

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No.502/2022

Padmakumar

...Applicant

Versus

State of Kerala

...Respondent

Date of hearing: 29.08.2022

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

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 Poroorkara is now filled with the acid clay waste polluting the environment and endangering life of the villagers.

2. This Tribunal is empowered to *suo moto* take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in First Schedule of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897.**

This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the allegations made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the allegations made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of Principal Secretary (Industries & NORKA), Government of Kerala, CPCB, State PCB, State Wet Land Authority and Collector, Kollam and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to

(i) Project Proponent to enable it to comply with the recommendations in its report or file objections against the observations/recommendations in the report of the Joint Committee and file its response before this Tribunal as desired within one month

from the date of receipt of a copy of the report of the Joint Committee;
and

(ii) Principal Secretary (Industries & NORKA), Government of Kerala, State PCB, State Wet Land Authority and Collector, Kollam to enable them to take appropriate remedial action by giving notice to/hearing the project proponent and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and protection and improvement of environment and submit their action taken report within one month from the date of receipt of a copy of the report of the Joint Committee.

5. List for further consideration on 13.12.2022.

6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Principal Secretary (Industries & NORKA), Government of Kerala, CPCB, State PCB, State Wet Land Authority and Collector, Kollam by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 29, 2022
AG