

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

**Original Application No. 442 of 2013 (SZ)
With
Original Application No.20 of 2017 (SZ)
With
Original Application No.276 of 2017 (SZ)
With
Original Application No.77 of 2021 (SZ)**

IN THE MATTER OF:

Jith Kumar		...Applicant(s)
	Versus	
The State of Kerala and Ors.		...Respondent(s)
	With	
Abdul Bhasheer		...Applicant(s)
	Versus	
Kochi Municipal Corporation and Ors.		...Respondent(s)
	With	
Lawyers Environmental Awareness Forum		...Applicant(s)
	Versus	
State District Environment Impact Assessment Authority, Trivandrum & Ors.		...Respondent(s)
	With	
Suo Motu proceedings initiated based on a letter Received from Justice A.V. Ramakrishna Pillai, Former Judge, High Court of Kerala, Chairman, State Level Monitoring Committee, kerala.		
	Versus	
The Chief Secretary, Government of Kerala, Thiruvananthapuram & Ors.		...Respondent(s)

REPORT FILED ON BEHALF OF DISTRICT COLLECTOR, ERNAKULAM

M/s. E.K.KUMARESAN

Original Application No. 442 of 2013 (SZ) - Counsel for R1
Original Application No.20 of 2017 (SZ) - Counsel for R6 and R9
Original Application No. 276 of 2017 (SZ) - Counsel for R3, R5 and R9
Original Application No. 77 of 2021 (SZ) - Counsel for R1 to R3, R5 and R7
Standing Counsel for State Government of Kerala
NGT(SZ) Chennai Bench

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The Chief Secretary, Government of Kerala,
Thiruvananthapuram & Ors. ...Respondent(s)

REPORT FILED ON BEHALF OF DISTRICT COLLECTOR, ERNAKULAM

It is submitted that the District Collector, Ernakulam herein has filed a report in the above Original Application as per the direction of this Hon'ble National Green Tribunal dated 21.06.2021

1. It is respectfully submitted that District Collector Ernakulam in the capacity of Chairman District Disaster Management Authority has been ensuring all support and coordination required in the matter to Kochi Municipal Corporation to resolve the solid waste management issue in Brahmapuram.

2. It is also respectfully submitted that land to an extent of 100 acre for this purpose was identified and handed over by the District Collector in 2004. Similarly, the District Collector has intervened to ensure the road connectivity to the plant and issued the sanction for completion of road works under DM Act. Similarly, waste to energy plants were sanctioned by the State Govt using the Disaster Management Act 2005.
3. It is also respectfully submitted that the District Collector has been convening the coordination meetings with various stakeholders in the matter and therefore there has been good progress in the last 6 months in the matter which is listed below:

a) **Biomining of Legacy waste:** Vide G.O (Ms)No.8/2020/DMD dated 05/03/2020, invoking the provision under Section 24(e) of Disaster Management Act 2005 the task of scientific management of legacy waste accumulated at Brahmapuram waste dumping yard was taken over by the Government in LSG Department as the financial bid/quoted rate of the tender floated by Kochi Corporation on 26/10/2019 was not approved by the Corporation Council in its meetings held on 28/01/2020, 06/02/2020, 22/02/2020, 28/02/2020, 02/03/2020 and 03/03/2020. Fresh tenders were floated by KSIDC as per the directions in the G.O mentioned in the above paragraph on 20/03/2020. As there was only one participant, the work was retendered on 24/06/2020. The tender procedures were completed by KSIDC on 12/10/2020.

As Vide letter No.238/DC1/2020/LSGD dated 22/10/2020 Kochi Corporation was directed by the Government to examine the quantity of legacy waste assessed and the rate quoted by the consortium led by M/s Zonta Infratech Pvt Ltd, the bidder selected for the rehabilitation of municipal solid waste dump site at Brahmapuram in consultation with KSPCB and submit the report NIT Calicut was engaged to conduct a drone survey which was completed on 09/02/2021. The final report submitted by NIT Calicut was submitted to the Government on 07/04/2021.

Vide G.O(Rt)No.1219/2021/LSGD dated 27/06/2021 Government has directed to issue work orders to the agency (M/s Zonta) identified through the tender process. Based on the Council Resolution No.1 dated 22/07/2021 the work was awarded to M/s Zonta Infratech Pvt Limited the agency identified for the work of biomining Vide LOA No. No.MOE2/3760/20 dated 23/07/2021.

- b) **Waste to Energy project:** As the concessionaire M/s GJ Ecopower Private limited could not demonstrate and submit the financial closure or financial plan for funding the project even after 1400 days of signing the agreement, Government vide G.O (Rt)No.815/2020/LSGD Dated 30/04/2020 cancelled the approval granted to the concessionaire M/s GJ Ecopower Pvt Ltd and directed Kochi Corporation to terminate the concession agreement. KSIDC was directed to float fresh tenders for the waste to energy project. The concession agreement was terminated by Kochi Corporation accordingly. The concessionaire was also heard by the Government as directed by Hon'ble High Court and Vide G.O (Rt)No,1064/2020/LSGD dated 05/06/2020 Government affirmed that the concessionaire would not be able to implement the project even if more time is granted and directed KSIDC to go ahead with tendering of the work.

New tenders for waste to energy plant were invited by MD, KSIDC on 24/06/2020(as the concession agreement signed in February 2016 was cancelled by the Government as the concessionaire could not submit the financial close) with last date for submission of bids on 04/09/2020. As only one bidder got qualified retenders were invited on 08/01/2021 with closing date on 23/01/2021.

M/s Zonta Infratech has been selected as the successful bidder. Evaluation and finalisation of the tender is being done at the Government level. It is learnt that the file is under the consideration of the cabinet and regarding the transfer of land to KSIDC for subleasing to the concessionaire of waste to energy project agenda is placed before Kochi Corporation Council for its approval.

- c) **Leachate treatment of the existing compost plant:** The work for preparation of DPR for leachate treatment plant was awarded after tendering process to the lowest bidder on 29/07/2019. GIZ a German cooperation agency who supports Corporation under the Sustainable Urban Development -Smart Cities project was also engaged to suggest suitable technology for the leachate treatment plant. As the technology proposed by GIZ that of Sequencing Batch Reactor was different from that proposed by Suchitwa Mission of Electrocoagulation, the council that met on 03/03/2020 referred the matter to the Health Standing Committee and the committee wanted to take a suggestion from Suchitwa Mission.

Accordingly, the Suchitwa Mission was requested on 04/08/2020. Vide letter No.1202/G/2018/SM dated 09/11/2020 Suchitwa mission had directed to take up construction of leachate treatment plant only after constructing the collapsed roof of the compost plant and assessing the actual quantity of leachate generated. Till then the leachate shall be treated in the septage treatment plant.

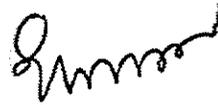
Accordingly, 5 truckloads of leachate are taken to the septage treatment plant and treated there. New leachate treatment plant construction will be taken up along with the new compost plant.

- d) **Construction of collapsed roof and structure of the compost plant shed:** An amount of Rs.1 Crore has been budgeted in the plan fund of 2020-21 for preparing the design and initial work. The work was tendered and an agency M/s Esteem Builders was selected. Agreement executed on 15/06/2021 with 4 months completion time, Work of preparing design is in progress. Preliminary survey has been completed. Tendering of the work will be initiated soon after completion of the design works.
- e) **Operation of MRFs and construction of MCFs:** MCF will be constructed in each of the 21 Health Circles. Details furnished in the attached Action plan.
4. It is most respectfully submitted that District Collector Ernakulam has been ensuring and will ensure all necessary support and coordination required in the matter to Kochi Municipal Corporation

to resolve the long pending issue of Solid Waste Management at
Brahmapuram.

Therefore, it is most humbly prayed that this Hon'ble Tribunal may be
pleased to take the said Report filed by the District Collector, Ernakulam on
Record and thus render justice.

Dated at Chennai on this the 29th day of July 2021.



(E.K.Kumaresan)

OA No. 442 of 2013 (SZ) - Counsel for R1
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**REPORT FILED ON BEHALF OF
DISTRICT COLLECTOR,
ERNAKULAM**

M/s. E.K.KUMARESAN

Standing counsel for Kerala (SZ)

Report submitted by District Collector Ernakulam
before the NGT Southern zone Chennai in OA No. 442/2013
Heard on 21.06.2021

1. Hon'ble NGT in the order in OA No. 442/2013 dated 21.06.2021 directed *The District Collector, Ernakulam to file a detailed report regarding the steps taken by them for resolving the issue, after they have been designated as a nodal officer to resolve the issue invoking the power vested under Disaster Management Act, 2005 by the Government*".
2. It is respectfully submitted that District Collector Ernakulam in the capacity of Chairman District Disaster Management Authority has been ensuring all support and coordination required in the matter to Kochi Municipal Corporation to resolve the solid waste management issue in Brahmapuram .
3. It is also respectfully submitted that land to an extent of 100 acre for this purpose was identified and handed over by the District Collector in 2004. Similarly the District Collector has intervened to ensure the road connectivity to the plant and issued the sanction for completion of road works under DM Act . Similarly , waste to energy plants were sanctioned by the State Govt using the Disaster Management Act 2005.
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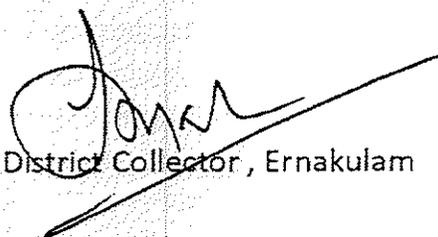
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