

REPORT FILED BY THE ENVIRONMENTAL ENGINEER, DISTRICT
OFFICE KOTTAYAM IN APPEAL 50/2021 BEFORE HON'BLE
NATIONAL GREEN TRIBUNAL

M/s. Palackal Timbers, Cheruvandoor, Kottayam is a Veneer and plywood Products production unit in Kottayam District. Based on an application from Sri. Shamma A. Sahib, consent to establish a veneer unit was issued on 03.10.2016 for establishing a veneer unit in sy.no.124/2 of Peroor village in Kottayam taluk in Kottayam District. Later, on 20.12.2017, consent to operate of the Board was issued for production of 500 cu.ft. of veneer and plywood products in sy.no.124/2, 125/4-1, 124/1-1 of Peroor village. Later based on a complaint received, an inspection was conducted and noticed that they had violated the distance norms and boundary conditions for establishing a plywood manufacturing unit. Hence consent withdrawal intention Notice dated 27.09.2018 was issued since the documents submitted in connection with the lease agreement was found false thereby misleading the Board and for not providing adequate set back. Copy of the consent withdrawal intention notice is attached and marked as Annexure I. Then the owner of the unit approached the Hon'ble High court and filed a case WP(C) No.3315/2018. The court disposed of the matter with a direction to the Pollution Control Board to attain finality to the Exhibits produced and to conduct hearing with the affected parties within 2 months. As such a hearing was conducted in the Head Office, of the Kerala State Pollution Control Board, Thiruvananthapuram on 10.12.2018. Based on the hearing the Chairman of the Board directed the vigilance and surprise squad of the Board to conduct enquiry and they conducted an inspection on 01.01.2019. Based on the inspection, the vigilance and surprise squad instructed the District office to issue show cause notice to the company since they have violated the distance norms and boundary conditions. A Copy of the show cause notice issued dated 03.04.2019 is attached and marked as Annexure II. Again Sri. Shamma, the owner of the unit filed a case in the High Court WP(C) No.1934/2019 and the honourable court directed the Board to finalise the proceedings based on the hearing conducted by the chairman and the reply submitted by the owner of the unit within 2 months after conducting a hearing. On 02.05.2019 another hearing was conducted. The complainant did not attend the hearing and requested to grant 10 days time for attending the hearing. Also they informed that there is a case in the High court WP(C) No.13038/2019 filed by Sri.K.G.Rajappan.

The owner of the unit informed that he will soon purchase the nearby land and submitted the copy of the agreement in 100 Rs.stamp paper. Since he has not submitted any proper documents substantiating the authenticity in the survey no of the lease agreement submitted earlier, the matter was reported to the standing counsel of the Board for further follow up action to be taken in this regard.

Since the Hon'ble High Court has directed this office to take decision in the matter after hearing all the concerned parties, a hearing was again conducted on 27.05.2019 for giving an opportunity to the complainants. The complainants repeatedly informed that the lease document which was produced earlier is a forged one and the unit had been established by suppressing the actual facts regarding the set back and the distance norms. Since the referred site didn't satisfy the norms applicable to plywood units and the owner of the unit has failed to submit the required documents, closure order had been issued to the unit on 30.05.2019. A copy of the closure order issued dated 30.05.2019 is attached herewith. The Hon'ble High Court disposed of both the cases filed and ordered the Pollution Control Board to ensure the closure ordered by the PCB.

Then the applicant filed an appeal (Appeal no.9/2019) before The Air Appellate Authority, Thiruvananthapuram.

In WP(C) No.11198/2021, filed by Sri. Shammy A. Shahib, the owner of the unit the Hon'ble High Court of Kerala on 16.07.2021 issued order in favour of the petitioner to continue the functioning of the unit till 30.07.2021, the date on which his appeal filed before the Hon'ble NGT comes up for hearing.

The appeal filed before The Air Appellate Authority, Thiruvananthapuram was dismissed as the same was found to be devoid of any merit vide order dated 26.03.2021. A copy of the judgement is attached. This is for favour of information and further necessary action.



Environmental Engineer