

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****IN****ORIGINAL APPLICATION NO 623/2025 (PZ)****Petitioner** :: **Suo Moto****Vs.****Respondents** :: **The Chairperson,
Kerala State Pollutions Control Board****VOLUME-I****INDEX**

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Dated this the 21st day of March 2026**Jogy Scaria, Advocate****ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT:**

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

IN

ORIGINAL APPLICATION NO 623/2025 (PZ)

Petitioner	::	Suo Moto
	Vs.	
Respondents	::	The Chairperson, Kerala State Pollutions Control Board

**REPORT FILED BY THE RESPONDENT IN THE ORIGINAL
APPLICATION NO 623/2025 CASE**

I, Noby George , aged 48 years, S/o late K.T George, residing at Ernakulam presently working as Environmental Engineer, Legal Cell, Regional Office, Kerala State Pollution Control Board (hereinafter referred to as Board), Ernakulam. I am competent to and duly authorized to represent Board, do hereby solemnly affirm and state as follows:

The Kerala State Pollution Control Board, a Grant-in aid regulatory body was constituted in September 1974 by notification in the official Gazette by the State Government vide G.O(Ms) No.205/74/HD dated 12.09.1974 exercising the powers vested under Sec.4 (1) & (2) of the Water (Prevention and Control of Pollution) Act, 1974 (herein after referred to as the **Water Act**). According to Sec.4 of the Air (Prevention and Control of Pollution) Act, 1981




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(herein after referred to as the **Air Act**) the State Board constituted under Sec.4 of the Water Act is deemed to be the Board constituted under the Air Act also.

The members of the Board including it's Chairman and Member Secretary are nominated by the State Government as per Sec.4 (1) & (2) of the Water Act.

Sec.37 of Water Act read as follows:

"Fund of State Board.- (1) *The State Board shall have it's own fund, and the sums which may, from time to time, be paid to it by the State Government and all other receipts (by way of gifts, grants, donations, benefactions fees or otherwise of that Board shall be carried to the fund of the Board and all payments by the Board shall be made there from.*

(2) *The State Board may expend such sums as it thinks fit for performing it's functions under this Act, 2 [and, where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function under such law by the State Board, also for performing it's functions under such law] and such sums shall be treated as expenditure payable out of the fund of that Board".*

The primary income source is the consent fee levied under the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981 and authorisation/registration fee levied under the various waste management Rules notified under the Environment (Protection) Act, 1986.

The Board also receives minimal direct financial support from State Government; as PLAN (as contribution).




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The fund collected for granting consents under the Water Act and the Air Act and Rules under the Environment (Protection) Act, 1986 and the grants received from State as budgetary support is considered as own fund of the Board for fulfilling it's main objectives like preventing, controlling and abating pollution, enforcing environmental laws, monitoring ambient air and water quality, implementing schemes like extended producer responsibility (EPR)-for sustainable development, awareness building etc.

A specific and substantial portion of funds held by State Pollution Control Boards (SPCBs) is strictly earmarked for environmental compliance and the implementation of scheduled enactments.

Following **National Green Tribunal (NGT)** directives, the Kerala SPCB maintains a separate account for Environmental Compensation (EC) for compensation recovered from polluters. These funds are earmarked environmental protection activities, carrying out site-specific remediation etc.

Grants received from the State/Central Government are strictly earmarked for designated programs which are subject to audit by the **Comptroller and Auditor General (CAG)**.

As far as KSPCB is concerned, the **Air Act, 1981** (Section 33) and **Water Act, 1974** mandate that every State Board maintain it's own fund for statutory purposes. All receipts, including fees and grants, are technically carried to this fund for the Board's exclusive use in performing its functions.

The **Kerala Local Fund Audit Act** has been recently amended to include the audit of KSPCB, for ensuring that the Board's revenue receipts and expenditures are subject to rigorous state-level audit.




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It is also submitted that the State Government had issued directives wherein it was directed that PSUs/Autonomous Institutions/State Owned/sponsored Agencies shall make fixed deposits in State Treasury using their own funds/profits if the rate of interest in treasury is higher than the other available options. This directive was issued while admitting the right of the institutions to derive maximum benefit from their own deposits, being public money such investments should fetch maximum return. Apart from the above general instructions issued for compliance, no funds from the Board were diverted for developmental activities which are outside the domain of activity of the SPCB.

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 21st day of March 2026




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