

Item No.2

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(Through Physical Hearing with Hybrid VC Option)
Original Application No.502/2022

Padmakumar

...Applicant

Versus

State of Kerala

...Respondent

Date of hearing: 13.12.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Arun Chand, Advocate (through VC).

Respondents: Mr. Nishe Rajen Shonker and Mr. Alim Anuar, Advocates
for State of Kerala.
Mr. Keerthi Priyan. E, Advocate for Mr. Jogy Scaria,
Advocate for Kerala State Pollution Control Board.

Application is registered based on a Letter Petition received by Email.

ORDER

1. Padmakumar S resident of Kochuveetil, Mullakkeri Panmana, Manayil PO, Kannathu District, Kollam, Kerala has sent the present letter petition, which is treated and registered as original application, complaining that Kerala Minerals and Metals Ltd. (KMML) Chavara in village Pamana of Kollam District of Kerala is polluting the land and water bodies for about 30 years by discharging acid water. The area surrounding the factory has become unfit for any purpose. 15 families are residing close to the acid collecting tank of company. The villagers were forced to close drinking water wells which were filled with acid. Cultivation is also not possible in the area.

Lots of coconut trees fell due to corroded land. The industry is pumping acid waste directly to sea and connected lake through canals. Vattakkayal, a part of Ashtmudi, Vembanad lake in Porookkara is now filled with the acid clay waste polluting the environment and endangering life of the villagers.

2. Vide order dated 29.08.2022, this Tribunal constituted a Joint Committee comprising of Principal Secretary (Industries & NORKA), Government of Kerala, CPCB, State PCB, State Wet Land Authority and Collector, Kollam and directed the same to submit factual and action taken report within one month and send the copies of the report of the Joint Committee to the Project Proponent/Statutory Authorities.

3. In compliance thereof, Mr. Sreekala S, Chief Environmental Engineer has submitted report of the Joint Committee vide email dated 29.11.2022.

4. In its report, the Joint Committee has submitted that the water and sludge samples taken from the industrial unit and its premises were taken to Central Laboratory, KSPCB, Ernakulam for processing and thereafter digested samples (21 Nos) were sent to Regional Lab of Regional Directorate, CPCB, Bengaluru for further analysis. As per the decision of the Joint Committee, the final report shall be prepared and submitted before this Tribunal at the earliest after obtaining the analysis result of the samples, sludge samples and samples of stagnant water near the industry premises collected during the visit of Joint Committee on 17.10.2022.

5. The Joint Committee is directed to submit its further report by 31.01.2023 by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

6. In view of the averments made in the application and observations made in the report of the Joint Committee, we consider it appropriate to

have response of (1) State of Kerala through Chief Secretary, Government of Kerala, (2) Principal Secretary, Department of Industries & NORKA, State of Kerala, (3) State PCB, (4) Member Secretary, Kerala State Wetland Authority, (5) the District Collector, Kollam, and (6) the Project Proponent- M/s Kerala Minerals and Metals Ltd., who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 6.

7. Notice requiring filing of reply/response within two months be served on the Project Proponent- M/s Kerala Minerals and Metals Ltd. through the District Collector, Kollam and for this purpose notice issued to the Project Proponent be sent to the District Collector, Kollam by E-mail for getting service of the same effected on it and sending his report in this regard.

8. Mr. Nishe Rajen Shonker and Mr. Alim Anuar, Advocates accept notice on behalf of respondents no. 1, 2, 4 and 5 and Mr. Keerthi Priyan. E, Advocate accepts notice on behalf of respondent no. 3 and they seek time to file reply/response on behalf of respondents no. 1 to 5.

9. Reply/response by respondents no. 1 to 6 be filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

10. In view of the observations made in the report of the Joint Committee and environmental statutory enactments casting obligations on the State and its instrumentalities and State Pollution Control Board to protect and improve environment, the respondents no. 1 to 5 are also directed to take appropriate remedial measures and also file Action Taken Report alongwith their reply/response within two months as directed above.

11. List for further consideration on 06.03.2023.

12. A copy of this order be sent to the District Collector, Kollam for requisite compliance for effecting service of notice on the project proponent and sending his report to this Tribunal

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 13, 2022
AG