

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS  
&  
THE HONOURABLE MR. JUSTICE GOPINATH P.

Friday, the 1<sup>st</sup> day of March 2024 / 11th Phalgun, 1945  
WP(C) NO. 7844 OF 2023(S)

SUO MOTU WRIT PETITION INITIATED BY THE HIGH COURT.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. KOCHI MUNICIPAL CORPORATION, REPRESENTED BY ITS SECRETARY,  
PARK AVENUE ROAD, MARINE DRIVE, KOCHI - 682 011.
3. KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS  
CHAIRMAN, HEAD OFFICE, PATTOM P.O., THIRUVANANTHAPURAM - 695  
004.
4. THE DISTRICT COLLECTOR, DISTRICT COLLECTORATE, KAKKANAD,  
ERNAKULAM- 682 030.
5. THE DIRECTOR GENERAL, KERALA FIRE AND RESCUE SERVICES,  
HEADQUARTERS, FIRE FORCE JUNCTION, PULIMOODU P.O.,  
THIRUVANANTHAPURAM - 695 001.
6. THE STATE POLICE CHIEF, KERALA POLICE HEADQUARTERS,  
THIRUVANANTHAPURAM, KERALA, INDIA - 695 010.

ADDL. R7 IMPLEADED

7. THE ADDITIONAL CHIEF SECRETARY,  
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT OF KERALA.

ADDL. R7 IS SUO MOTU IMPLEADED AS PER ORDER  
DATED 07/03/2023 IN WPC

ADDL. R8 IMPLEADED

8. KERALA STATE ELECTRICITY BOARD,  
REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR,  
VYDUTHI BHAVAN, PATTOM-695 004.

ADDL. R8 IS SUO MOTU IMPLEADED AS PER ORDER  
DATED 10/03/2023 IN WPC.

P.T.0

**ADDL. R9 IMPLEADED**

**9. NATIONAL HIGHWAY AUTHORITY OF INDIA,  
REPRESENTED BY ITS DEPUTY GENERAL MANAGER AND  
REGIONAL OFFICER, NATIONAL HIGHWAYS AUTHORITY OF INDIA  
(MINISTRY OF ROAD TRANSPORT & HIGHWAYS)  
GOVERNMENT OF INDIA, REGIONAL OFFICE, KERALA T.C. 86/1036-1,  
AMBLY ARCADE, S.N.N.R.A-9, PETTAH-P.O.,  
THIRUVANANTHAPURAM – 695 024 (KERALA)  
ADDL. R9 IS SUO MOTU IMPLEADED AS PER ORDER  
DATED 18/08/2023 IN WPC.**

This Suo Motu writ petition again coming on for orders upon perusing the petition, this Court's order dated 31/01/2024 and upon hearing the arguments of SRI.K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL, for R1, R4, R6 & R7, SRI.RANJITH THAMPAN, SENIOR ADVOCATE a/w SRI.K. JANARDHANA SHENOY, STANDING COUNSEL for R2, SRI.T. NAVEEN, STANDING COUNSEL for R3, SRI.C.E. UNNIKRISHNAN, SPECIAL GOVERNMENT PLEADER for R5, SRI.ANTONY MUKKATH, STANDING COUNSEL for R8, SRI.S.MANU, DEPUTY SOLICITOR GENERAL OF INDIA for R9, Advocates SRI.VINU T.V, SRI.VISHNU.S & SMT.POOJA MENON, AMICI CURIAE and of Adv. SRI.MOHAMMED SHAH and SRI.ANTO(PARTY IN PERSON), the court passed the following:

**P.T.O.**

**BECHU KURIAN THOMAS, J.  
&  
GOPINATH.P, J.**

-----  
**W.P.(C)No.7844 of 2023**  
-----

Dated this the 1<sup>st</sup> day of March, 2024.

**ORDER**

**Gopinath, J.**

Further to our order dated 31.1.2024, the 7th respondent (State) has filed an affidavit and the Standing Counsel for the Kochi Municipal Corporation has placed a memo along with a report of the Secretary, Kochi Municipal Corporation touching upon the matters set out in the said order. From the above, and on the basis of the submissions made before us we note the following:-

1. The Government and the Corporation officials have taken up the issue of providing power connection to the Black Soldier Fly Project, and the work on the transformer installation etc., will be completed by today (01.03.2024). It was submitted that after an inspection by the Electrical Inspectorate, the power connection would be available no later than two weeks from today. We note the submission of the Secretary, Kochi Municipal Corporation, that both the agencies engaged in connection with the Black Soldier Fly

Project are ready to start operations immediately upon receiving the power connection. We must observe that the Black Soldier Fly project can brook no further delay, especially taking note of the report of learned *amici curiae* that wet waste (bio-degradable waste) is accumulating, giving rise to a host of problems, including unbearable stench and rodent infestation;

- ii. Regarding the bio-mining carried out by M/S.Bhumi Green Energy, we are informed that nearly 68,000 MTs of legacy waste have been processed, out of which 7000 MTs are Refused Derived Fuel (RDF). We note that the removal of RDF from the site by M/S. Bhumi Green Energy is only to the extent of 1467 Tonnes. We note that the Technical Committee appointed by the government to oversee bio-mining has given its recommendations regarding this matter. It is also pointed out from the affidavit of the 7<sup>th</sup> respondent that M/s. Bhumi Green Energy has yet to engage qualified firefighting experts on site and they have been asked to expedite this. The affidavit of the 7<sup>th</sup> respondent also notes that the area allocated to BPCL should be cleared of all legacy waste by 29.2.2024

(yesterday). We note with satisfaction that the Government Monitoring Committee has opined that the quantity of legacy waste processed was promising and shows substantial progress;

- iii. The Government has in furtherance of our order dated 31.1.2024 fixed the specifications for the roads leading to the Brahmapuram site. We direct that the work on the roads must be completed at the earliest in terms of the specifications prescribed by the Government and ensure that the contractors engaged for the work provide guarantees regarding repair and maintenance for specified periods, in accordance with normal practice;
- iv. The State Police Chief has issued a Circular to all District Police Chiefs' regarding the enforcement of the provisions introduced in the Kerala Municipality Act,1994 and the Kerala Panchayath Raj Act,1994, by amendments introduced in the year 2023. Sri. C.E. Unnikrishnan, the learned Special Government Pleader, has submitted that the details of the cases registered on the basis of the aforesaid provisions will be placed on record by the next posting date.

3. The Secretary Kochi Municipal Corporation has informed us that there are certain fire hydrants already in place for the purposes of providing water supply at the Brahmapuram site in case of any fire breakout. She submitted that some minor fire incidents have been reported, which have already been controlled properly. She states that a water tank having a capacity of nearly 50,000 litres is already available at the site and another water tank having 30,000 litres capacity has also been placed by M/s.Bhumi Green Energy. She assures that further fire hydrants are being commissioned and the water tanks will be connected to the fire hydrants to ensure the supply of water round the clock. She also submits that the canal leading from the Kadambreyar which is the water source at the site, is being cleaned by the Irrigation Department presently.

4. The learned *Amici Curiae* appointed by this Court have submitted their report No.6, flagging specific issues regarding the Brahmapuram facility. As noticed earlier, the said report underlines the necessity of ensuring that the Black Soldier Fly Project becomes operational within the shortest possible time. The learned Standing Council, Kochi Municipal Corporation and the learned Special Government Pleader shall

provide inputs regarding the matters set out in the report of the *amici curiae* by the next posting date.

5. We feel it appropriate to visit the Brahmapuram site to have first-hand knowledge of the progress of bio-mining and the general condition of the site and also to evaluate other issues mentioned in the report of the learned *amici curiae*. We, therefore, intend to inspect the site at 3.30 p.m., on 7.3.2024. The learned counsel appearing for various parties have agreed that the concerned officials of the Revenue Department, the Fire Force Department and the Kochi Municipal Corporation will be present at the site at 3.30 p.m. on 7.3.2024.

List this matter for further consideration at 2 p.m. on 18.3.2024.

sd/-

**BECHU KURIAN THOMAS  
JUDGE**

sd/-

**GOPINATH.P  
JUDGE**

acd