

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

IN

ORIGINAL APPLICATION NO. 262 of 2017(SZ)

Applicant : K Muhammed Iqbal

VS

Respondent : The Kerala State Pollution Control Board &
Others

VOLUME 1

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Dated this the 27th day of March 2021

Rema Smrithi, Advocate
ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT

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**UPDATED STATUS REPORT FILED BY THE CHIEF ENVIRONMENTAL
ENGINEER, REGIONAL OFFICE, ERNAKULAM FOR AND ON BEHALF OF THE
KERALA STATE POLLUTION CONTROL BOARD AS PER THE ORDER DATED
24.02.2021**

Adv. Rema Smrithi

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT

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

Original Application 262/2017(SZ)

K Muhammed Iqbal Vs Kerala State Pollution Control Board & Others

DELINKED FROM

OA 396/2013

Shibu Manuel, Secretary Green Action Force Vs The Govt of India & Others

&

Original Application 242/2016 (SZ)

K Muhammed Iqbal Vs Kerala State Pollution Control Board & Others

**UPDATED STATUS REPORT FILED BY THE CHIEF ENVIRONMENTAL
ENGINEER, REGIONAL OFFICE, ERNAKULAM FOR AND ON BEHALF OF
THE KERALA STATE POLLUTION CONTROL BOARD AS PER THE ORDER
DATED 24.02.2021**

I, M.A Baiju, 54 years, S/o M.K Aravindakshan, now working as the Chief Environmental Engineer, Regional Office, Kerala State Pollution Control Board, Ernakulum. I am competent to and duly authorized to represent the Board. I know the facts and circumstances of the case. The factual submissions made here under 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 humbly submitted that the latest order dated 19.01.2021 was pronounced after conducting hearing on the three applications viz. OA 396 of 2013, OA 242 of 2016 and OA 262 of 2017 taken together. It is to be noted that OA 262 of 2017 is for pollution issues due to Sreesakthi Paper Mills, a waste paper recycling unit which is already closed.
2. It is submitted that as per order dated 19/01/2021 it was directed as follows.

"As regards O.A. No.262/2017 is concerned, the short question that arises for consideration is only regarding the remedial action to be taken for the alleged violation, if any, committed by the 4th respondent. So, we feel that the matter can



M. A. BAIJU
Chief Environmental Engineer

be delinked from the other two cases and this can be independently considered on 29.01.2021”.

“The Pollution Control Board is directed to submit an independent report regarding the present status of the 4th respondent company in O.A. No.262/2017 for consideration of the Tribunal independently, if anything survives in the matter”.

“The Pollution Control Board is directed to submit the report as directed in this case on or before 29.01.2021 by e-filing so that, that matter can be considered and if possible, the matter can be disposed of finally on that day”.

“So, **O.A. No. 262/2017** is delinked and posted to **29.01.2021** for consideration”.

3. A Writ Petition WP© No. 5803 of 2017 is pending with Hon’ble High Court of Kerala in the subject matter. It was primarily filed for a direction to the respondent unit M/s. Sree Sakthi Paper Mills (Now renamed as M/s. Cella Space Limited) to remove the plastic wastes from the river side of its premises to M/s. KEIL, Ambalamughal within a specified time frame under the supervision of the Board.
4. It is submitted that the wastes were shifted under strict supervision of the Board. The unit had shifted 6713.250 MT of wastes to KEIL. The shifting was satisfactorily completed in March 2020 itself. Details of the transfer were already forwarded through the report dated 27.01.2021 before the Hon’ble Tribunal.
5. It is respectfully submitted that the industry had successfully completed the shifting of wastes. The Committee constituted by the Hon’ble NGT consisting of Dr. V. Deepesh, Scientist C, CPCB, RD, Bangalore, Sri. Jowin Joseph, Scientist C and Smt. Vinaya K.S. Senior Environmental Engineer, KSPCB had inspected the Industry on 19.02.2020 and noted that the company had completely removed the plastic waste stored along the river bank in compliance with the Order of Hon’ble Court of Kerala.

The Committee’s findings are as follows,

- a. The committee after site visit and discussion suspected the plastic waste contamination extent in the depth of soil and also further to quantify the plastic waste existing still within the contaminated site/space. Since the activity requires drilling/excavation at certain points of the contaminated site which may require machinery and equipment, the activity is proposed to be carried out with necessary arrangements in the next visit. The committee already requested the Hon’ble tribunal for providing some more time to carry




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out the aforementioned activities to determine the extent and depth of plastic contamination.

- b. The committee also anticipated that the micro plastics present in the soil over due course of time might get transported to the nearby water bodies. Removal/segregation of micro plastics from soil or carrying out any remediation of plastic contaminated soil is a time consuming and requires further studies. Hence in order to avoid the risk of micro plastic transport into the Periyar river, the fourth respondent may take immediate action to construct a dyke wall to contain the contaminated soil in the site and to develop plantation of trees in its border close to the river as a plastic pollution containment activity.
- c. The committee already prayed before the tribunal to direct the fourth respondent with one of the following options to contain micro plastic contamination to river bodies in over longer course of time.
 - i. To frame an action plan and remove the plastic contaminated soil/segregate the plastic from soil, under the supervision of KSPCB and dispose the same to authorised agencies, or
 - ii. To approach a technical consultant agency for remediation of the plastic contaminated soil in a scheduled time frame.
- d. The committee in its next sitting shall carry out the proposed activities to quantify the plastic waste including the micro plastics present in the soil and shall arrive at the environmental compensation based on the extent and nature of plastic pollution in the contaminated site.
- e. In order to calculate the environmental compensation in a fair manner for alleged storage of plastic waste, the committee already prayed for the more time to work on a methodology to arrive at the compensation amount.

6. I may humbly submit that if the committee finds out any contamination in the soil, KSPCB will direct steps to get the plastic contaminated soil removed, get the plastic segregated from the soil and get the soil remediated in a scheduled time frame. It is also submitted that KSPCB will take steps to levy environmental compensation or assess damage from the fourth respondent as per the committee's recommendation.

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

Dated this the 27th day of March 2021.

Deponent

(Chief Environmental Engineer)

M. A. BAIJU
Chief Environmental Engineer

