environment, Forest and Climate Change Notifications
G.S.R. 696(E) dated 11.11.2024 & G.S.R. 701(E) dated 12.11.2024

Sir,

Kind attention is invited to the above subject matter and references cited. As per the letter referred (1), MoEF&CC has informed that, complaint has to be filed by an authorised officer before the Adjudicating officer for levy of penalty for any contravention committed under the provisions of the Air (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024, Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 & Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 (copies enclosed). It is also instructed in the letter that Pollution Control Board should authorize Officers for filing complaint before the Adjudicating officer. Copy of the letter from MoEF&CC is also enclosed .

In this context it is here by informed that the Environmental

Engineer/Assistant Environmental Engineer of the District Offices concerned and Chief Environmental Engineer/Environmental Engineer/Assistant Environmental Engineer of the Regional Offices concerned are authorized to file complaints before the Adjudicating officer on a case to case basis.

Necessary actions as per the letter of the MoEF and CC may kindly be taken.

Yours faithfully,

Signed by

Sreekala S

CHAIRPERSON

Date: 14-04-2025 23:37:21

Encl. as above

Annexure R 6(E)



IN THE WATER APPELLATE AUTHORITY, THIRUVANANTHAPURAM

Present:

Sri.K.G.Sanal Kumar - Chairman
Sri.SuneelPamidi - Administrative Member
Smt.Bindu.T.B. - Technical Member(Water)
Dr.Swarnalatha - Technical Member (Air)

Saturday, the 5th April, 2025 / 15th Chaithra, 1947

IA No.3/2025 in Appeal No.3/2025

Appellant:

M/S Credence Hospital PVT LTD,
Ulloor, Thiruvananthapuram.

Advs: T.K.Ananda Padmanabhan, P.Nandakumar & Shameema M.K

Respondent:

The Chief Environment Engineer,
Kerala State Pollution Control Board,
Regional Office, Pattom, Thiruvananthapuram-695004.

By Adv. Sindhu.S.Pillai

This Petition having been heard on 05.04.2025 and on the same
the Authority passed the following:

the Hon'ble
at the point of

②

ORDER

This is a petition filed by the petitioner/appellant to stay all further proceedings pursuant to the issuance of Order No.PCBRTM/3/2025-AE-2 dated

16.01.2025 issued by the counter petitioner/respondent.

According to the petitioner, a news report was published in the New Indian Express Chennai Edition on 17.12.2024 that bio medical waste, food waste and plastic wastes from RCC, Thiruvananthapuram, Credence Hospital, Ulloor and M/s. Leela Ravis, Kovalam were illegally dumped at multiple locations in the Thirunelveli District of Tamil Nadu. On the basis of that report, the Hon'ble National Green Tribunal took suo moto cognizance of the matter and registered OA No.312/2024 (SZ). The respondent has issued a show cause notice No.KSPCB/2089/DA24-EE-1 dated 18.12.2024 to show cause within 7 days as to why Board shall not initiate action including levying of environmental compensation. The petitioner has given reply. On the next day another show cause notice was issued why the consent issued shall not be revoked. For that notice also the petitioner submitted a detailed reply on 21.12.2024. The respondent without considering the facts submitted in the reply issued the consent revocation order dated 16.01.2025. As a matter of fact, the petitioner is disposing wastes through M/s.Use Again Systems approved by

the Thiruvananthapuram Corporation after segregating different types of wastes at the point of origin. Once the waste is handed over to the agency, petitioner has no control over the waste disposal. The allegation that paper waste from the appellant's facility was disposed at various locations in Thirunelveli District violating rule 4(2) of the Solid Waste Management Rules, 2016 is without any basis. That allegation is raised on the basis of News paper report only without proper check or evidence. This is highly irregular and against the nature of justice. The allegation against the petitioner that during inspection on 31.12.2024 huge quantity of unsegregated food waste was found stored in and around the premises of the Canteen is also unwarranted since the restaurant was not operated by the Hospital. The allegation that untreated waste bags were stored along with plastic and other general waste bags is raised only to invoke rule 8(1) of the Bio Medical Waste Management Rules, 2016. The inspection report has not been served to the petitioner thereby violating the principles of natural justice and the consent was revoked behind the back of the appellant. The same is highly illegal, arbitrary, unjust and against the principles of natural justice. No opportunity of being heard is given to the appellant before passing any orders which vitiate the entire proceedings. The petitioner is running the hospital since 2006 without any complaint. The Hospital is a hospital giving treatment mainly to women and children. If the consent issued is revoked, the medical aid to women and children will be badly affected. Hence the order

under challenge has to be stayed till the disposal of the appeal since there is every chance for the appellant to succeed. Hence the petition.

No objection is filed by the counter petitioner/respondent.

Both sides are heard.

The learned counsel for the petitioner submitted that the allegation against the petitioner is without any basis. There is no material available to show that the alleged wastes were dumped by the petitioner. It is true that the petitioner is running a hospital in the heart of the city of Trivandrum imparting treatment of infertility having an inbuilt capacity of 100 beds and several other out patients in treatment. If the hospital is closed down several patients will be put to difficulty which will ultimately affect the health of the patients.

As a matter of fact, the petitioner is entrusting waste generated in the hospital including bio medical wastes to the accredited authorized agency approved by the Corporation of Thiruvananthapuram. The petitioner was not in the knowledge that the waste were dumped in Thirunelveli as alleged. It is after giving money to the agency the waste is removed from the hospital. Once it is removed the petitioner is not having any control over the same. The petitioner never engaged in dumping the waste at Thirunelveli.

The petitioner is able to convince the innocence in the appeal and the appeal will be likely to be allowed in favour of the petitioner. If the impugned order is allowed to stand, the hospital has to be close down which

will not be in the interest of patients and the general public. Hence the petition may be allowed.

Per contra, the learned counsel for the PCB contented that the waste containing the name of the appellant was recovered from Thirunelveli and the appellant is liable for the violations of various law and Rules regarding pollution. It is after proper verification by the officials of the respondent notices were given to the petitioner before taking each step. The reply given by the petitioner appellant is not satisfactory and therefore the consent revocation order was issued. Even after the consent revocation order is issued, the petitioner is running the hospital without disposing wastes properly. No proper segregation of waste is done at the point of origin and on inspection of the premises of the petitioner it was found that heaps of wastes were dumped violating the rules and regulations with regard to the environmental protection. Moreover, the Hon'ble National Green Tribunal also took suo moto case in the matter for violating the environmental laws. Since the petitioner is not abiding the regulations for preventing pollution, the respondent has issued consent revocation order after complying with all legal formalities. No reasonable ground is made out in the petition so as to stay the operation of impugned order. If the impugned order is stayed, the petitioner will continue with the functioning of the hospital which will increase the pollution and dumping of the wastes in other locations which will be detrimental to the environment. Hence the petition is only to be dismissed.

This Authority has gone through the materials available on record and considered the arguments advanced by the learned counsel for the parties. It has come out from the petition that the waste which was dumped at Thirunelveli contained wastes from the petitioner hospital also. So it is clear that waste originated from the hospital of the appellant/petitioner was dumped at Thirunelveli in Tamil Nadu. The explanation of the petitioner is that it had entrusted the waste to approved agency for collecting wastes and they have dumped the same at Thirunelveli. No piece of paper is produced to show that the petitioner has entrusted the collecting of waste by such accredited agency. So the petitioner cannot riggle out from the responsibility of dumping of waste at Thirunelveli which is against the environmental protection laws.

According to the petitioner, it was not heard before the consent revocation order was passed. The petitioner has produced copy of notice issued by the respondent calling upon the petitioner to show cause why the consent has not to be revoked. It is the case of the petitioner that reply was given to the said notice. The copy of reply if at all filed or given to the respondent is not produced. If no reply is given the respondent cannot be blamed for issuing consent revocation order. However, it is admitted by both sides that the petitioner is running a hospital giving treatment to several patients. If the hospital is closed down in a fine morning it will affect the treatment of hundreds of patients.



6)

Hence, the Authority is inclined to stay the impugned order if the following conditions are satisfied by the petitioner:-

- 1) The petitioner has to deposit an amount of Rs.3,00,000/- with the Secretary of PCB as a security for using as compensation if ultimately the petitioner is found liable to pay compensation for violations of environmental protection laws. The deposit has to be made within 2 weeks from today.
- 2) The petitioner has to allow the officers of the respondent to conduct inspection of the hospital and premises to ascertain regarding the disposal of waste atleast once in a month, failing which the consent issued will be revoked as per the impugned order.

If the above conditions are satisfied, the impugned order shall stand stayed till the disposal of the appeal.

Pronounced on this the 5th day of April, 2025.

- Chairman : (Sd/-)
- Administrative Member : (Sd/-)
- Technical Member (Air) : (Sd/-)
- Technical Member (Water) : (Sd/-)



//True Copy//

[Handwritten Signature]
Secretary

Annexure R 6(F)

☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairperson: 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

കേരളസംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004



PCB/HO/EE3/OA 100/2021(SZ)

Date: 15/04/2025

From

The Chairperson

To

The Chairperson

Tamil Nadu State Pollution Control Board

Sub: Interstate Movement of vehicle carrying waste-Registration of recyclers and cement plants in online vehicle tracking portal.

Ref: Action Plan approved by CPCB in OA 100/2021 by Hon'ble NGT

Madam,

Kind attention is solicited to the subject matter.

In compliance with the order of Hon'ble NGT dated 24/12/2021 in OA 100/2021, Kerala SPCB has developed a GPS based online vehicle tracking mechanism for monitoring interstate movement of commercial goods vehicle carrying waste. Responsive web applications for Pollution Control Board and waste generators, receptors and mobile Apps for drivers and enforcement authority are key features. The purpose of this system is to enable the provision to monitor the entire waste management processes starting from occupier (waste generator), transporter and to the receiver (disposal end) with real-time vehicle tracking with help of GPS system installed in the transporting vehicle with violation detection and alerts. The web portal is etracks.kerala.gov.in and mobile Apps are available for transporter (E-tracks- Transporter) and enforcement authority in Kerala respectively. Both Apps are available in Google Play store.

A. Pre-Requirement of Enabling GPS for tracking

- a. All vehicles transporting waste outside the State of Kerala shall be fitted with GPS as per the requirement of Motor Vehicle Department (MVD) and get it tagged.
- b. The vehicles shall also be registered with MVD Suraksha Mitr App prior to the registration in etracks.kerala.gov.in for transporting waste.

Kindly give instruction to all recyclers and cement plants in your State to register the above said Online Vehicle Tracking portal and use the portal for strict monitoring of interstate waste transport. Copies of user manual are enclosed for information.

Yours faithfully,

Encl: As above


CHAIRPERSON

Copy to

The Regional Director, CPCB, Regional Directorate, Tamilnadu (for intervening the matter)

Annexure R 6 (G)

☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairperson: 2318150 Member Secretary: 2318151
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KERALA STATE POLLUTION CONTROL BOARD

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പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004



PCB/HO/EE3/OA 100/2021(SZ)

Date: 15/04/2025

From

The Chairperson

To

The Chairman
Karnataka Pollution Control Board

Sub: Interstate Movement of vehicle carrying waste-Registration of recyclers
and cement plants in online vehicle tracking portal.

Ref: Action Plan approved by CPCB in OA 100/2021 by Hon'ble NGT

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Yours faithfully,

Encl: As above


CHAIRPERSON

Copy to

The Regional Director, CPCB, Regional Directorate, Bengaluru (for intervening the matter)