

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

IN

**ORIGINAL APPLICATION NO. 514 of 2019(PB)  
RENUMBERED AS OA 77 of 2021 (SZ)**

Applicant(s) : Suo Motu proceedings initiated based on letter received  
from Justice A. V. Ramakrishna Pillai, Former Judge,  
High Court of Kerala, Chairman, SLMC, Kerala

Versus

Respondent(s) : The Chief Secretary, Governmentt. of Kerala,  
Thiruvananthapuram & Others

**ORIGINAL APPLICATION No. OA 442/2013(SZ)**

Applicant(s) : Jith Kumar, Muthedathu

Versus

Respondent(s) : The State of Kerala & Others

And

**ORIGINAL APPLICATION No. OA 20/2017(SZ)**

Applicant(s) : Abdul Basheer

Versus

Respondent(s) : Kochi Municipal Corporation & Others

And

**ORIGINAL APPLICATION No. OA 276/2017(SZ)**

Applicant(s) : Lawyers Environmental Awareness Forum

Versus

Respondent(s) : SEIAA, Thiruvananthapuram

**VOLUME 1**

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Dated this the 30<sup>th</sup> 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 ORDERS DATED  
21.01.2021 IN OA 514 of 2019(PB), DATED 10.11.2020 IN OA 442 of  
2013(SZ)/OA 20 of 2017(SZ)/OA 217 of 2017(SZ) AND DATED 03.03.2021 IN  
OA 77 of 2021**

**Adv. Rema Smrithi**

**ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT**

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

**IN**

**ORIGINAL APPLICATION No. O A 514 of 2019(PB)  
RENUMBERED AS O A 77 of 2021(SZ)**

**IN THE MATTER OF**

**Suo Motu proceedings initiated**

**based on letter received**

**From Justice A.V. Ramakrishna Pillai,**

**Former Judge, High Court of**

**Kerala, Chairman,**

**SLMC, Kerala.**

**:**

**Applicant(s)**

**Verses**

**The Chief Secretary,**

**Government of Kerala,**

**Thiruvananthapuram and Others**

**:**

**Respondent(s)And**

**ORIGINAL APPLICATION No. O A 442/2013(SZ)**

**Applicant(s) : Jith Kumar, Muthedathu**

**Versus**

**Respondent(s) : The State of Kerala & others**

**And**

**ORIGINAL APPLICATION No. O A 20 / 2017(SZ)**

**Abdul Basheer**

**Versus**

**Kochi Municipal Corporation & Others**

**And**

**ORIGINAL APPLICATION No. O A 276/2017(SZ)**

**Lawyers Environmental Awareness Forum**

**Versus**

**SEIAA, Thiruvananthapuram**

**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 ORDERS  
DATED 21.01.2021 IN O A 514 of 2019 (PB), DATED 10.11.2020 IN O A 442  
of 2013(SZ)/O A 20 of 2017(SZ)/O A 217 of 2017 (SZ) AND DATED  
03.03.2021 IN O A 77 of 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 cases. 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 report on file and it is so humbly prayed in the interests of justice in this case.

1. I may humbly submit that the case against Kochi Corporation with regard to Brahmapuram solid waste dumping yard was primarily originated in the year 2012 and the Hon'ble High Court of Kerala had transferred the WP © No.9700/2012 filed by Sri. Jith Kumar to Hon'ble National Green Tribunal where it was numbered as OA 442 of 2013. Based on the reports submitted by various parties, the Hon'ble NGT(SZ) through an order dated 31.05.2016 directed the Kerala State pollution Control Board to prosecute the officers concerned for consistent violations. Against this order, the Corporation had filed a Writ Petition before the Hon'ble High Court of Kerala vide WP(C) No.24380/2016(V) for staying the above order dated 31.05.2016 in M.A No.78/2016 and in M.A No. 79/2016 in Original Application No. 442/2013 of the Hon'ble National Green Tribunal and the Hon'ble High Court stayed the same through an order dated 12.08.2016 stating that *"the direction contained in the order that pollution Control Board shall take steps to prosecute the officers of the petitioner will stand stayed"* which is still under pendency. Kerala State Pollution Control Board initiated steps through the Standing Counsel for vacating the stay Order. Meanwhile, two other cases were also filed before the Hon'ble NGT in the same matter which were numbered as OA No. 20/2017 filed by Abdul Basheer and OA No. 276/2017 filed by Lawyers Environmental Awareness Forum and from there onwards, the Hon'ble Tribunal considered these applications together and further transferred to the Principal Bench of the Hon'ble NGT as OA Nos.533 of 2018, 534 of 2018 and 535 of 2018 respectively. Thereafter, these OAs were redirected to Southern Bench of the Hon'ble NGT as OA Nos. 442/2013, 20/2017 and OA No. 276/2017. It may be pertinent to note that the Corporation had filed another petition against the order



  
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Chief Environmental Engineer

dated 22.10.2018 of the Hon'ble Tribunal in OA 442 of 2013 against imposition of performance guarantee/penalty (WP© No. 36204/2018) and was granted stay order dated 09.11.2018 for 2 months which was further extended "until further orders". It is important to note that counter affidavit in WP© No. 36204/2018 has been filed before the Hon'ble High Court against the stay order. It may also be noted that after the constitution of SLMC as per the order of the Principal Bench of the Hon'ble NGT, the Chairman, SLMC had visited the Brahmapuram Plant on 23.02.2019 after a severe fire accident occurred on 22.02.2019 and submitted report before the Principal Bench of the Hon'ble Tribunal dated 23.02.2019 which was taken on its own motion 'Suomotu' and numbered as OA 514 of 2019 which was also as per the order dated 21.01.2021 transferred to Southern Bench of the Hon'ble Tribunal where it was renumbered as OA 77 of 2021 and delivered order dated 03.03.2021.

2. I may respectfully submit that as per the order dated 10.11.2018 in O.A No. 442/2013, O.A No. 20/2017 and O.A. No. 276/2017 the Hon'ble National Green Tribunal directed as follows,

*"The Kerala State Pollution Control Board, the Cochin Corporation and the District Collector and the State Government are directed to file their independent reports to this Tribunal regarding the progress of the work that is being carried out in disposing the legacy waste already accumulated in Brahamapuram Solid Waste Management Facility".*

*"We feel that it is better to post the case beyond the date posted by the Principal Bench, so that we will get a clear picture and also further directions to be given by the Principal Bench in this regard which this Bench can implement in an effective manner".*

*"The State Level Monitoring Committee is also directed to submit a report to this Tribunal regarding the present status of the action taken by the authorities for disposal of the legacy waste that is being accumulated in that area apart from implementation of the Solid Waste Management Rules, 2016 in Ernakulam District".*

*"The above authorities are directed to submit the report to this Tribunal on or before 09.02.2021 by e-filing along with necessary hard copies to be produced as per rules".*

*"The Registry is directed to communicate this order to the Chief Secretary, State of Kerala, Principal Secretary, Urban Development Department, the Chairman, Kerala State Pollution Control Board and the Municipal Commissioner, Cochin Corporation, District Collector, Ernakulam District and to Justice A.V. Ramakrishna Pillai, former Judge of Kerala High Court and the Chairman of the State Level Monitoring committee appointed by the Principal Bench in O.A. 606 of 2018 by e-mail immediately so as to enable them to comply with the direction issued by this Tribunal".*

*"For consideration of further reports, post on 09.02.2021".*



  
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On 09.02.2021 it stands adjourned to 05.04.2021.

3. It is respectfully submitted that this respondent had submitted a report explaining the updated status on 16.01.2021 before the Principal Bench of the Hon'ble Tribunal and an order has been received dated 21.01.2021 in OA 514 of 2019, main remarks of which were as follows,

*"Long stories of all round failure of the administration are poor substitute for good governance required to enforce environmental rule of law for protection of public health and the environment. The fact remains that the administration is patently a failure in protecting citizens' right to clean environment which is in no way less important than the right to live in crime free environment. There is no meaningful action for complying with the Solid Waste Management Rules, 2016 (SWM Rules) and handling of solid waste in spite of repeated directions in the last two years. As shown from the report by the State PCB, the samples clearly show that the parameters of environment are not being met. The Municipal Corporation is still continuing un authorized operations. Work is yet to start for bio-mining. Compensation has been assessed but not recovered. Windrow composting plant is in dilapidated condition. The affidavit of the Chief Secretary does not show that any effective action has been taken on the ground. Thus, the situation is far from satisfactory. One wonders whether the officers dealing with the matter lack in competence or will their Constitutional obligation to provide clean environment to the citizens. Failure to uphold environmental rule of law is no different from maintaining law and order and protecting the citizens against crimes. Continuing violation of environmental norms is not only violation of rights of citizens but also has potential for damage to the public health. It is unfortunate that in spite of several orders of this Tribunal for the last two years the concerned officers have only paid lip service to the issue. There is thus clear governance deficit which needs to be urgently remedied at appropriate highest level in the State. There is failure to enforce environmental laws. We do hope that at least now prompt action will be taken in the matter failing which the Tribunal may have to adopt coercive measures as per law, including prosecution of concerned officers. Least expected is placing of order for execution of legacy waste bio-mining, landscaping of the area and plantation, development of bio-diversity park, rectification of the compost plant, continuous monitoring by the Secretary, Urban Development and quarterly review by the Chief Secretary".*

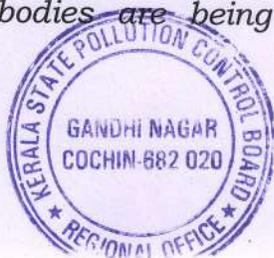
*"Let a further action taken report be filed before the next date".*

*"We consider it appropriate to transfer the proceedings for further consideration of the Southern Bench. The registry may transfer the record accordingly to the said Bench".*

*"List for further consideration before the Southern Bench on 05.04.2021".*

4. I may humbly submit that, as per the mentioned order dated 21.01.2021 of the Principal Bench of the Hon'ble Tribunal, the Southern Bench of the Hon'ble Tribunal renumbered the OA 514 of 2019 as OA 77 of 2021, conducted hearing on 03.03.2021 through video conferencing and stated as follows,

*"We feel it appropriate to direct the Kerala State Pollution Control Board(KSPCB) to file a detailed status report regarding the implementation of Solid Waste Management Rules, 2016 in respect of collection, segregation and disposal as contemplated there in and also whether the collection from each ward of the local bodies are being strictly adhered to as contemplated under the Solid Waste*



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*Management Rules, 2016 and what is the action taken by the Kerala State Pollution Control Board (KSPCB) for non implementation of the directions issued by the Principal Bench of National Green Tribunal in O.A. No. 606 of 2018 against the erring local bodies who have defaulted in implementing the directions of the Principal Bench of National Green Tribunal in this regard and submit the report to this Tribunal on or before 05.04.2021 as the connected cases relating to the same issue namely, Brahmapuram Waste Management facility namely, in O.A. No. 442 of 2013, O.A. No. 20 of 2017 and O.A. No. 276 of 2017 are now posted for the purpose of considering the question of the disposal of the legacy waste that is lying in the dump yard and the progress of the work that has been done by them in implementing the various directions issued by this Tribunal in the above cases as well as the Principal Bench of National Green Tribunal in O.A. No. 606 of 2018”.*

5. It is respectfully submitted that this respondent specifically intimated the Hon'ble National Green Tribunal vide report dated 16.01.2021 mentioned earlier that *“a decision was taken during the meeting convened by the Chairman on 22.09.2020 for issuing of notice to Kochi Corporation regarding violations committed till date and to show cause why prosecution shall not be initiated against Corporation. Action is being taken for incorporating legal evidences in the notice for prosecution”*. It may be pertinent to note that legal evidence mentioned in the report are quantification of waste accumulated including legacy waste and legal samples of leachate from the windrow composting plant. This leachate generated from windrow sheds in turn flowing through damaged drains lead to temporary collection tank from which the same is said to have transferred to septage treatment plant situated nearby, also owned and operated by the Corporation. But during inspection conducted by an official from Environment Monitoring Cell headed by the Chief Secretary along with officer from the office of this respondent on 09.02.2021 showed a sad state of the unit, details of which are illustrated in the report dated 26.02.2021 submitted to the Chairman, SLMC. Copy of the report dated 26.02.2021 is produced herewith and marked as **Annexure 1**.

6. It is respectfully submitted that on receiving the report, the Chairman SLMC conducted a surprise inspection on 03.03.2021. During inspection no progress was observed and the situation was much more critical than noticed earlier. The septage treatment plant said to have been provided where the leachate reported to be treated was seen nonfunctional and the untreated sewage was seen discharged at the outlet portion of the septage plant which is a marshy area and a branch of river Chithrapuzha is flowing very near to this outlet portion. As directed by the Chairman, SLMC a consolidated report was prepared and sent on 07.03.2021. It was once again unfortunate to note that a fire accident along the plastic waste heap occurred along northeast portion of the plant on 05.03.2021. Copy of the report dated 07.03.2021 is produced herewith and marked as



  
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**Annexure 2.** Hence, the claim of the Corporation that they are treating satisfactorily the leachate in the above mentioned Septage treatment plant cannot be taken for granted. Though they have been asked to compulsorily install Leachate treatment plant through several meetings of the Hon'ble SLMC, the self speaking reply from the Corporation suggested no action for revamping the ETP but some vague arguments. It may be pertinent to note that this facility was temporarily provided during Regional Monitoring Committee inspection conducted in January 2019. Copy of the letter dated 02.11.2020 by the Corporation is produced herewith and marked as **Annexure 3.** Here, it is worthwhile to note that the Hon'ble Tribunal vide order dated 03.07.2020 made some adverse remarks on the facilities provided for treating the leachate temporarily which was also follows,

*"We find that the steps taken to be inadequate having regard to the serious adverse consequences of acknowledged unscientific handling of waste management. Suggestion 'c' above shows that 1 lakh liter collection capacity for the leachate is nearing completion and the leachate is to be diverted to septage treatment plant. It is doubtful whether leachate can be treated in an ordinary septage treatment plant as it contains heavy metals."*

At this juncture, the Corporation is liable to be proceeded against on the above findings as per the relevant provisions of the Water Act 1974 and appropriate damage assessment for continuing violations. However, samples were collected on 22.09.2020 from drains and as directed by the Chairman, SLMC on 03.03.2021 from drains and outlet portion of septage plant to assess the theoretical pollution load and intensity of the violation the Corporation is committed till date. Copy of the Analysis report on the samples collected on 22.09.2020 are produced herewith and marked as **Annexure 4.** It may also be noted that statutory samples were collected on 06.03.2021 from these two areas as a prelude step for initiating prosecution as per the order dated 03.07.2020 by the Principal Bench of the Hon'ble Tribunal and as per the authorization issued by the Chairman, SPCB.

7. It is respectfully submitted that the Hon'ble Tribunal also directed as follows

*"The Kerala State Pollution Control Board (KSPCB) is also directed to incorporate in their report apart from Brahmapuram, whether there are any other dumping grounds available in Ernakulam District and what is its status regarding the legacy waste and the disposal mechanism that is being adopted in such waste management facilities while submitting the report for consideration of status report by the respective local bodies and also by the State of Kerala regarding the review mechanism that is being adopted by them as directed by the Principal Bench of National Green Tribunal in O.A. No. 606 of 2018 in respect of such issues for appreciation of the case".*



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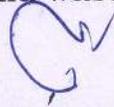
and this respondent has taken serious initiatives to collect evidences from other LSGDs that are transferring their bio degradable fraction of solid waste to Brahmapuram dumping yard. These include random surveys at Corporation and 5 Municipality areas which will be completed as early as possible. Here, it is pertinent to note that a checklist for criteria score was prepared to easily assess the percentage achievement by each local body in the management of solid waste generated by them. Copy of the checklist with scoring pattern is produced herewith and marked as **Annexure 5**. During surveys certain details were collected from each household as to whether they are managing solid waste generated and methods adopted for such management. Though the local bodies were directed to submit specific details with evidence on MCF, MRF, number of workers engaged in door to door collection/segregation of waste, centralized/decentralized facilities as mentioned in the checklist shown in Annexure 5, no local bodies are satisfactorily or convincingly reporting such details which adversely affect data collection from such local bodies.

It is respectfully submitted that while discussing about the action plan of the State on solid waste management as per the orders of the Principal Bench of the Hon'ble Tribunal in OA 606 of 2018, the Southern Bench of the Hon'ble Tribunal through the order dated 03.03.2021 asked certain clarification which is as follows,

*"The Kerala State Pollution Control Board (KSPCB) is also directed to incorporate in their report apart from Brahmapuram, whether there are any other dumping grounds available in Ernakulam District and what is its status regarding the legacy waste and the disposal mechanism that is being adopted in such waste management facilities while submitting the report for consideration of status report by the respective local bodies and also by the State of Kerala regarding the review mechanism that is being adopted by them as directed by the Principal Bench of National Green Tribunal in O.A. No. 606 of 2018 in respect of such issues for appreciation of the case".*

8. I may humbly submit that Hon'ble Justice A.V Ramakrishna Pillai after assuming charge as the Chairman, SLMC in the year 2019, conducted district level meetings as a preliminary step to prepare action plan to mitigate the critical situation faced in the solid waste management of almost all local bodies of the State. District Level Monitoring Committees have been formed in every district under the chairmanship of the District Magistrate in which all stakeholders were met with periodically and prepared rigorous action plans. It is respectfully submitted that strict directions were given to local bodies of Ernakulam District also during several meetings of the SLMC on different occasions. Though there are certain actions initiated by the local bodies for the preliminary steps of solid waste management ie, house hold level segregation, door to door collection by 'Haritha Karma Sena', the scientific management of the solid waste is still seems to



  
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be a herculean task as the common facilities provided by some of the local bodies are found to be as "dumpsites" only. To get a clear picture of the solid waste management scenario of Ernakulam District surveys using field staff were commenced by the Regional Officers under the jurisdiction of the office of this respondent which has gone half way only. I may humbly submit that there are 12 Municipalities in Ernakulam District having population range 14000 to 77000 and Kochi Corporation having population 677391. The list of Municipalities and details of centralized solid waste dumping areas and facilities provided are as follows,

- a. **Kothamangalam**- Population- 38822, Centralized facility is at Kumbalathumuri where dumping of mixed waste alone is practiced. Decentralized facilities are also provided at household level. Several pockets are formed as dumping areas. Not started legacy waste management.
- b. **Muvattupuzha**- Population- 30397, Centralized facility is at the Municipal boundary where dumping of mixed waste alone is practiced. Decentralized facilities are also provided at household level. Several pockets are formed as dumping areas. Not started legacy waste management.
- c. **Perumbavoor**- Population- 28105, Not provided any centralized plant and no scientific management of solid waste except some decentralized units. Several pockets are formed as dumping areas. Decentralized facilities are provided at household level.
- d. **Koothattukulam** - Population- 14000, Not provided any centralized plants and no scientific management of solid waste except some decentralized units.
- e. **Piravom**- Population- 29105, Not provided any centralized plant and no scientific management of solid waste except some decentralized units at household level.
- f. **North Paravur**- Population- 31503, Centralized facility is at 'Vedimara' where a small portion of biodegradable waste disposed through windrow composting. Major portion of mixed waste is dumped in the yard. Decentralized facilities are provided at household level. Several pockets are formed as dumping areas. Not started legacy waste management.
- g. **Maradu**- Population- 44704, Not provided any centralized plant and no scientific management of solid waste except some decentralized units.
- h. **Aluva**- Population- 22428, Not provided any centralized plant and no scientific management of solid waste except some decentralized units. They are transferring biodegradable fraction of their solid waste to Brahmapuram dumping yard.
- i. **Angamaly**- Population- 33465, Not provided any centralized plant and no scientific management of solid waste except some decentralized units. They are transferring biodegradable fraction of their solid waste to Brahmapuram dumping yard.
- j. **Thrikkakkara**- Population- 77319, Not provided any centralized plant and no scientific management of solid waste except some decentralized units. They are transferring biodegradable fraction of their solid waste to Brahmapuram dumping yard.
- k. **Thrippunithura**- Population- 69390, Not provided any centralized plant and no scientific management of solid waste except some decentralized units. They are



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transferring biodegradable fraction of their solid waste to Brahmapuram dumping yard.

1. **Kalamassery**- Population- 71038, No scientific management of solid waste except a portion of non biodegradable waste is seen processed through plastic shredder and balance is seen dumped in the yard. They are transferring biodegradable fraction of their solid waste to Brahmapuram dumping yard. Not started legacy waste management.

Photographs of some of the centralized facilities are shown as **Annexure 6**.

9. It is respectfully submitted that the Principal Bench of the Hon'ble National Green Tribunal has also passed orders fixing strict timeline on 10.01.2020 while considering OA No. 606/2018 and O.A. No. 519/2019 applicable to all the States as follows:

a) In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.

b) Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 28<sub>3</sub> even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places. Continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from



  
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*compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.*

10. It is respectfully submitted that a notice was served to the Secretary, Kochi Corporation assessing Rs. 13.95 Crores towards EC on 15.10.2020 which was assessed up to 30.09.2020. Though the Secretary, Corporation had submitted a reply on 02.11.2020, there was no reason for not levying the Environmental Compensation. Hence, the revised assessment was done for EC up to 31.12.2020 for Rs. 14.92 Crores and a direction under section 5 of the Environment Protection Act 1986 was issued on 13.01.2021 to remit the amount. Copy of the direction dated 13.01.2021 asking to remit EC is produced herewith and marked as **Annexure 7**. It is pertinent to note that directions were issued as per the section 5 of the Environment Protection Act 1986 to Aluva and Thrippunithura Municipalities also who are transferring biodegradable fraction of their solid waste to Brahmapuram Plant. Actions will be taken to assess EC against other Municipalities also after completing random surveys viz. Thrikkakkara, Angamaly and Kalamassery Municipalities. Copy of the direction issued to Aluva and Thrippunithura Municipalities are produced herewith and marked as **Annexure 8 & 9**. Reply received from the Secretary, Aluva Municipality is under scrutiny and no reply was received from Thrippunithura Municipality and Kochi Corporation till date but a petition was filed by the Corporation against such imposition of EC before the Hon'ble High Court in WP© 3478 of 2021 on which a stay was granted by the Hon'ble Court on 11.02.2021. Action is being taken to submit counter affidavit in the above mentioned case to vacate the stay order. However, on observing continuous violation in the improper management of solid waste and repeated fire accidents, a show cause notice was issued on 16.03.2021 as per the direction of the Chairman, SPCB asking explanation for not initiating legal actions including prosecution against the Secretary, Kochi Corporation. Copy of the Show Cause notice is produced herewith and marked as **Annexure 10**. No reply is received till date regarding this but informed vide letter dated 10.03.2021 submitted on 17.03.2021 the quantity of legacy waste deposited after conducting assessment and asking technical advice on the rate quoted by the company for the biomining of legacy waste. Since no such execution works are usually done by the Board it is difficult to address such questions and the Council can pass orders on such recommendation since specific orders are already passed by the Hon'ble Tribunal and the works related to remediation of legacy waste is delayed a lot in the long run.



*M. A. BAIJU*

**M. A. BAIJU**  
Chief Environmental Engineer

11. I may humbly present here that the declaration of the Corporation that they are in no way polluting the environment is absolutely incorrect. They have not obtained authorisation under the Solid Waste Management Rules, 2016 for the Brahmapuram Solid Waste Management Plant and the plant is at present utilizing as a dumping yard and there were several reports viz. Report of the Chairman, SLMC before the Principal Bench of the Hon'ble Tribunal dated 23.02.2019 which was taken on its own motion 'Suomotu' and numbered it as OA 514 of 2019 and recent reports produced by this respondent before the Chairman, SLMC which are shown as **Annexure 1 & Annexure 2** which are self explanatory that they have violated the relevant provisions of the SWM Rules 2016 and it may be relevant to note that the waste processing plant of the Corporation is functioning illegally from 1<sup>st</sup> May 2010 onwards (The authorization issued as per the MSW Rules 2000 become invalid on 30.04.2010) by violating the relevant provisions of MSW Rules 2000 till the commencement of the SWM Rules 2016. The Board shall take necessary follow up action in taking legal action against the Corporation for their failure to implement the SWM Rules, 2016 properly.



Dated this the 30<sup>th</sup> day of March 2021

**CHIEF ENVIRONMENTAL ENGINEER**

**M. A. BAIJU**  
Chief Environmental Engineer