

Item No.9 (i) to (iv):-

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

(Through Video Conference)

Original Application No.442 of 2013 (SZ)

With

Original Application No.20 of 2017 (SZ)

With

Original Application No.276 of 2017 (SZ)

With

Original Application No.77 of 2021 (SZ)

IN THE MATTER OF:

Jith Kumar

...Applicant(s)

The State of Kerala and others.

Versus

....Respondent(s)

Abdul Bhasheer

With

...Applicant(s)

Kochi Municipal Corporation &Ors.

Versus

....Respondent(s)

With

Lawyers Environmental
Awareness Forum

...Applicant(s)

Versus

State Level Environment Impact Assessment Authority,
Trivandrum and others.

....Respondent(s)

With

Suo Motu Proceedings initiated based on a
Letter received from Justice A.V. Ramakrishna Pillai,
Former Judge, High Court of Kerala,
Chairman, State Level Monitoring Committee, Kerala.

And

The Chief Secretary,
Government of Kerala,
Thiruvananthapuram and Ors.

....Respondent(s)

O.A. No.442 of 2013:

For Applicant(s):

None.

For Respondent(s):

Mr. G. Vignesh represented
Mr. E.K. Kumaresan for R1.
Mr. G.M. Syed Nurullah Sheriff for R2.
Mr. K.R. Harin for R3.
Mrs. V.K. Rema Smrithi for R4.

O.A. No.20 of 2017:

For Applicant(s):

None.

For Respondent(s):

Mr. K.R. Harin for R1.
Mrs. V.K. Rema Smrithi for R2.
Mr. D.S. Ekambaram for R3.
Ms. S. Saravanan represented
Mrs. Vidyalakshmi Vipin for R4.
Mr. G. Vignesh represented
Mr. E.K. Kumaresan for R6 & R9.
Mr. Meyappan represented
Mrs. Me. Sarashwathy for R7.

O.A. No.276 of 2017:

For Applicant(s):

None.

For Respondent(s):

Ms. S. Saravanan represented

Mrs. Vidyalakshmi Vipin for R1.
Mr. D.S. Ekambaram for R2.
Mr. G. Vignesh represented
Mr. E.K. Kumaresan for R3, R5 & R9.
Mr. K.R. Harin for R4.
Mrs. V.K. Rema Smrithi for R6.
Mr. G.M. Syed Nurullah Sheriff for R8.

O.A. No.77 of 2021:

For Applicant(s): Suo Motu by Court.

For Respondent(s): Mr. G. Vignesh represented
Mr. E.K. Kumaresan for R1 to R3, R5 & R6.
Mrs. V.K. Rema Smrithi for R4 & R16.
Mr. K.R. Harin for R7.
Mr. Subburaj for R16.

Date of hearing: 27.04.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

ORDER

1. This matter is listed today, as it is a matter of serious concern because once the monsoon sets in, in the State of Kerala, the heaps of fire affected waste in the Brahmapuram dump yard would get seeped into the ground as well as meet the drinking water which would be more hazardous than the fire itself.

2. In our last order dated 17.04.2023, we had asked the Kerala State Pollution Control Board to conduct a scientific study regarding the capping of the legacy waste and also do it in accordance with the Judgment of the Hon'ble Supreme Court as well as the rules in force. But till today, they have not filed any reply to the same.
3. So far as the Refuse Derived Fuel (RDF) Fraction from the fire affected area is concerned, they are already separated and the separated quantity is said to be about 80,000 Tonnes which could be transported to the Waste to Energy Plant which is to be commissioned by the Local Self Government Department or in the alternate, it could be removed to the cement industries where it can be used as a co-fuel.
4. When these two alternative remedies are available and already the RDF fraction is separated, there seems to be no progress. We are at a loss to understand as to why the various limbs of the Government are keeping quiet without removing the same.
5. The learned counsel appearing for the State also would state that the tender process, etc. are complete and the work order also is yet to be issued. As the said work order only relates to the new Biodegradable Waste Treatment Plant, we do not understand why the burned waste, plastic and ash lying on the site or the RDF fraction which is segregated are not even given an attempt to be removed from the location.

6. Since we are unable to get clarity with respect to the plan of action taken by the various authorities viz., Kochi Municipal Corporation, Kerala State Industrial Development Corporation (KSIDC), Local Self Government Department and also the Kerala State Pollution Control Board, we direct the Additional Chief Secretary - Local Self Government Department, State of Kerala to file a detailed report about the action taken pursuant to the orders passed by this Tribunal for removing the burned waste, plastic and ashes from the Brahmapuram dump yard and also the RDF fraction which is segregated and kept separately. Let the report also address about the commissioning of the Waste to Energy Plant and the timeline for the same.
7. While filing the report, we also direct the Additional Chief Secretary - Local Self Government Department, State of Kerala to appear before us on the Video Conference to clarify the plan of action and the time within which it could be completed considering the risk involved in leaving the site unattended.
8. Post the matter on 08.05.2023.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O. A. No.442/2013 (SZ)
O.A. No.20/2017 (SZ)
O.A. No.276/2017 (SZ)
O.A. No. 77/2021 (SZ)
27th April, 2023. Mn.