

Item No.11:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Tuesday, the 05th day of August 2025.

[Through Physical Hearing (Hybrid Option)]

Appeal No.02 of 2024(SZ)
TO
Appeal No.12 of 2024 (SZ)

IN THE MATTER OF:

Appeal No.02/2024 (SZ)

M/s. Aiswarya Gold Covering
Rep. by its Partner,
Major Industrial Estate,
Ollur P.O. Thrissur, Kerala - 680306.

Appeal No.03/2024 (SZ)

M/s. Golding View Plating,
Rep. by its Proprietor,
Major Industrial Estate,
Ollur P.O. Thrissur, Kerala - 680306.

Appeal No.04/2024 (SZ)

M/s. Honest Electrocolouring,
Rep. by its Proprietor,
Major Industrial Estate,
Ollur P.O. Thrissur, Kerala - 680306.

Appeal No.05/2024 (SZ)

M/s. Rajesh Kumar Electro Plating,
Rep. by its Proprietor,
Major Industrial Estate,
Ollur P.O. Thrissur, Kerala - 680306.

Appeal No.06/2024 (SZ)

M/s. Renu Gold Covering,
Rep. by its Proprietor,
Major Industrial Estate,
Ollur P.O. Thrissur, Kerala - 680306.

Appeal No.07/2024 (SZ)

M/s. Bee Pee Gold Imitations,
Rep. by its Proprietor,
Major Industrial Estate,
Ollur P.O. Thrissur, Kerala - 680306.

Appeal No.08/2024 (SZ)

M/s. Dot Engineering,
Rep. by its Proprietor,
Major Industrial Estate,
Ollur P.O. Thrissur, Kerala - 680306.

Appeal No.09/2024 (SZ)

M/s. Indu Ornaments,
Rep. by its Proprietor,
Major Industrial Estate,
Ollur P.O. Thrissur, Kerala - 680306.

Appeal No.10/2024 (SZ)

M/s. Pee Gee Gold Covering,
Rep. by its Proprietor,
Major Industrial Estate,
Ollur P.O. Thrissur, Kerala - 680306.

Appeal No.11/2024 (SZ)

M/s. Three Star Electro Plating,
Rep. by its Proprietor,
Major Industrial Estate,
Ollur P.O. Thrissur, Kerala - 680306.

Appeal No.12/2024 (SZ)

M/s. Two Star Design Gold Covering,
Rep. by its Proprietor,
Major Industrial Estate,
Ollur P.O. Thrissur, Kerala - 680306.

Versus

...Appellant(s)

1. **The Chairman,**
Kerala State Pollution Control Board,
Pattom P.O., Thiruvananthapuram,
Kerala - 695004.
2. **The Chief Environmental Engineer,**
Kerala State Pollution Control Board,
Regional Office, Ernakulam, Kerala.
3. **The Environmental Engineer,**
Kerala State Pollution Control Board,
District Office, Thrissur, Kerala.

...Respondent(s)

(In all these cases)

For Applicant(s): Mr. S. Saravanan represented
M/s. P. Kokila, K. Priyanka, B. Girija,
Chandra Priya. P.

For Respondent(s): Mrs. V.K. Rema Smrithi for R1 to R3.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

COMMON JUDGMENT

1. These appeals challenge the order dated 28.11.2023 passed by the Kerala State Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986, imposing environmental compensation on individual gold covering units (the appellants herein) operating in the Major Industrial Estate at Ollur Post, Thrissur, Kerala.

2. The impugned order was issued by the Kerala SPCB pursuant to the directions of the Principal Bench, New Delhi, in O.A. No.20 of 2016 (PB) dated 20.02.2022.

3. From the impugned order, it seen that an inspection was conducted by the Kerala SPCB between 23.07.2012 and 27.07.2012 on all electroplating units in the area. It was found that the units were operating without consent from the Board and without adequate pollution control measures. Based on the monitoring committee's recommendations, the District Collector, by order dated 27.04.2013, directed closure of these units.

4. The period from the date of inspection (i.e. on 23.07.2012) until the date of closure (i.e. on 27.04.2013) was treated as the period of past violation.

5. Applying the CPCB guidelines and formula, the Kerala SPCB initially levied a uniform environmental compensation of Rs.9,03,500/- on each unit. Upon representations by the units, the number of days violation was recalculated from 278 to 198, resulting in a revised compensation of Rs.5,41,417/-, which is now under challenge.

6. During the hearing, it was pointed out by the learned counsel for the appellant that the Kerala SPCB has not established specific environmental damage attributable to individual units, though the appellants admitted to operating without valid consent. It was further asserted that the respective appellant, in Appeal Nos. 3, 4, and 11 of 2024 (SZ), in fact possessed valid consent during the relevant period.

7. The learned counsel appearing for the appellant, in all these matters, further contended that, in the absence of proven pollution caused by each unit, the compensation should be limited to a penalty for the procedural violation of operating without consent, rather than applying the pollution-based formula.

8. It is admitted that no representation to this effect has been submitted to the Kerala SPCB till date. The appellants have now undertaken to make such a representation seeking reconsideration of the compensation imposed.

9. It is relevant to note that, while admitting these appeals, this Tribunal granted an interim stay of the impugned order, subject to the appellants in Appeal Nos. 02 to 12 of 2024 (SZ) furnishing a Bank Guarantee of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) in favour of the Kerala SPCB's Environmental Protection Fund, within four weeks, failing which the stay would stand vacated automatically. The said conditional order has been complied with, and a memo has been filed to that effect.

10. In the result,

(I) The appeals [Appeal Nos.2 to 12 of 2024 (SZ)] are allowed; the impugned order dated 28.11.2023 passed by the Kerala SPCB is set aside; and the matter is remanded back to the Kerala SPCB for fresh consideration in accordance with law.

(II) The appellant in all these matters shall be granted **three weeks'** time to submit their respective representations seeking reconsideration of the environmental compensation imposed.

(III) Upon receipt of such representations, the Kerala SPCB shall afford a personal hearing to each unit and thereafter pass appropriate reasoned orders **within six weeks.**

(IV) While passing the final orders, the Kerala SPCB shall specifically examine the claim of the appellants in Appeal Nos.3, 4, and 11 of 2024 (SZ) that they held valid consent during the relevant period.

(V) The Kerala SPCB is directed to retain the Bank Guarantee furnished by the appellants until the final decision is rendered. In the event that the environmental compensation determined is less than the amount of the Bank Guarantee, the excess shall be refunded to the appellants, wherever applicable, in accordance with law.

(VI) The appellants shall be at liberty to approach this Tribunal in the event they are aggrieved by the fresh decision of the Kerala SPCB.

11. With the above directions, the appeals [Appeal Nos.2 to 12 of 2024 (SZ)] are disposed of.

**Sd/-
Smt. Justice Pushpa Sathyanarayana, JM**

**Sd/-
Dr. Satyagopal Korlapati, EM**

**Appeal Nos.2 to 12/2024(SZ)
05th August, 2025. AD.**