

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
IN
ORIGINAL APPLICATION NO. 100/2021

Petitioner : Tribunal on its own motion Suo Motu based on the News item published in The Hindu Newspaper, Chennai Edition Dt. 09.04.2021, “ Dumping of garbage foiled near Anamalai, trucks Seized”.

Versus

Respondent(s) : Chief Secretary to Govt. of Tamil Nadu , & Others

VOLUME 1

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Dated this the 28st day of July 2021

Rema Smrithi, Advocate
ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT

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REPORT FILED BY THE ENVIRONMENTAL ENGINEER,
REGIONAL OFFICE, ERNAKULAM FOR AND ON BEHALF OF
THE KERALA STATE POLLUTION CONTROL BOARD

Adv.Rema Smrithi.

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT:

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**REPORT FILED BY THE ENVIRONMENTAL ENGINEER, REGIONAL OFFICE,
ERNAKULAM FOR AND ON BEHALF OF THE KERALA STATE POLLUTION
CONTROL BOARD**

1. I, Mini Mary Sam, aged 54 years, W/o. Sri. Ranjan Jacob Environmental Engineer, Kerala State Pollution Control Board, Regional Office, Ernakulam do hereby submit that I am authorized to represent the 4th respondent and that I am conversant with the facts of the said case as available from the official records and I state as follows:
2. It is submitted that the office of District Collector, Thrissur had conducted enquiry into the subject matter and found that the waste was dumped by one Sri. Reghunath with whom Thrissur Corporation had entered into a contract for disposing the rejects of municipal solid waste. As per the records submitted by the Corporation to the Board, the contractor had removed 1225840 kg of waste from the Corporation area with effect from 14.09.2020.




Mini Mary Sam
 Environmental Engineer(MG)

3. Hence the Board's Environmental Engineer, Thrissur has issued a letter dated 10.06.2021 to the corporation to offer its explanation for entering into an agreement with a contractor for

1. The corporation authorities failed to verify whether the waste was being handled as per the provisions of the Solid Waste Management, Rules, 2016 as the responsibility of the segregation and the transportation of the waste to the processing facility is vested with the local body as per the Rules.
2. Not verifying whether the contractor is having any facility as per the affidavit submitted by him to the corporation
3. The facility is not having the consent from the Board.

A copy of the letter of the Environmental engineer dated 10.06.2021 is enclosed as **Annexure 1**

4. In the reply the Thrissur Corporation reported that as per the agreement, concessionaire Sri. Reghunath has been approved as the operator of the facility/service provider. The conditions entered and agreed between concessionaires clearly specify and mandates the conditions on which the entire agreement lies. According to them, the legal exclusionary clause clearly states that the concessionaire shall show utmost caution and due diligence while handling transporting and processing the solid waste as per the agreement and hence the Corporation cannot be legally held responsible for the breach of contract done by the concessionaire. They have also stated that in the FIR, the name of Thrissur Municipal Corporation is nowhere mentioned .Copy of the reply from Thrissur Corporation dated nil is enclosed as **Annexure 2**.

5. It is also reported that they have withdrawn the agreement with Sri. Reghunath and took adequate legal steps to address the issue in an effective manner. The Corporation has requested not to proceed against them as they have withdrawn the agreement and moved legally.

Further evidence in this matter from the police department is awaited.

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

Dated this the 28th July 2021.



Mini Mary Sam
Deponent
Mini Mary Sam
Environmental Engineer(MG)