

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

ORIGINAL APPLICATION NO. 5 OF 2024

In the matter of:

Tribunal on its own motion

Suo Motu based on the news item in Manorama dt. 09.10.2023

“Fire in Kozhikode waste treatment plant

Opposition alleges corporation's conspiracy”

-VS-

The Chief Secretary,

Government of Kerala,

Secretariat, Thiruvananthapuram and Ors.

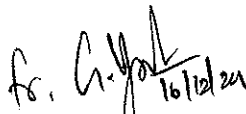
----Respondent(s)

**REPORT FILED BY ADDITIONAL CHIEF SECRETARY, LOCAL SELF
GOVERNMENT DEPARTMENT AND DISTRICT COLLECTOR KOZHIKODE
/ 1ST & 3RD RESPONDENT**

Index

S.No	Particulars	Page No.
1.	Report filed by Additional Chief Secretary, Local self Government	1-2
2.	Report filed by District Collector Kozhikode	3-5

Dated at Chennai on this the 16th day of December, 2024.


16/12/24

M/s. E.K. KUMARESAN

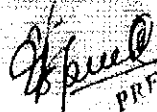
Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

Report by the 1st respondent in NGT OA 5/2024 (SZ) (Earlier OA No. 662/2023 PB) before the National Green Tribunal Southern Zone, Chennai Bench

It is submitted that in the light of the Tribunal Order, the State Police Chief, District Collector, Kozhikode, and Secretary, Kozhikode Municipal Corporation have filed reports to Kerala Government.

It is submitted that the West Hill Waste Collection Plant, located in Ward 72 of the Kozhikode Municipal Corporation, operates within a 4000 square ft building. The plant receives non-biodegradable waste from road sweeping and the Haritha Karma Sena, women's Self Help Group engaged by the local body for door-to-door collection of waste. This waste is then transferred to processing agencies. Previously, the Corporation had an agreement with M/s Konari to collect this waste at a rate of ₹2.98 per kilogram. M/s Konari delivered the waste to Dalmia Cements in Trichy for processing. Although this contract expired on March 31, 2023, M/s Konari again secured the contract through a new tender process and resumed waste collection in August 2023. Of the total 4,19,950 kg of waste accumulated at the plant, M/s Konari removed 2,18,700 kg by October 8, 2023, the day of the fire. The remaining waste was present at the time of the fire incident.

The plant was equipped with four fire extinguishers and CCTV cameras. An 11 KV power line runs behind the plant, with a KSEB transformer situated nearby. Though machinery making granules were used in the plant earlier, this has been discontinued. The risk of fire


PREETI K. S.
Secretary
Department
Local


2

from an electrical short circuit was less, as the electricity connection had been disconnected for two months prior to the incident. Moreover, there was less risk of fire due to gas formation because organic waste was not stored at the plant.

As reported by the State Police Chief, a case (Crime No. 568/23) was registered under Section 306(1)(C) of the CrPC following a complaint filed by the Kozhikode Corporation, and an investigation was conducted. The police investigation concluded that the fire originated in the western section of the plant, where flammable materials such as batteries and spray bottles were found mixed with the garbage. The fire was attributed to the ignition of these materials within the waste, and not to an electrical short circuit. The police report dismisses any claims of arson. The State Police Chief has informed that a final report on the incident will soon be submitted to the Hon'ble JFMC, Kozhikode.

Following the incident, the District Collector also formed an inquiry committee to investigate the same. On the basis of the report of the Committee, an Order, as per Section 26, 30, 34, 72 of Disaster Management Act 2005, directing the Secretary, Kozhikode Corporation and the District Fire Officer to adopt measures to prevent the recurrence of such disaster, has been issued. The Kozhikode Corporation, following the incident, has ensured that 24-hour security personnel were deployed. The Secretary also confirmed that Rs. 2.45 crore has been allocated for the construction of a new Material Recovery Facility (MRF), with plans finalized. Currently, waste has been cleared from the plant, and remaining work is underway.

The above facts are submitted before the Hon'ble National Green Tribunal for consideration.


PREETHA K. S.
Additional Secretary
Govt. Secretariat
Thiruvananthapuram

3

DISTRICT COLLECTOR, KOZHIKODE.

REPORT- NGT SN2-OA 5/2024

A fire broke out at the Westhill Plastic Recycling Unit operating under the Kozhikode Corporation in Kozhikode taluk (Kacheri village) at around 9.30 am on 08/10/2023. 10 units of strong water pumping from various fire stations under the leadership of the District Fire Officer, as a result of 9 hours of hard work, the fire was brought under control without spreading to more areas. The district fire officer has reported that the unscientific use of waste and lack of proper disposal process are likely to cause more fire.

As per the report of secretary, Kozhikode corporation, The West Hill Inorganic Waste Collection Plant is operating in Ward 72 of Kozhikode Corporation. The plant is operating in a building with an area of approximately 4000, square feet. Machines making granules were used here earlier, but now this type of treatment is not being done. At present, the West Hill plant collects non-organic waste generated as part of urban sanitation and non-organic waste collected by Haritha Karma Sena of North Consortium. The method of sending the collected inorganic waste through agencies for processing has been adopted. The fire caught the attention of the locals at the West Hill plant, which collects waste as part of the road cleaning of the Kozhikode Corporation, on October 8, 2023 at 9.30 am. An 11 KV line passes through the back side of the plant, adjacent to the building a transformer is working. As an army rally was going on near the said place, soldiers and some locals were the first to reach and engage in rescue operations. Then on the basis of the information given to Vellayil Police Station and Beach Fire Force, the Beach Fire Force arrived and as the fire was not under control, more fire forces arrived from Vellimad kunnu, Narikuni, quilandi, Meenchanta, Mukkam, Perambra etc. in the district and brought the fire under control. The garbage was stirred with JCB and water was sprinkled to prevent the fire from spreading under the garbage. The fire was brought under control by 1.30 pm and it took about 10 hours to douse the fire. According to the agreement till March 31, 2023, the waste was handed over to a waste management unit called Konari through a company called Malabar Process Recycling & Manufacturing, Kottathara, Agli, Mannarkkad Palakkad, Dalmlapuram, Lalgudi District, Tiruchirappalli For disposal of waste for the establishment was given. By the time the agreement period is over, the firm has removed all the waste from the plant. A new tender was invited as soon as the agreement period with Konari was completed and in August 2023, Konari, the agency that got the new tender, started the waste removal. The waste is now being handed over to the agency by paying Rs. 2.98 per kg. Until the tender process was completed and the agreement was signed, 419950 kg of waste collected as part

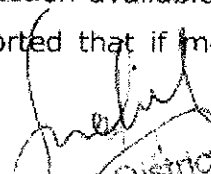
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of city road cleaning had arrived at the plant, of which 218700 kg of waste had been removed by the agency in the days up to October 7, 2023. The remaining garbage removed by the agency and the garbage that came as part of the general cleaning held on October 1 and 2 were brought to the plant. 4 fire extinguishers were installed inside the plant and CCTV was installed till March 31, 2023 when the plant was working. The camera also worked. There is no possibility of short circuit or spontaneous combustion due to gas formation. Since the recycling unit that was working here earlier is not ready for operation, if the electricity connection here has been disconnected for two months, there is less chance of fire due to short circuit. Since only inorganic waste was collected, there is less risk of fire due to gas formation. A complaint has been made to the vellayil SHO and City Police Commissioner to conduct a thorough investigation. After the fire, 24-hour security personnel have been appointed. 2.45 crore KSWMP has been allocated for demolishing the building and constructing a new MRF. The drawing work has been completed. At present, waste has been removed from the plant and the remaining work is in progress.

As per section 2(d) of the Disaster Management act 2005 , a disaster means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man-made causes, or by accident, or negligence, which results in substantial loss of life ,or human suffering, or damage to, and destruction of property or damage to , or degradation of environment and is of such a nature of magnitude as to be beyond the coping capacity of the community of the affected area.

Considering the grievous of situation, An inquiry committee was appointed under sections 26,28 and 30 of the Disaster Management Act, 2005 and as per the report of committee, Westhill plastic recycling unit purpose 900 sq.m in which fire broke out in 3 RRFs under Kozhikode Corporation. It is a building functioning on 40 cents of land owned by the corporation. since April 2023, more than 400 tonnes of waste directly collected from different parts of the city was kept in the industrial estate compound. Hotel is situated near the building and KSEB transformer situated behind this location . Certain unsorted inorganic wastes were piled inside and outside the building. The contract for the year 2023-24 was kept on KONARIS ADVANCED POLYMERS for the removal of inorganic waste from RRF on August 28, 2003, and the contract stipulates that sweeping waste from RRF will be delivered to KONARIS using corporation employees and vehicles, and the company had taken the contract earlier after taking over the new contract. About 200 tons of waste has been removed from the total of already deposited 400 tonnes . There is no KSEB connection available at the plant. The members of the investigation committee have reported that if more


District Collector

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agencies are assigned this task to remove the waste, there will not be such a situation of accumulation of waste . Since there is no gate and boundary in the plant anyone can enter from the road.

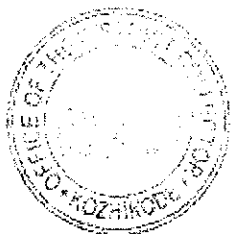
On the basis of examining the report of the inquiry committee, an order has been given to Kozhikode Corporation Secretary and District Fire Officer as Chairman of District Disaster Management Authority as per Section 26,30,34,72 of Disaster Management Act 2005 to prevent disaster of this nature and to prevent any threat to life and health of the people.

This was a major fire occurred in the dumping yard and it took 9 hours to control the fire by using 10 units of fire brigade. The fire was occurred in a plastic recycling unit finding in a area of 40 cents. More than 400 tons of waste was accumulated there during the incident. Toxic fumes were chocking the area and people suffered a lot of health issues. Hence it was considered as a disaster by accident which cause human sufferings and environmental . As it was a disaster the provisions of the disaster management act 2005 for the effective management of disaster and for matters connected are applicable in this incident.

As per section 26 (2) the chairperson of the district authority , ie, the district collector shall in case of an emergency have powers to exercise all or any other power of the district authority. In exercise of the above powers the district collector issued the directions to constitute of an inquiry committee under section 28-(The district authority may as and when it considers necessary, constitute one or more advisory committees and other committees for the efficient discharge of its functions.) with expert members.

Section 30 (v) empowers the district authority to give directions to different authorities at the district level, and local authorities to take such other measures for the prevention or mitigation of disaster.

The above mentioned details is submitted herewith your kind perusal.



4/4
District Collector &
Chairman, District Disaster Management Authority

[Handwritten Signature]
District Collector
Kozhikode

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