

K M Sajeev Vijayan vs The Chief Secretary Government Of ... on 31 March, 2022

Bench: K Ramakrishnan, K. Satyagopal

Item No.18:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 230 of 2021(SZ)
(Through Video Conference)

IN THE MATTER OF:

K.M. Sanjeev Vijayan

...Applicant(s)

Versus

The Chief Secretary, Govt of Kerala and Ors.

...Respondent(s)

Date of hearing: 31.03.2022.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Appellant(s):

None Appeared

For Respondent(s):

Mr. G. Vignesh for Mr. E.K. Kumaresan for R1
to R4, R6

Ms. Rema Smirithi for R5

Mr Sai Sathya Jith for Mr. P.B. Sahasranaman
for R7

ORDER

1. The above case has been posted to today for consideration of further action taken report.

2. We have received a report submitted by Additional Chief Secretary for Local Self Government Department dated 14.02.2022, e-filed on 25.02.2022 which reads as follows:

3. The Pollution Control Board has filed an additional report along with annexure -A showing the progress report submitted by the local body dated 21.03.2022, e-filed on 24.03.2022 which reads as follows:

ADDITIONAL REPORT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, PALAKKAD FOR AND ON BEHALF OF THE KERALA STATE POLLUTION CONTROL BOARD I, Krishnan

M N, S/o M S Narayanan, am the Environmental Engineer, Kerala State Pollution Control Board, District Office, Palakkad. I am duly authorized by Member Secretary of Kerala State Pollution Control Board to represent the Board in the O.A. I do hereby solemnly affirm and state as follows.

1. In the report filed before the Honourable Tribunal, it was reported that Chairman had issued a letter dated 10.01.2022 to the Municipality giving the assessment of Environmental Compensation as Rs. 13,00,000/- (from 01.04.2020 to 31.04.2021). In response to the letter, the Municipality submitted a progress report dated 05.02.2022 of the actions taken in each item of the action plan submitted earlier. Officials of the Board conducted an inspection of the Municipality, visited the processing plant and other salient locations and heard the officials on 22.02.2022. The observations of the inspection are as follows 100 % door - to - door collection not yet achieved. Presently the coverage is 76% household and 50% establishments.

Segregation is proper in the door - to - door collection. MCF and RRF are adequate.

Centralised composting plant is not yet functional. Hence door to door collection of wet waste not yet started. 250 kg per day wet waste is processed in two community- level Thumboormoozi Plants, a part of the wet waste is processed in the source level composting units and biogas plants. But quantification of the wet waste processed is not done by the Municipality.

2. Based on the observations of this inspection and discussion, comments of the Board on the status of each action point were entered in the progress report. The status as at the end of February 2022 in a tabular format is attached as Annexure PCB-(a).

3. It is respectfully submitted that, the Municipality has not achieved desired progress in various action points, especially, in removal of legacy waste from the dump yard. Even though collection efficiency of door to door collection has increased, it has not reached cent percent. Regular collection of bio-degradable waste from all generators who have no disposal - at - source facility has not started since centralized processing of bio-degradable waste was yet to commence. The time lines as per the Rules are also not yet satisfied. Hence Board Chairman, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, directed the Municipality to remit the Environmental Compensation of Rs. 13 lakhs (Rupees Thirteen Lakhs Only) for the non-compliance of the Solid Waste Management Rules 2016. Copy of Directions are attached as Annexure PCB-(b).

Dated this the 21st of March, 2022.

DEPONENT

4. They have annexed the direction issued to the Ottappalam Municipality under Section 5 of the Environment (Protection) Act showing the irregularities and imposition of Environmental Compensation of Rs. 13 lakhs for the period from 01.04.2020 to 30.04.2021 in view of the direction

given by the Tribunal in O.A. No. 606 of 2018.

5. Learned Counsel appearing for the Ottappalam Municipality submitted that they have further submitted action cum progress report regarding the implementation of Solid Waste Management Rules, 2016 in their Municipality yesterday. But the office informed that the same has not been received.

6. The Learned Counsel appearing for the Ottappalam Municipality submitted that he will verify the same and if there is any defect, he will rectify the same and brought before the Tribunal on or before 04.04.2022.

7. For consideration of further progress cum action taken report, post on 04.04.2022.

.....J.M. (Justice K. Ramakrishnan)E.M.

8. (Dr. Satyagopal Korlapati) O.A. No. 230/2021(SZ) 31st March, 2022. (AM)