

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
O.A. No. 48 of 2023 (SZ)

Dr. Pyarelal V.V

.....Applicant

Vs.

State of Kerala and Ors

.....Respondents

**REPORT FILED BY THE SECRETARY, CHERTHALA MUNICIPALITY,  
FOR AND ON BEHALF OF THE 4<sup>TH</sup> RESPONDENT**

**M/s. SHARATH CHANDRAN**

**COUNSEL FOR THE 4<sup>TH</sup> RESPONDENT**

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Dated this the 21<sup>st</sup> day of October 2024

  
COUNSEL FOR THE 4<sup>TH</sup> RESPONDENT

**Statement of facts on the petition filed by Dr. Pyarilal V.V No. 48/23(SZ)  
before the Hon'ble National Green Tribunal**

All the averments made in this Original Application is denied as false unless expressly mentioned herein. Without regard to the generality of the argument made, the averments are being addressed para-wise.

1. The information regarding the Applicant in paragraph 1 of the Application is correct. But the statement that the establishment of a Faecal Sludge Treatment plant is causing great hardship to the Applicant and that it is being set up adjacent to his establishment is not correct. The fourth opposite party is establishing not a Faecal Sludge Common Effluent Treatment Plant but a Faecal Sludge Treatment Plant (FSTP). In order to mislead the NGT, the requirement of Environmental Impact Assessment for Common Effluent Treatment Plant has been deliberately twisted to apply to normal FSTP as well. The FSTP being set up with the help of the Government of Kerala is not in the premises of the Applicant but is set up at a sufficient distance following the legal mandated distance criteria prescribed by the PCB.
2. Cherthala and its surrounding areas are coastal areas. Contamination of the area has become a persistent problem due to overflowing of latrines including septic tanks in houses and institutions in the area. Tanker lorries that come for desludging these overflowing toilet tanks have a practice of dumping it illegally in un-manned places. They have been regularly dumping it illegally in the Alappuzha - Shertalai (A.S.) Canal, in the paddy fields and on the side of the national highway. Dumping in water bodies including the canal and Vembanad backwater has also become common. It is in this situation that the Cherthala Municipal Council has prepared a plan for the scientific disposal of faecal waste in Cherthala and surrounding areas. The project has received the approval of the state government and the Pollution Control Board and preliminary activities of the project have commenced. The fourth respondent herein learned that in a connected case before this Hon'ble Court where the Additional Chief Secretary of the State Department of Environmental Protection is a party, it has already been committed before the Court that work to solve the problem of water pollution in Cherthala and Vembanad Lake has commenced by setting up of the Cherthala FSTP. Thus the Hon'ble Green Tribunal has been already informed regarding the construction of the challenged FSTP.

3. The allegations and averments in paragraph 2 of the Application is denied as false except to the extent herein expressly mentioned. The Municipality is not carrying out any illegal activity on the site. The site has been declared suitable for an FSTP plant by the Kerala State Pollution Control Board through Consent to Establish Certificate issued twice. Based on that, legal construction activities are going on at the site. About 25 percent of the construction work has already taken place at the site. It is after considering the directions of the Hon'ble High Court in judgement in WP (C) No. 4367/2022 filed by the present Applicant, and WP (C) No. 24389/2021 filed by acquaintances of the Applicant before the Hon'ble High Court of Kerala that the Municipality started work at this site. This is an issue which is already considered and decided by the Hon'ble High Court of Kerala and this Hon'ble Tribunal. The Applicant by raising the same issue in yet another case is wasting the time of the Hon'ble Tribunal and is doing forum shopping.
4. The matter of Environmental Impact Assessment was also raised by another Applicant namely Sr. Celestine Francis for Green Gardens Hospital in WP (C) No. WP(C) 6956/2023. This case is pending before the Hon'ble High Court and no stay or interim order has been issued in favour of the Applicant in that case. The Kerala High Court heard that matter and adjourned the case without granting any interim stay.
5. On the substantial question of law raised in the second para, it is humbly submitted that the Respondent herein would like to make submissions which will prove to this Hon'ble Tribunal beyond doubt that the actions of this Respondent are worthy of merit.
6. In response to para 3, it is submitted that the project is being implemented on a 2 acre Cemetery land. The site of the treatment plant is about 50 cents near its centre. This place is under Thanneermukkom Panchayat which has been in possession by Cherthala Municipality for decades. But it is to be noted that this land is not *purambokke* land of the Panchayat. Three sides of the 2 acre plot where the plant is to be set up are surrounded by the sites held by three main hospitals. The Cherthala KVM hospital lies beyond the road passing through the north side. On the west is the Kinder Fertility Hospital area and on the South is the Mathilakam hospital plot. These hospital buildings stand in the middle of all the respective plots. That means all those buildings are located at a far distance from the plant site. The western side of the plant site is the national highway and the *poramboke* area. In short, there is no human presence or dwelling in and around the plant site. The very statement that

the place is crowded is proof that the Applicant is deliberately fabricating allegations. The allegation that there are sensitive institutions around the plant is also false. The plant is set up in such a way that the people coming for treatment etc. in these institutions do not have any disturbance. In fact, they may not even get a clue that such a plant functions in the adjacent plot. The site has been declared suitable for an FSTP plant by the Pollution Control Board through Consent to Establish Certificate issued twice. Based on that, the plant has been made operational. Now it is about 25 percent complete. The references in the petition are correct in that regard. It is true that the fourth Respondent will not directly collect the faecal sludge. There are many private agencies operating in this sector. The municipality does not intend to eliminate their income. Rather, individuals and organisations wishing to desludge septic tanks would be registered through a mobile app and the work would be done under the supervision of Municipal officials. The system will be similar to that of Thiruvananthapuram Municipal Corporation's Muttathara Combined STP. This ensures that only faecal sludge will be treated in this plant with 100% certainty.

7. The references regarding the plant capacity in Application paragraph 4 are accurate. However, the claim that the faecal sludge of Alappuzha - Ernakulam districts will be treated in this plant is false. The plant's capacity is only 250 KLD, making it suitable for a small-scale operation. Cherthala and its surrounding areas, classified as coastal zones, face the constant problem of faecal waste contamination due to overflowing latrines and septic tanks in residential and institutional properties. Tanker lorries that clean these overflowing toilets frequently dump the waste in water bodies, including canals and Vembanad backwaters.
8. On 30-09-2019, the State Pollution Control Board issued a show-cause notice to the Municipal Corporation regarding non-availability of waste water and toilet waste management systems, in accordance with the National Green Tribunal's order in Cherthala Municipality. Subsequently, steps were taken to establish a faecal waste management plant on the cremation land of Anatharaveli under Cherthala Municipality, with a capacity of 250 KLD, as approved on 24-02-2020. The Detailed Project Report (DPR) for this plant was prepared by an expert in the field namely, Ultra Tech Environmental Consultancy and Laboratory, an NABET Accredited EIA Consulting Organization.
9. The Government of Kerala sanctioned Rs.5 Crores on 06.07.2021 for this project under the Rebuild Kerala Initiative. Again after the process of

tendering and technical selection the Government Revised Administrative sanction on 26.09.2022 as 7.83 Crores. Impact Kerala Limited, a government company that implements the KILFB-RKI projects of the Local Self Government Department, is responsible for the implementation of this project. Under their leadership, a company called Ultra Tech prepared a Detailed Project Document (DPR) for the FSTP in June 2021. This DPR was approved by the Municipal Council, Impact Kerala and the Government. This plant has received Consent to Establishment from Pollution Control Board on 27.7.2021. But as per PCB's revised norms, revised Consent to Establish has also been made available on 05.06.2022 as per the changes made in the site plan. Also, a resolution dated 28.09.2021 has been passed by the panchayat giving permission to dispose of municipal and other area toilet waste at the site within the limits of Thanneermukkom panchayat. All necessary statutory permissions and approvals related to the construction of the FSTP plant have been obtained from the concerned authorities.

10. M/S Ionex Envirotech Pvt.Ltd, which participated in the tender process for the construction of the Faecal Sludge Treatment Plant (FSTP), entered into an agreement with the Municipality and Impact Kerala and the land was handed over to the Company for construction on 19.01.2023. Construction of Faecal Sludge Treatment Plant (FSTP) at the location is about 25 percent complete. Semi-treated faecal sludge from septic tanks at household and institutional level with onsite sanitation system (OSS) are going to be cleaned out of the tanks every two to three years and then processed at this plant. This plant that the Municipality intends to operate cannot be compared with a Common Effluent Treatment Plant (CETP) which is intended for treatment of waste water including chemical effluents discharged from small scale industrial units. The current scheme is intended to treat only domestic toilet waste. The Applicant alleges that apart from houses, toilet waste from hospitals, petrol pumps, industries etc. will also be disposed of here. As in most of the houses in Kerala, the toilet waste is collected in the septic tank. There is no possibility of mixing any chemical and industrial waste into it as alleged by the Applicant. Such allegations are mere imagination of the Applicant.
11. In a separate case (OA 147 / 2022) before the Honourable NGT, it was found that local bodies surrounding Vembanad Backwater are responsible for mixing toilet waste in it. Consequently, environmental compensation was imposed, and a fine of Rs 10 crore was levied on the state of Kerala

by the NGT. Following the NGT's instructions in this regard, Cherthala Municipality is constructing a faecal sludge treatment plant as part of the Rebuild Kerala project. However, only the toilet waste from Cherthala and nearby panchayats, accused of polluting the Vembanad backwater, will be treated here. Currently, more than two such plants are operating successfully in Ernakulam district, making the facility at Cherthala unnecessary for Ernakulam district's needs, rendering the allegations in the Application baseless. The Cherthala plant is being set up by M/s lonex, a Mumbai-based company that has provided technical assistance in establishing the plants in Ernakulam.

12. The remarks in paragraph 5 of the Application are denied as false except to the extent hereinafter expressly admitted. The project area may be below sea level but it is not a water logged area. There is about 5.25 km distance between the sea and the project area and in between there are numerous structures including households, industrial units, National Highway, Alappuzha - Ernakulam Railway Line, and coastal road. Moreover, it is ironic that the Applicant is opposing a public welfare project on the issue of sea level in a state like Kerala where paddy cultivation is done in the region of Kuttanad which lies below sea level. Even during the severe flood of 2018, the region of KVM including the buildings of the Applicant did not get affected. The area was not affected by any kind of waterlogging or floods. The project is being implemented on a 2 acre graveyard outlying site. There is no human dwelling around the project area. There are no paddy fields or ponds in the surrounding area. So the allegation that there are sensitive establishments around the plant is false. The facility that the Applicant described as a soaking trench is the collection tank, stabilisation tank etc. being constructed for the plant. It is only the treatment of toilet waste which is already half processed in septic tanks that is proposed here. For that the most modern technology available today is going to be used. The plant is being constructed by an agency that has successfully established, commissioned and operated many FSTP projects at pan India level. For this, a detailed study had been conducted for the project and also the approval of the Pollution Control Board. The applicant has filed a petition against such a plant without even establishing a scientific system to treat the toilet waste in the Applicant's own establishment.

13. The remarks in paragraph 6 of the Application are denied as false except to the extent hereinafter expressly admitted. The project is being implemented on the cremation grounds owned by the Cherthala Municipality. Land allotted as the cemetery is traditionally owned by local bodies. We have such ownership. This land has been owned by Cherthala Municipality for decades. This land situated in Reserve Block 27, Survey No. 4/3 of Village Thanneermukkom Vadakku, Cherthala Taluk, Alappuzha District has been recorded as a government crematorium land in the government registry. It is submitted it has been decided by the Municipality to construct a Faecal Sludge Treatment Plant (FSTP) on this land with the help of the Government and after obtaining the NOC of the District Collector vide order DCALP/4255-2021/C1 dated 06/10/2021. This has been done taking into consideration the needs and safety of the public. The plant is being constructed after adequate studies.
14. The remarks in paragraph 7 of the Application are denied as false except to the extent hereinafter expressly admitted. The DPR prepared for the project has been presented before the people's representatives, before the municipal council and several meetings have been held with the affected parties including the petitioner, in this regard. After that, this DPR was submitted to the government and approval received. Every phase of the project has been transparent and implemented with people's participation. The fourth respondent started the construction of this plant only after providing interested persons including the representative of the Applicant an opportunity to personally visit and familiarise themselves with successful toilet waste systems in Kerala such as Muttathara Plant of Thiruvananthapuram Corporation at the expense of the fourth respondent. At the same time, even with the government directive, neither the Applicant nor his close acquaintances were willing to be a part of this study group, and instead one of his employees least connected with the issue at hand was sent for the visit. Therefore, he has come forward with such false allegations since he has no understanding of what the faecal waste management system is. The fact is that it is near impossible to find a place in Kerala that is not densely populated to set up such plants. The reality is that the site of this plant is one of the least populated in Kerala itself.
15. The remarks in paragraph 8 of the Application are denied as false except to the extent hereinafter expressly admitted. Although there is no human habitation in the vicinity of the plant, various institutions including health institutions are functioning at the sites including the Applicant's which are

beyond the prescribed distance from the plant. Some of these facilities have an onsite toilet waste disposal system. The fourth Respondent herein is merely setting up a system similar to those systems. A toilet waste disposal system is a mandatory facility in a healthcare facility. It should be placed within its premises itself as much as possible. It is a similar situation here.

16. The remarks in paragraph 9 of the Application are denied as false except to the extent hereinafter expressly admitted. There are no coir industries in any of the areas near the plant. Faecal sludge will be collected through GPS-equipped vehicles registered with the Municipality. It is also pointed out that the plant here operates with advanced technology in this field. In this FSTP firstly the solid - liquid separation will be done by volute screw press. Then the dewatered sludge is diverted to sludge drying beds and converted to value added product. Filtrate from the screw press will be sent to secondary treatment using MBBR technology. Tertiary treatment of output water is again treated by using a pressure sand filter and activated carbon filter for disposal and reuse. But it does not have a system to manage any other type of waste including industrial waste or biomedical waste as alleged in the petition. Hence no such waste will be collected here. The major establishment working in the coir industry of Cherthala referred to in this paragraph is the Applicant's own establishment itself. It is up to the Applicant to clarify whether any environmental pollution is being caused as a result of its operation.
17. The remarks in paragraph 10 of the Application are denied as false except to the extent hereinafter expressly admitted. The CETP referred to in the judgement in Application No. 124 of 2013, Kehar Singh vs State of Haryana judgement of the Hon'ble National Green Tribunal's Principal Bench is not the type of CETP currently being constructed at Cherthala. That was a Common Effluent Treatment Plant (CETP) for treatment of wastewater including hazardous chemical waste. The current project at Cherthala is intended to treat only toilet waste generated mainly in the domestic sector. Besides, the Hon'ble National Green Tribunal in Original Application No. 159 of 2018, Lingam Nagar Welfare Association Vs. The Director of Town Planning, Chennai & Ors has held that EIA is not mandatory for construction of FSTP (Faecal Sludge Treatment Plant) and that the approval of the State Pollution Control Board is sufficient. By stating that the EIA Notification Clause 7(h) lists faecal sludge treatment plants, the Applicant is deliberately trying to mislead this Hon'ble Tribunal. No such mentioning about the FSTP included in the Notification. This plant

is a stand-alone treatment plant. The plant is not networked in any way with any other sources. Therefore, there is no need to fear that other wastes or chemicals will mix with this waste. The faecal sludge will be brought to this plant only in vehicles equipped with GPS. The site has been declared suitable for an FSTP plant by the Pollution Control Board through Consent to Establish Certificate issued twice.

18. The remarks in paragraph 11 of the Application are denied as false except to the extent hereinafter expressly admitted. FSTPs are considered to be relatively non-disruptive plants among waste treatment plants. While there may be a fear of odour at normal solid waste treatment plants, there needs to be no such fear about the faecal sludge that is treated here as it is already half processed material which comes here. The reality is that this waste has no odour or nuisance whatsoever. It has been falsely stated in the application that the plant will cause great disturbance to the establishments of the Applicant by concealing this fact. It is submitted that a human excreta treatment plant (FSTP) is being set up as part of the liquid waste management system in the state of Kerala as part of measures to protect the Vembanad wetlands in accordance with the directives of the Chennai Bench of the Green Tribunal. The argument that such a plant needs environmental clearance in light of Kehar Singh's case is false and baseless.
19. The remarks in paragraph 12 of the Application are denied as false except to the extent hereinafter expressly admitted. By filing a petition for environmental impact assessment, the Applicant is making a covert attempt to delay the work of the project and defeat a major initiative to curb the problem of water pollution in and around Cherthala Municipality. It is to be suspected that the Applicant, who runs various enterprises which generate huge amounts of waste in the area, has come up with such an initiative fearing that the attention of the authorities will turn towards him when the waste caused by the faecal sledge is resolved.
20. The remarks in paragraph 13 of the Application are denied as false except to the extent hereinafter expressly admitted. The plant site is not a waterlogged area. It is true that some parts of Thanneermukkom Panchayat have waterlogging. But the region where the plant stands and the surrounding environment is not like that. That is why the Municipality has given permission for setting up establishments including the Applicant's own establishment to operate in this region. All the main establishments of the Applicant are functioning within the municipality. But there is an allegation among the locals that the Applicant is illegally

filling reclaiming water sources for some of his establishments in Thanneermukkom Panchayat. Complaints related to this are also sitting with positions of authority. According to the existing provisions, no environmental impact assessment is required for such a plant.

21. The remarks in paragraph 14 of the Application are denied as false except to the extent hereinafter expressly admitted. The matters mentioned in paragraph 14 of the Application are correct in relation to the cases in the High Court. The Applicant and two other hospital owners raised the same disputes regarding this FSTP at various times before Hon. High Court in WPC No. 24389 of 2021, WPC No. 4367 of 2022, WPC No. 6956 of 2023. He and others have submitted petitions to the government and the Kerala State Water Appellate Authority. It is clear that in none of these cases has the Hon'ble Kerala High Court or other authorities taken a stand in favour of the Applicant because these authorities understand the importance of this project. Yet again this petition has been submitted before the honourable Green Tribunal on the same grounds. The Applicant is running a hospital business along with other businesses. Being an important entrepreneur from the locality operating in the area of health, he is equally responsible with the fourth Respondent for maintaining the standard of hygiene in the Municipality. The Applicant as a doctor and business personality has visited many countries of the world and has direct knowledge of how such plants work. Even then, the Applicant is taking an irresponsible approach of opposing the important project in the field of sanitation in Cherthala Taluk and undermining the project by citing trivial reasons. This is a clear case of the "Not in my backyard" or the NIMBY Syndrome and it is humbly requested that the Hon'ble Tribunal take a strict stance against this by imposing high costs.
22. It is humbly submitted that it is for the Applicant to prove that this opposite party has no knowledge of the matters stated in paragraphs 15 and 16 of the Application. The Applicant himself has to prove how the sensitive nature of an area can be identified through a topographical survey and also how the danger of the proposed project can be ascertained.
23. It is humbly submitted that due to lack of scientifically designed faecal waste treatment systems, contamination of water bodies, soil and drinking water sources are causing a serious threat to public health and groundwater quality. Effective septage management is critical for ensuring the quality of the water and public health. For this purpose septage has to be treated scientifically in order to minimise the risk of

pollution and also in order to meet the discharge norms issued by the Central/Kerala State Pollution Control Board. With this objective in mind the Faecal Sludge Treatment Plant (FSTP) constructed by Cherthala Municipality will ensure that the nearby natural water bodies, drains and canals are not polluted by septage. Most of the areas of Alappuzha district are below sea level. But by using scientific methods, this Plant will facilitate a zero discharge policy. The quality of treated effluent and sludge from the treatment plant will be within Pollution Control Board discharge standards.

24. The operation of the plant has been scientifically designed using modern technology. The Applicant has raised baseless doubts. The operation and maintenance of the plant will be done by the construction contractor itself for a period of ten years after commissioning of the project. Hence, scientific follow-up and maintenance of the plant will also be ensured. The treated water produced here is planned to be used for agricultural and industrial purposes. It is submitted that the treated water will not cause any environmental problems and otherwise also the fourth Respondent is ready to take steps to ensure that the operations of the plant are as per the terms of the Pollution Control Board in case it is required.
25. The project activities have been started as part of a great initiative of the government which will provide a good solution to the pollution problems of water sources including that of drinking water in the area. Such a combined FSTP plant is working beautifully in an area called Muttathara in Thiruvananthapuram district. Also, in Ernakulam district, similar plants are functioning without causing any disturbance. The Applicant's apprehensions regarding pollution and lack of sanitation are unfounded as scientific methods of treatment will be used in this model.

Therefore, on the basis of the aforesaid facts and on being convinced of the critical need for this project, it is humbly requested that this Hon'ble Tribunal dismiss this petition with heavy costs.



Secretary

Cherthala Municipality



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