

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI**

ORIGINAL APPLICATION NO: 169 OF 2024

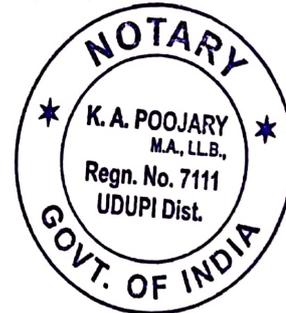
IN THE MATTER OF:

M/s. Parisara Samrakshana Samithi
Represented by its President
Mr. Shekar Kotian
Guru Complex, Pithrody,
Udyavara
Udupi Taluk and District,
Karnataka - 574 118
Mobile:
Email:

...Applicant

Vs

1. The State of Karnataka
Represented by the Chief Secretary,
Government of Karnataka
Forest, Biology and Environment Department
M.S. Building, Bengaluru - 546 001
Email: cs@karnataka.gov.in
2. The Chairman
Karnataka State Pollution Control Board
Parisara Bhavan,
#49, 4th & 5th Floor,
Church Street, Bengaluru - 560 001.
Email : chairman@kspcb.gov.in
3. The Environmental Officer
Karnataka State Pollution Control Board
Plot No:36C, Shivalli Industrial Area
Alevoor Road, Manipal,
Udupi Taluk, Udupi - 576 119
Email: udupi@kspcb.gov.in
4. The Senior Environment Officer
Karnataka State Pollution Control Board
Plot No:10B, Pasrisara Bhavana
Baikampady Industrial Area
Mangaluru - 575 011
Email: seomangala@kspcb.gov.in



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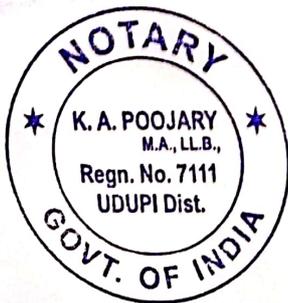
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NOTARY UDUPI

11/2/25

NO. OF CORRECTIONS Nil ONLY

5. Export Inspection Agency
Sub Office, Mangalore,
First Floor, Testing Centre, Business Development Park for Export, NH-
66, Panambur, MANGALORE, Karnataka
Email: eia-mangalore@cicindia.gov.in
6. Marine Products Export Development Authority
1st Floor, Sri Vinayaka Krupa Building
Ananda Shetty Circle
Attavara
Mangalore- 575 001
Email: ho@mpeda.gov.in
7. The Deputy Commissioner (JILLADIKARI),
D.C Office, Rajathadri, Manipal
Udupi District, Udupi
Karnataka- -576 104
Email: deo.udupi@gmail.com
8. The President
Udupi Zilla Panchayat, Rajathadri, Manipal
Udupi
Karnataka
Email: deo.udupi@gmail.com
9. The Chief Executive Officer
Udupi Taluk Panchayat
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Karnataka State
Email: deo.udupi@gmail.com
10. The Tashildar, Udupi Taluk Office,
Revenue Department, Bannanje,
Near S.P Office, Udupi
Udupi Taluk, Karnataka- 576 101
Email: thasildarudupi@gmail.com
11. The Grama Panchayath
Presented by its P.D.O
Udyavara Grama, Udupi Taluk and District
Karnataka State - 574 118
Email: udvavaragp@gmail.com
12. Under Secretary to Government
Urban Development Department
Urban Development Authorities and Town Planning
Matters,



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NOTARY UDUPI

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NO. OF CORRECTIONS N.I.L. ONLY

Room No:428, 4th Floor, Vikasa Soudha, Bangalore

13. Udupi Urban Development Authority,
Represented by its Commissioner,
Udupi Malpe Main Road
Udupi Taluk and District, Adi Udupi
Karnataka - 576 101
Email:commissioneruuda@gmail.com
14. Additional Chief Secretary to Government
Department of Forest, Ecology & Environment
Government of Karnataka and Chairperson
Room No: 448, 4th Floor, II Gate,
M.S.Building, Bangalore - 560 001
Email: prs-fee@karnataka.gov.in
15. Udupi Regional Director Office
Regional Director (Environment).
1st Floor, C Block
Rajathadri, Manipal
Udupi- 576 104
Email: udupi3crz@gmail.com
16. M/s. Karthik Marine Industries
S.No: 187/7, Pithrody Post,
Udyavara
Karnataka- 574 118
Email: karthikmarineindustries@gmail.com

...Respondents

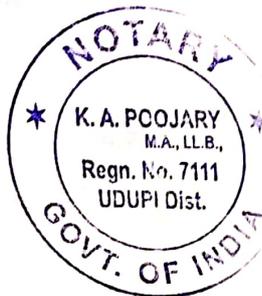
REPLY AFFIDAVIT FILED BY THE APPLICANT IN RESPONSE TO
THE REPORT FILED BY THE KARNATAKA STATE POLLUTION
CONTROL BOARD

I, Shekar Kotian, S/o. Late Koosa G Suvarna, aged 62 years, President,
M/s. Parisara Samrakshana Samithi, having office at Guru Complex,
Pithrody, Udyavara, Udupi Taluk and District, Karnataka - 574 118, do
hereby solemnly affirm and sincerely state as follows:

1. I submit that I am the Applicant in the above OA and that I am well
acquainted with the facts of the case and that I am competent to
swear to this affidavit.

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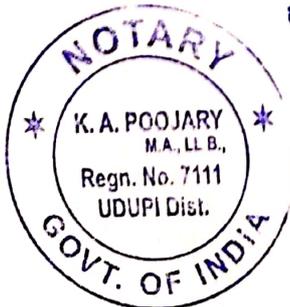
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2. At the outset, I deny the averments contained in the Report as false and incorrect and the Report is full of false representations and vague averments.

BRIEF FACTS OF THE CASE:

3. I submit that Udyavara is a village on the outskirts of the town of Udupi, Karnataka. The river Papanashini flows from east to west and turns north to separate Udyavara and Malpe. Udhayavara village is purely a residential zone and the agriculture is the main income source for the villagers. Pithrody Udyavar beach is located in the said village and it has become fisheries hub. Due to its high yielding, recently many fishing and its related activities have emerged, thereby causing water and air pollution in the said locality.
4. I further submit that the Central Government with a view to ensure protection of costal stretches and welfare of the fishermen community in those areas, published Coastal Regulation Zone Notification, 1991 which was later superseded by CRZ Notification, 2011. The Udyavara Village of Udupi District has been declared and classified as CRZ-1 and certain activities are prohibited under the CRZ Notification in the CRZ area.
5. I submit that the 16th Respondent is having its facility in S.Nos: 187/7, 188/1A, 1B,4C, 8A, 111/9, 189/1,2,7, 263/6 at Industrial Zone, Industrial Area, Pithrody Post, Udyavara, Udupi District. The said 16th Respondent's industry is in vicinity to the sea shore. It is submitted that the coastal zone in Karnataka stretches for 320 Kms in three Districts namely Dakshina Kannada, Udupi and North Canara Districts. Out of which, 98 Kms stretches in Udupi District, Karnataka State. There exists few large scale fish processing and Oil Companies in Maple, Kota Kundapura, Udyavara, Anagudde, Kote and Kadekar



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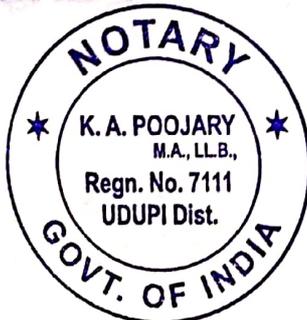
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Villages. Since the said industries were causing air and water pollution, the 10th Respondent had passed unanimous resolutions from time to time during the period 2015-2020 and made resolution for complete prohibition of issuance of NOC for conversion of agricultural lands into industrial lands in the village especially in entire Pithrody area.

6. I submit that thereafter, the 8th Respondent to the reasons best known to them, passed an order dated 31.01.2020, bearing No: JiPamUu/A.Nyayalaya:1:2019-20 permitting the conversion of agricultural lands for industrial purposes. The Copy of the Said Order dated 31.01.2020 was already produced as **Annexure 2**. As per the proceedings of the Government of Karnataka and GO. bearing No:UDD.76.MUDA 2020(E) dated 06.08.2020, the 12th Respondent accorded its approval for conversion of usage of land and the copy of the same was already produced as **Annexure 3**.
7. I submit that the said properties were purchased by the 16th Respondent and commenced its industrial operation. On 13.08.2020, the 13th Respondent intimated the approval for conversion of land and the copy of the same was already produced as **Annexure 4**. The 11th Respondent issued a letter dated 09.11.2020 regarding allegations raised against it by the former President and the same was already produced as **Annexure 5**.
8. On 26.11.2020, the 7th Respondent issued the following conversion order:

| S.No. | Date | Survey No. | Reference No. | Annexure |
|-------|------------|------------|---------------|----------|
| 1. | 26.11.2020 | 189/1 | 187484 | 6 |
| 2. | 26.11.2020 | 189/2 | 187485 | 7 |



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NO. OF CORRECTIONS Nil ONLY

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|----|------------|--------|--------|----|
| 3. | 26.11.2020 | 189/7 | 187487 | 8 |
| 4. | 26.11.2020 | 263/1A | 187498 | 9 |
| 5. | 26.11.2020 | 214/6 | 187491 | 10 |
| 6. | 02.12.2020 | 111/9 | 187471 | 11 |
| 7. | 02.12.2020 | 188/1B | 187479 | 12 |
| 8. | 02.12.2020 | 187/7 | 187477 | 13 |

The 10th Respondent issued the following Endorsement Order:

| S.No. | Date | Survey No. | Reference No. | Annexure |
|-------|------------|------------|---------------|----------|
| 1. | 30.11.2020 | 188/4C | LCUM10018569 | 14 |
| 2. | 30.11.2020 | 188/1A | LCUM10018049 | 15 |
| 3. | 30.11.2020 | 188/8A | LCUM10018051 | 16 |

Thereafter, on 09.12.2020, the 13th Respondent issued Plan Approval for Industrial Purpose and in furtherance of the same, on 12.02.2021, the 13th Respondent issued Commencement Certificate bearing No: UUDA/C.C/253/2020-21 in respect of 3.585 acres of land in Udyavara Village for the purpose of fish freezing plant. The same were already produced as **Annexure 17 & 18.**

9. I submit that thereafter, the 16th Respondent approached the 3rd Respondent under the Prevention of Air Pollution Act and Prevention of Water Pollution Act for consent for establishment of industry and the same to be followed by consent for operation of industry with an intention to establish a fish freezing unit (surimi fish). On 14.06.2021, the 3rd Respondent issued consent for establishment of a fish freezing activity (surimi fish) in favour of the 16th Respondent vide CTE-117046 dated 14.06.2021 and the said order was already produced as **Annexure 19.**

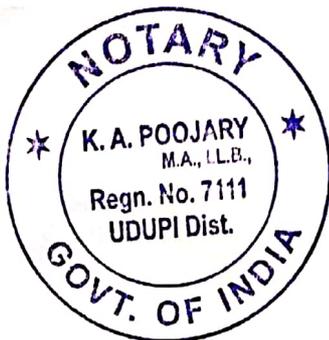


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10. As per the said regulations, industries are divided into green, orange and red zones. Permission to give consent for different zones is provided to senior officials starting from green zone followed by orange zone and red zone.
11. I submit that since the operation and activity of the 16th Respondent falls under orange category and since the 3rd Respondent did not have jurisdiction to issue the consent for establishment, one Mr. Jitendra Shetty, a resident as well as a public spirited person, agitated against the order of the said consent for establishment order.
12. I submit that during when the residents of the Udyavara Village were protesting against the order of the 3rd Respondent, the 16th Respondent approached the 3rd Respondent to obtain fresh consent for operation and the 3rd Respondent issued a consent for operation in favour of the 16th Respondent vide consent order dated 08.03.2023 bearing No: AW-122915 and the said industry was classified as Green and it was mentioned as Large scale industry. The said consent was issued as per the provisions of the Water (Prevention & Control of Pollution), 1974 and the Air (Prevention & Control of Pollution), 1981. The validity is from 08.03.2023 to 31.12.2037. The Copy of said order was already produced as **Annexure 20**.
13. As per the said consent order, the 16th Respondent shall carry out only fish freezing activity. It is to be noted that fish freezing involves only washing, cleaning of fresh fish and freezing them in cold storage and thereafter, to be exported. To the contrary, Surimi Fish process, the fish meat is extracted through processing of fish which involves consumption of a huge quantity of water and generation of large quantity of waste water. As per the consent for operation dated



NO. OF CORRECTIONS Nil ONLY

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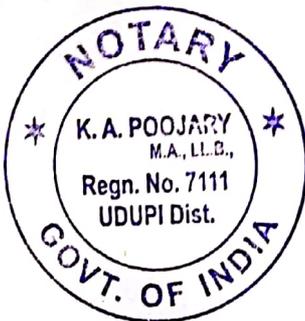
08.03.2023, the consent was given to the unit to utilise 3,50,000 Kilograms of water per product per month. However, to produce one kilo of surmi fish it requires approximately 20 litres of water and for a month around 7 crores litres of water is required. The residents of the Udyavara village use Well Water and Borewell water for their consumption as well as for their domestic use.

14. I submit that the 16th Respondent with an intent to expand its business applied for consent for establishment expansion before the 4th Respondent and the 4th Respondent issued a Consent for Establishment Expand dated 23.08.2023 bearing No: CTE-339132 and the said industry is classified as Orange and it was mentioned as large scale industry. The validity is till 22.08.2028. The said consent for establishment expand was issued as per the provisions of the Water (Prevention & Control of Pollution), 1974 and the Air (Prevention & Control of Pollution), 1981. It is pertinent to note that the 16th Respondent shall not carry out any operation pertaining to Orange Category in the residential area. The Copy of said order was already produced as **Annexure 21**.

15. In view of the expansion of business by the 16th Respondent, the Respondent is now carrying out Surmi fish manufacturing and processing unit, which comes under Orange Category. Such industrial activities shall not be permitted in the residential zone and it is highly suitable to be carried out at Special Economic Zone.

16. On 21.09.2023, I along with the residents of the Udyavara Village, collectively gave a representation against the land conversion. On the same day, the Applicant submitted its objections to various official authorities. The said representation was already produced as **Annexure 22**.

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17. The 16th Respondent right from the beginning has been causing pollution in all forms air, sound and water. The industry is situated in a densely populated area having 150 families living very closer to the industry. There is also a Primary Health Care, Anganwadi , Primary and High Schools, Temple and Religious institutions, etc. around the industry.

18. The resident of the said locality Ms.Sundari Poorarthi issued a legal notice dated 12.04.2023 to the Official Respondents and the same is replied by reply notice dated 05.05.2023. The said notices were already produced as **Annexure 23 and 24**. The reply dated 12.05.2023 issued by the 4th Respondent in respect of the SLP was already produced as **Annexure 25**.

19. I submit that as per the Consent for Establishment Expand dated 23.08.2023, the 16th Respondent should install ETP to water effluents. The 16th failed and neglected to install ETP till date and the untreated water is being let out into the open space and the same is causing water pollution and affecting the nearby residents. The 16th Respondent has not obtained NOC from Ground water Authority for withdrawal of ground water.

20. The main source of water for the residents of Udyavara village is ground water. Since the 16th Respondent has not taken any steps to adhere to the norms of the environmental laws, the ground water has become unfit for consumption as well as for domestic use. It is pertinent to note that on 15.02.2020 Medical officer, Primary Health Centre Mudabettu submitted his report dated 22.01.2020 to the District Health Officer, wherein it is clearly mentioned that out of 49 wells around the area of fish mills in Pithrodi, Udyavara Village, 46



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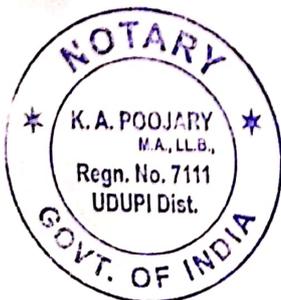
NO. OF CORRECTIONS ONLY

wells have become unfit for drinking. The residents of the Udyavara Village have filed a complaint to the 11th Respondent regarding the water pollution and till date no action has been taken. The Applicant and the residents of the Udyavara Village staged a protest against the operation of the 16th Respondent and the newspaper articles regarding the same was already produced as Annexure 26. The legal notice dated 08.08.2023 issued to the 11th Respondent and the legal notice dated 01.08.2023 issued to the 3rd & 4th Respondents in respect of the said issue and the same were already produced as Annexure 27 & 28. Thereafter, the legal notice dated 16.09.2023 was issued to the concerned officials and the same was already produced as Annexure 29. The Reply dated 19.12.2023 was already produced as Annexure 30. The Public objections dated 07.02.2017 was already produced as Annexure 31.

21. I submit that the 7th Respondent gave an order for conversion of agricultural land to industrial operation only to the extent of carrying out Fish Freezing which comes under Green Zone. The Applicant has also given a complaint to the 7th Respondent to cancel the said expansion of the 16th Respondent to operate under Orange Category and still no action has been taken.

22. The 16th Respondent has laid a pipeline to Udyavara Papanashini River without any permission and they are continuously discharging the industry effluents into the water body. The 16th Respondent flouted the rules and regulations to be observed in the Coastal Regulation Zone.

23. It is pertinent to note that in the year 2020, the 11th Respondent filed a Writ Petition in WP.No: 8755 of 2020 against the concerned authorities against the land conversion. However, the said Writ



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NO. OF CORRECTIONS Nil ONLY

Petition was withdrawn during the election for the reasons best known to them.

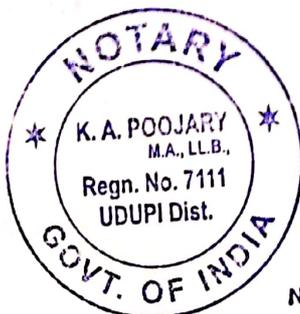
The order in the said WP was already produced as **Annexure 32**. The legal proceedings initiated by the residents of the village against the consent order for establishment passed by the 3rd Respondent was already produced as **Annexure 33**.

24. Initially, the consent for establishment was issued to the 16th Respondent to perform only Fish Freezing operation which was classified as Green Category considering the residential zone and thereafter, more particularly during the Covid 19 period, the 16th Respondent obtained various permission to carry out the Surimi processing which comes under Orange Zone. The Official Respondents are illegally accommodating the 16th Respondent's unit to carry out their prohibited activities without taking an action.

POINTS FOR CONSIDERATION:

- a. The 16th Respondent is conducting Surimi Fish Activity which does not fall under "Fish Freezing Unit". In the Annexure R1, it is specifically mentioned that the process involves purchase of whole fish cutting (i.e. separation of head tail and intestine) washing, crushing (removal of skin and bone) washing and freezing. Therefore, the 16th Respondent conducts cutting and crushing process which is prohibited in the Orange category.
- b. The process involves beheading of fish which shall not be permitted under Orange Category (Large Scale) in the residential place.
- c. The 16th Respondent mentioned the proposed activity was Fish Freezing activity (Surimi Fish). The Fish Freezing Activity comes under Green Category however, the Surimi is a crude myofibrillar

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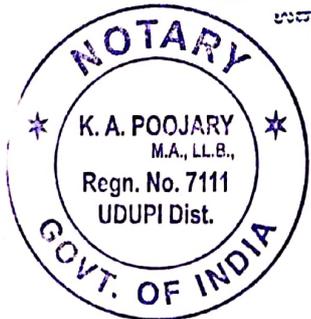
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protein concentration prepared by washing minced, mechanically deboned fish muscle to remove sarcoplasmic constituents and fat, followed by mixing with cryoprotectants to prevent protein denaturation during frozen storage. Under the guise of fish freezing activity, the 16th Respondent has illegally obtained consent for surimi fishing.

d. The 16th Respondent initially obtained Consent for Operation from the authority which does not have any jurisdiction and when the same is challenged and sub j dice before the Supreme Court of India, thereafter, the 16th Respondent in a cunning manner obtained another consent for Operation from the 3rd Respondent and subsequently obtained Consent for Establishment Expand. The 16th Respondent is legally not entitled to conduct the said activities in the said locality causing water and air pollution to the residents and also affecting the marine creatures. The Official Respondents in connivance with the 16th Respondent failed to protect the environment and the Respondents are in violation of all environmental laws and norms.

e. The trade effluents accumulating from the 16th Respondent are being discharged into the river Papanashini polluting the said water body affecting the aquatic life of the said river as well as the sea. Further, the activity of fish cutting and processing generates solid wastes from the fish which could not be used to further use by cutting and processing and are dumped in various places of the village including the river banks. The bad odour and smell and the accumulation of flies and insects would lead to infectious diseases. The above issue of foul smell makes it unpleasant for senior citizens and children.

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 NOTARY UDUPI
 1/12/25

NO. OF CORRECTIONS 04 ONLY

- f. The none of the conditions stipulated in the consent order was observed by the 16th Respondent and the 16th Respondent gave incorrect information to the authority.
- g. The 16th Respondent without installing appropriate ETP and without obtaining necessary NOC from appropriate authorities laid down pipeline to discharge industrial effluents into Papanashini River.
- h. The untreated water is being let out into the open space and the residues of the Surimi Fish manufacturing and processing are dumped in the village and the same is causing severe water and air pollution.
- i. The conversion order passed by the 7th Respondent is only for carrying out Fish Freezing (Green Category) and now, the 16th Respondent is carrying out operations which comes under Orange Category.
- j. The 13th Respondent issued the commencement certificate dated 12.02.2021 for the purpose of fish freezing plant alone. Without considering the same, the 4th Respondent issued the Consent for Establishment Expand dated 23.08.2024. The 16th Respondent violated the norms of the environmental laws.

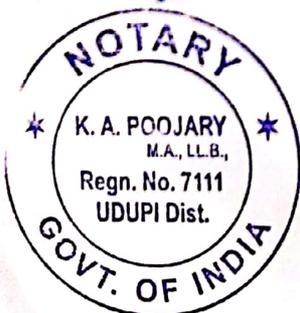
In view of the above, it is prayed that this Hon'ble Court be pleased to take this Reply Affidavit on record and direct the 16th Respondent to cease all its Surimi Fish Activity in its establishment and thus render justice.

Dated at Udayavara on this the 1st day of December, 2025

Applicant

Counsel for the Applicant

ಚರಣ ನರಸಿಂಹ ನಾಯಕ
 47111
 UDUPI DIST.



SIGNED BEFORE ME
 NOTARY UDUPI
 11/12/25

K. A. Poojary
 M.A., LL.B.
 Advocate & Notary
 1st Floor Shyam Complex
 Maruthi Veethika, UDUPI

NOTARIAL REGISTER
 S.No. 365 DL 11/12/25

NO. OF CORRECTIONS Nil ONLY

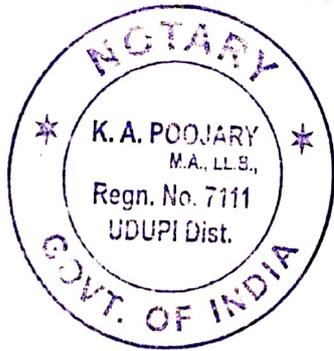
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VERIFICATION

I, Shekar Kotian, S/o Late . Koosa G Suvarna, aged 62 years, President, M/s. Parisara Samrakshana Samithi at Guru Complex, Pithrody, Udyavara, Udupi Taluk and District, Karnataka - 574 118, the Applicant herein, do hereby verify that the contents of the above Paragraphs are true and correct to my personal knowledge and belief and that I have not suppressed any material fact.

ಪರಿಸರ ಸಂರಕ್ಷಣಾ ಸಮಿತಿ
574118
ಶೇಕರ್ ಕೋಟಿಯನ್, ಅಧ್ಯಕ್ಷರು

Deponent

Udayavara
Date: 01.12.2025



SIGNED BEFORE ME

NOTARY UDUPI

1/12/25
K. A. Poojary
M.A., LL.B.
Advocate & Notary
1st Floor Shyam Complex
Maruthi Veetnika, UDUPI

NO. OF CORRECTIONS Nil ONLY

NOTARIAL REGISTER
SI No. 365 Dt. 1/12/25

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI**

ORIGINAL APPLICATION NO: 169 OF 2024

IN THE MATTER OF:

M/s. Parisara Samrakshana Samithi
Represented by its President
Mr. Shekar Kotian
Guru Complex, Pithrody,
Udyavara
Udupi Taluk and District,
Karnataka - 574 118
Mobile:
Email:

...Applicant

Vs

1. The State of Karnataka
Represented by the Chief Secretary,
Government of Karnataka
& 15 others

**REPLY AFFIDAVIT FILED BY THE APPLICANT IN RESPONSE TO
THE REPORT FILED BY THE KARNATAKA STATE POLLUTION
CONTROL BOARD**

**MR. N.RAVINDRANATH KAMATH
SENIOR ADVOCATE**

**K.V.PAWAN KUMAR
R.S.SHAKTHIVEL
COUNSEL FOR THE APPLICANT**