

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI**

O.A. No. 12 OF 2020 (SZ)

ADDITIONAL REPORT

**PRESENTED BY JUSTICE A.V.RAMAKRISHNA PILLAI
(FORMER JUDGE, HIGH COURT OF KERALA)
CHAIRMAN, STATE LEVEL MONITORING COMMITTEE, KERALA
(FOR AND ON BEHALF OF THE AFORESAID COMMITTEE)
REGARDING THE REMOVAL OF DEMOLITION WASTES OF THE
HIGH RISES WITH IN THE LOCAL LIMITS OF
MARADU MUNICIPALITY, ERNAKULAM DISTRICT, KERALA**

PRESENTED ON : 27.07.2020

COMPLIANCE: ORDER DATED 18.03.2020

DATE OF POSTING: 30.07.2020

INDEX

Pages

Additional Report : 01 - 06

Annexures

X1-series : 07 - 16

X2 : 17

X3 : 18 & 19

X4 : 20

X5 : 21 & 22

X6-series : 23 - 25

====***=====

ADDITIONAL REPORT

Kindly refer to the previous report dated 12.02.2020 in this matter, wherein the following shortcomings in the handling of the demolition wastes of the high-rises within the local limits of the Maradu Municipality, were noted.

Major short comings in brief:

1. Maradu Municipality has not been able to collect all specific details till date.
2. In the updated status of removal of waste as on 10.2.2020, submitted by the Municipality, the details given are vague and without specific details.
3. Wind breakers around the sites as mandated by statute are provided.
4. Sprinkle systems as provided by the statute are not provided.
5. There is no display of dust mitigation measures at site for public viewing.
6. No protective measures like use of Geo textile are seen provided in the trenches near the lake side of Alfa Serine and Golden Kayaloram to prevent the flow of contaminated water to the back waters.
7. Physical verification reveals 40% of steel was segregated and 35% of steel has been removed. However, authentic details of storage/recycling units are not submitted.
8. Removal of debris after segregation of steel is being done and details of sites to where the debris were transferred are given. However, the log book details are not legible.
9. Though Prompt Enterprises claims that a C&D waste processing facility is being set up at Kumbalam no such plant is installed there and no waste is deposited there.
10. Failure to install CCTV Cameras to make continuous monitoring effective.
11. No specific details are there in the log books of the vehicles deployed in the transportation of debris.

2. Adverting to the above, this tribunal as per order dated 18.3.2020, had made certain observations and had given certain directions as under.

“Though there was certain direction given by the committee to suppress the air pollution and possible contamination of the Kayal water, no serious steps have been taken either by the Maradu Municipality or by the service provider. It appears that Maradu Municipality is not interested in carrying out the directions given by the committee, instead they were sticking on to the recommendations made by the technical committee which was appointed by the Government earlier for the purpose of supervising the demolition of the building as directed by the Hon’ble Supreme Court.

The committee is only expected to supervise the possible pollution that is likely to cause at the time of demolition of the building and their recommendations are nothing to do with the removal of the debris collected and also the steps to be taken by the Maradu Municipality as well as the service provider to avoid the possible pollution that is likely to be caused on account of the collection of the debris in the demolition site till it is disposed of in a scientific manner as provided under the Construction and Demolition Waste Management Rules, 2016. There is a responsibility cast on the Maradu Municipality to implement these rules in its letter and spirit.

If there is any violation found in implementing the rules and if there is any non-compliance of the directions given by the committee appointed by this Tribunal, either to the Maradu Municipality or to the service provider which results in the pollution being caused to the environment as well as to the nearby Kayal then regulating authority namely, Pollution Control Board is duty bound to impose environmental compensation against those persons who are violating the norms and causing pollution.

Such an attempt is not seen taken in this case, though there were observations in the committee report that there were serious violations and deficiencies in carrying out the directions issued by the State Level Monitoring Committee as well as the committee appointed by this Tribunal.

So under such circumstances, we direct the Pollution Control Board to take appropriate legal action against those persons who are violating the

directions and causing pollution and affecting the environment including possible contamination of Kayal water which is likely to cause on account of the seepage of water that is likely to happen on account of pouring the water on the debris instead of sprinkling the same without providing necessary protective measures to avoid seepage.

They are also directed to take sample of the Kayal water to find out as to whether there was any damage caused to the Kayal water on account of the negligent act on the part of the service provider and the Maradu Municipality in taking action to remove the debris collected after demolition and not complying with the provision of the Construction and Demolition Waste Management Rules, 2016.

The committee is directed to submit the report to this Tribunal by e-mail at ngtszfilng@gmail.com or by e-filing.”

3. I was informed that the meeting of the Joint Committee appointed by this Tribunal, was delayed on account of the intervening lockdowns due to the spread of Covid-19. That is the reason why the said committee could not file the report on 15.05.2020 and directed by this tribunal. Later, a report dated 20.7.2020 was submitted to me by the Chief Environmental Engineer, Regional Office, Ernakulam of Kerala State Pollution Control Board along with the copies of certain communications and the report of the Joint Committee Meeting. The copy of the report of the Chief Engineer and annexures are appended as Annexure-X1 series to this report. In page 2 of X1 report, it is stated that the Secretary of the Maradu Municipality, vide letter dated 18.6.2020 had reported the completion of the removal of debris from the nearby water body as well as from the demolition sites.

4. In the report of the Joint Committee which is part of X1-series, it is stated as under.

“4. Removal of demolition waste fallen in the Kayal – This incident happened for Alfa Serene tower demolition that a chunk of debris fell in the Kayal during blasting. This was subsequently removed and also a check was carried out by local fisherman so as to establish that there is no debris in the Kayal. These actions are verified by the committee during its visit on

17.06.2020 and instruction was given to Secretary to ensure that entire wastes fallen in the Kayal were removed and transferred to disposal locations.” (Kindly see item No.4 under the heading ‘specific findings’ of the Joint Committee’s report).

5. However, a news report appeared in Kochi Edition of Malayala Manorama daily dated 12.07.2020, stating that the debris fallen into the nearby water bodies during the demolition process, were not removed yet. A copy of the news item is appended as Annexure-X2. As the said report was inconsistent with the finding of the Joint Committee, on 24.07.2020, I have directed the Chief Environmental Engineer, Regional Office, Kochi of KSPCB to conduct a site inspection and to give a factual report after conducting a site inspection. Accordingly he has submitted a report on 25.07.2020, which is marked as Annexure-X3. Annexure-X3 report concluded as under.

“1. Debris due to demolition of Alfa Serene – Tower 2 apartment has fallen at a stretch of approximately 30 m length parallel to the bank of the stream and approximately 15 m towards the middle of the backwater.

2. Search was made up to about 20 m towards Backwater where some scattered settlement of debris were found including reinforced beams, concrete debris etc. beyond 5m and up to approximately 15m from the bank.

It is understood that these types of wastes are identified in the backwater since the municipality had used JCB type earth movers for the removal of debris up to a length of maximum 5m only from the river bank. Further, I may report that detailed quantification if needed can be done using accredited agencies viz Navy, Fire & Rescue team etc.”

6. Annexure-X4 contains the photograph of the bank of the water body where the debris during the demolition had fallen into the back waters (Photo No.1 taken on 5.5.2020) and the photograph of the swimmer performing search on 24.7.2020 (Photo No.2.).

7. As I felt that it is only just and proper to conduct a site inspection personally before filing a report before this Tribunal, I visited the spot at 10.30 am on 26.07.2020. With the help of one Mr.Sugunandan, a local resident who came to the spot at the time of my visit, I could get the assistance of a swimmer to

conduct a detailed search in the water body. Annexure-X5 is a report prepared by the Chief Environmental Engineer, Regional Office, KSPCB, Kochi after my site inspection on 26.7.2020. Annexure-X6-series are the photographs for the said inspection. In photo No.4 of the X6 series, we can see the swimmer standing on a reinforced concrete debris lying submerged in the water. It is at distance of 15 meters away from the bank. At that point, the depth of the water is more than 5 feet. Normally a person who does not know swimming cannot hold his head above the water level at the point (Kindly see photo No.5 of the Annexure-X6 series).

CONCLUSION

The claim of the Maradu Municipality as well as the Joint Committee is that the entire debris fallen into the back waters near the demolition site of Alfa Serene Tower-2 has been removed. This is factually incorrect. It is true that attempts have been made to remove the debris from the portion at a width of 15 meters from the bank towards middle of the water body. What was seen removed is the debris which were seen over the water level. During my inspection scattered settlement of debris including reinforced beams beyond a distance of about 15 meters from the bank towards the middle of the water body, could be detected. At some points, steel bars used for the re-enforcement of the concrete are seen protruding above the water level.

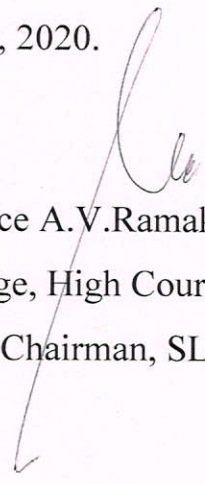
Neither the Maradu Municipality, nor the Joint Committee can sit idle till the last piece of debris is removed from the water body. If the existing debris in the water body remains there, it will lead to undesirable results in future.

The recalcitrant attitude of Maradu Municipality was evident at every stage of the removal of the demolition wastes. Presumably, the Municipality is under the wrong notion that they are not bound by law.

The Pollution Control Board cannot absolve from its responsibility of recovering compensation for environmental degradation from the defaulters, on the lame excuse that the rules does not provide for the methods for quantification of compensation. There cannot be any straight jacket formula for assessing the quantum of compensation. In every assessment there will be some inbuilt arbitrariness. This arbitrariness is there, even in assessment of compensation under certain heads in Motor Accident Claims. However, while assessing compensation,

the authority has to be guided by established norms and principles which would appear to be just and reasonable. The quantum of compensation fixed shall be neither too low nor disproportionately high. The authority fixing the compensation has to strike a proper balance between these two. If recovery of compensation for environmental degradation, from the defaulters is delayed indefinitely it will send a wrong message to the defaulters and likeminded persons.

Dated this the 27th day of July, 2020.



Justice A.V. Ramakrishna Pillai
(Former Judge, High Court of Kerala)
Chairman, SLMC, Kerala.



KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, GANDHI NAGAR, ERNAKULAM - 682 020

www.keralapcb.org

File No. PCB/RO-EKM/ GEN- 276/2020

20.07.2020

From

The Chief Environmental Engineer

To

✓ The Chairman

State Level Monitoring Committee(NGT)

Sub: Demolition of Flats at Maradu-O A 12-2020 -reg.

Ref: 1. Order of the Hon'ble National Green Tribunal in O.A no.12/2020
dated 14.05.2020

2. Report of the Joint Committee in compliance to the order of the order
dated 14.05.2020.

3. This Office Letter of even number dated 15.07.2020 asking advice from
the Member Secretary.

Respected Sir,

Your kind attention is invited to the order of the Hon'ble tribunal vide reference cited (1) above. It is explicitly ordered that *"pollution Control Board as well as the District Collector are directed to take steps to implement the direction given by the State Level Monitoring Committee in resolving the issue and action taken against the service provider if they are not complying with the direction in implementing the disposal of demolition debris and waste as per Municipal Solid Waste Rules, 2016 and Demolition of Construction Waste Management Rules, 2016. The committee may also assess the environmental compensation if there is any damage caused on account of their lapse. Further, the committee as well as the State Authorities will have to take note of the fact that monsoon is going to set-in in Kerala State from the middle of May and if the debris is not cleared then it is likely to create leachate from the debris collected in the area which is likely to seep into the Kayal which is situated nearby and affect the water quality in the Kayal and*

the State Authorities are duty bound to protect the Kayal which is part of environment.” In compliance with the above order, the joint committee visited the site on 17.06.2020 to ensure that the demolition wastes are satisfactorily removed from the respective sites. Thereafter, detailed discussions were done on 18.06.2020 in which specific directions were given to the Secretary, Maradu Municipality to ensure that the debris fallen in the Kayal has been removed completely. As per the direction, the Secretary has submitted completion report with respect to removal of debris from Kayal as well as from demolition sites vide his letter dated 18.06.2020. Based on the discussions and by verifying the report of the Secretary, updated status report has been prepared. Kindly note that the report contained all important points as per the directions given during the meeting convened on 24.01.2020 by the State Level Monitoring Committee. It is to be noted that water samples have been collected from different stations in the Kayal which were fixed earlier to check the quality of water.

It may also be noted that the Hon’ble Tribunal vide the order dated 14.05.2020 specifically insisted to impose environmental compensation if violations are noticed as per the C&D Waste Rules 2016 during removal of wastes. It is also important to note that the Hon’ble Tribunal allowed the Board to file independent report if needed. Hence certain shortfalls were identified by the Board about which specific discussions were already done during different SLMC meetings. Those deficits were identified to be violations and can be considered as committed offence as per the relevant provisions of the Construction & Demolition Waste management Rules, 2016.

The Shortfalls noticed are as follows.

1. Action plans were not submitted prior to the demolition or removal of debris by the Municipality.
2. Covering a height of 35 ft using metal barriers not provided around all the demolition sites and noticed following works were done,
 - a) Provided 10m metal barrier on land side of Alfa Serene flats
 - b) Provided 10ft height Geotextile barrier in the back-water side of the Golden Kayaloram
 - c) Provided 10ft height Geotextile barrier in the back-water side of the Holyfaith, H2O

- d) Provided 10ft height Geotextile barrier in the front side of the Jain Coral Cove
3. Adequate water sprinkling of sites for dust suppression was carried out. It was done by using pumps with fire hoses instead of water sprinklers.
4. Even though the service provider has obtained authorization for the processing of Construction & Demolition waste at Kumbalam site, no activity carried out in that site, reported to be due to public protest and disposed debris without submitting prior proposals for such disposals.

At this juncture, it is imperative to note that the assessment of environmental compensation for these violations are seems to be difficult as no specific rules or model calculations are available with respect to imposition of environmental compensation as per the C&D Waste Management Rules 2016. Hence, it was decided to obtain certain advises from CPCB who is supervising the activities of the State Pollution Control Boards. It is so decided since this is the first incident the Board faced in the State with regard to the related provisions of the C&D Waste Management Rules, 2016. Also, preparation of guidelines for compensation has vital importance that the Board will be able to uniformly implement this Rule along entire Districts in the State.

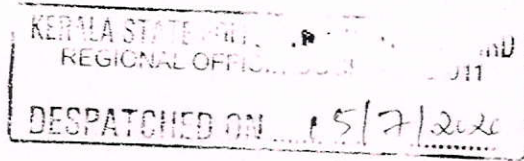
Considering the above aspects, a letter was sent to the Member Secretary asking advice and to obtain specific directions from the CPCB regarding assessment of Environmental Compensation as per the C&D Waste Management Rules 2016. The next date of hearing in the above case is posted on 30.07.2020. Enclosed kindly find copies of report prepared by the joint committee cited (2) and letter cited (3) above for ready reference.

Yours faith fully

Chief Environmental Engineer

Encl. as above

Copy to: 1. The Member Secretary, KSPCB, Thiruvananthapuram.
2. The Environmental Engineer, District Office-1, Ernakulam.



KERALA STATE REGIONAL OFFICE
DESPATCHED ON 15/7/2020
REGIONAL OFFICE, KANDIYALAYAR, ERNABETTA, 682 020
www.keralapcb.org

File No. PCB/RO-EKM/ GEN- 276/2020

15.07.2020

From

The Chief Environmental Engineer

To

The Member Secretary

Sub: Demolition of Flats at Maradu-O A 12-2020 -reg.

Ref: 1. Order of the Hon'ble tribunal in O.A no.12/2020 dated 14.05.2020

2. Report of the Joint Committee in compliance to the order of the order dated 14.05.2020

Madam,

Your kind attention is invited to the order of the Hon'ble tribunal vide reference cited (1) above. It is ordered that *"Pollution Control Board as well as the District Collector are directed to take steps to implement the direction given by the State Level Monitoring Committee in resolving the issue and action taken against the service provider if they are not complying with the direction in implementing the disposal of demolition debris and waste as per Municipal Solid Waste Rules, 2016 and Demolition of Construction Waste Management Rules, 2016. The committee may also assess the environmental compensation if there is any damage caused on account of their lapse. Further, the committee as well as the State Authorities will have to take note of the fact that monsoon is going to set-in in Kerala State from the middle of May and if the debris is not cleared then it is likely to create leachate from the debris collected in the area which is likely to seep into the Kayal which is situated nearby and affect the water quality in the Kayal and the State Authorities*

O/C

- 10 -

/s/

the duty bound to protect the Kayal which is part of environment. In compliance with the above order, the joint committee visited the site on 17.06.2020. Thereafter detailed discussions were done on 18.06.2020 in which specific directions were given to the Secretary, Maradu Municipality to ensure that the debris fallen in the Kayal has been removed completely. As per the direction the Secretary had submitted completion report with respect to removal of debris from Kayal as well as demolition sites vide his letter dated 18.06.2020. Based on the discussions and by verifying the report of the Secretary, updated status report has been prepared. Kindly note that the report contained all important points as per the directions given during the meeting convened on 24.01.2020 by the State Level Monitoring Committee.

It may also be noted that the Hon'ble Tribunal vide the order dated 14.05.2020 specifically insisted to impose environmental compensation if violations are noticed as per the C&D Waste Rules 2016 during removal of wastes. It is also important to note that the Hon'ble Tribunal allowed the Board to file independent report if needed. Hence certain shortfalls were identified which are found to be violations and can be considered as committed offence as per the relevant provisions of the Construction & Demolition Waste management Rules, 2016. It may also be noted that the assessment of environmental compensation for these violations are seems to be difficult as no specific rules, guidelines or model calculations are available. Hence kindly get some advice from CPCB in this regard as this is the first such incident, the Board faced in the State.

The Shortfalls mentioned are as follows.

1. Action plans were not submitted prior to the demolition or removal of debris by the Municipality.

2. Covering a height of 35 ft using metal barriers not provided around all the demolition sites

Specific details of wind breakers provided are as follows:

- a) Provided 10m metal barrier on land side of Alfa Serene flats
 - b) Provided 10ft height Geotextile barrier in the back-water side of the Golden Kayaloram
 - c) Provided 10ft height Geotextile barrier in the back-water side of the Holyfaith, H2O
 - d) Provided 10ft height Geotextile barrier in the front side of the Jain Coral Cove
3. Adequate water sprinkling of sites for dust suppression was carried out. It was done by using pumps with fire hoses instead of water sprinklers.
4. Even though the service provider has obtained authorization for the processing of Construction & Demolition waste at Kumbalam site, no activity carried out in that site due to public protest and disposed debris without submitting prior proposals for such disposals.

Considering the above aspects, an advice may be given regarding assessment of Environmental Compensation if needed. It may also be noted that the SLMC is supervising the activities of removal of demolition waste, an updated status report need to be given at the earliest. Hence an immediate action from that office may be initiated in the above explained matter. The next date of hearing in the above case is posted on 30.07.2020. Enclosed kindly find copy of the report prepared by the joint committee.

Yours faith fully

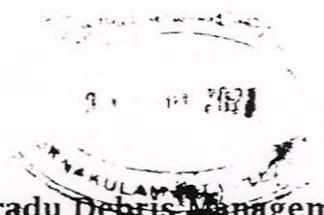
M A BAIJU

Digitally signed by M A BAIJU
Date: 2020.07.15 14:26:09 +05'30'

Chief Environmental Engineer

Encl. as above

Copy to: The Environmental Engineer, District Office-1, Ernakulam


Report on Maradu Debris Management - Post Demolition by
Joint Committee as per the order of the Hon'ble NGT in OA 12/2020

Pre-Demolition

During the pre-demolition around 11250 tonnes load was removed and all was sent to a yard in Chandroor, Aleppy. This material was thereby used for road formation and basement filling purpose at KSIDC industrial park, Pallipuram, Aleppy.

All this material was transported following C&D Waste Management Rules:

1. Covering of all the material in the truck while transportation
2. Ensuring that all waste is wet, so that no pollution is caused during the transportation.
3. 24 hour sprinkling of water on the site, to ensure that there is no air pollution caused during the removal.

Post-Demolition

- The waste collected after the blasting was mainly of cement blocks with steel reinforcement. The entire process for removal of waste was to break the concrete debris and salvage the steel from the same.
- The steel had to be removed from the debris by using mechanical and automatic breakers. The steel had to be cut using gas cutters and other methods.
- Action plans were not submitted prior to removal of debris by either Municipality or service providers ie., Vijay Steels for steel debris and Prompt Enterprises for Concrete debris. It is true that they had submitted disposal details with locations after the removal of debris. The Maradu Municipality never submitted or forwarded action plans prior to removal of debris whether it is Concrete or Steel except action taken reports.

Specific Findings

1. Adequate metal barrier of 35 feet was required - but in actual the barrier were made of varying heights. It was due to specific limitations in terms of the sites. The site was covered adequately as possible.

Specific details of provision of wind breaking measures were explained in the report which are as follows .

- Provided 10m metal barrier on land side of Alfa Serene flats.
- Provided 3m (10ft) height geotextile barrier in the back-water side of the Golden Kayaloram.

- Provided 3m (10ft) height geotextile barrier in the back-water side of the Holyfaith, H2O
- Provided 3m (10ft) height geotextile barrier in the front side of the Jain Coral Cove.

It may be pertinent to note that during monitoring the air quality was found to be within the standards stipulated most of the times.

2. Adequate water sprinkling of sites for dust suppression was carried out. It was done by using pumps with fire hoses instead of water sprinklers, when it was found that the water sprinklers were not effective in covering the entire site. The water pumps used were having higher capacity than a conventional sprinkler and were far more effective in controlling the dust spread.

There were no complaints from any residents living nearby about the dust in the entire process of the removal of debris.

3. Ensuring that the water used for sprinkling doesn't reach the Kayal- There was no incident found for the same, and as a matter of precaution a separate drain was also prepared in Golden Kayaloram site.

4. Removal of demolition waste fallen in the Kayal - This incident happened for Alfa Serene tower demolition that a chunk of debris fell in the Kayal during blasting. This was subsequently removed and also a check was carried out by local fisherman so as to establish that there is no debris in the Kayal. These actions are verified by the committee during its visit on 17.06.2020 and instruction was given to Secretary to ensure that entire wastes fallen in the Kayal were removed and transferred to disposal locations. Subsequently the Secretary, Municipality submitted his report (Annexure -1)

5. All vehicles which were used for transportation of the waste material was having covering, so that no pollution was caused due to the movement.

6. Though the Service provider for removal of Concrete debris or the Secretary, Maradu Municipality had not submitted any proposals as to where these debris are disposed of, Secretary had often forwarded the details of disposal locations submitted by the service providers after such works. Hence the committee was not able to supervise the activities. It is to be noted that village officers concerned as per the decision taken in the joint committee meeting held on 17.02.2020 were given direction to monitor the disposal. It is also identified that the generated waste which was taken to multiple sites and not to one specific C&D waste processing facility. This was mainly due to the fact that the waste was suitable to be used as it is, and it didn't need further processing. Even though there was



some processing required, an authorisation was given for the same by Kerala State Pollution Control Board but the service provider has not provided this facility at Kumbalam pointing out some complaints from local people

7. Log book was maintained by the agency doing the debris removal and the same was verified by the Maradu Municipality

Aspects related to Pollution Control Board

The Kerala Pollution Control Board played an active and pivotal role in ensuring that the entire process was carried following the C&D waste Management Rules except those mentioned in the previous paragraphs. It was only due to the effort of the Kerala Pollution Control Board that the exact rules were informed and were followed to the maximum extent possible by the Joint Committee. Serious lapses if any occurred will be separately addressed in consultation with SLMC as the SLMC is supervising the activities.

The KPCB also ensured regular monitoring of air pollution (PM 10, PM2.5) and also sound pollution monitoring. In terms of any deviation from the normal, immediate steps were taken by the agency to regulate the same on advice of the KPCB. It is pertinent to note that due to lockdown restrictions in view of the outbreak of COVID-19 in the country, monitoring was discontinued from 20.03.2020 onwards. Since the demolition sites are seen cleared, the monitoring was not rescheduled.

The KPCB also pointed out that all fallen debris should be removed from the Kayal during the meeting on 18.06.2020. The Committee entrusted the Secretary Maradu Municipality to submit their report regarding removal of debris from the Kayal. Kerala Pollution Control Board has ensured that the Secretary had submitted such report intime (Annexure 2). Also, the analysis report of water samples taken from the Kayal never showed any abnormal values. However, PCB is planning to carry out another set of monitoring of Kayal water.

Quantity Report

The Maradu Municipality has given a consolidated report on the tonnage removed. It gives the following information:


Sites	No. of Loads	Vehicle	Loads in Tonnes
Alfa Serene Towers	3260	Eicher	20375
H2O Holy Faith	818	Torres	20450
Jain Coral Cove	863	Torres	21575
Golden Kayaloram	1153	Eicher	7206

The total expected tonnage was 76300 tonnes approx., but when the work was finished the actual tonnage of debris removed was approximately 69600 Tonnes.



District Collector, Ernakulam

**DISTRICT COLLECTOR
ERNAKULAM**


Sub-Collector, Fort Kochi


Secretary, Maradu Municipality
M. MOHAMMED ARIF KHAN, M.A. NFE, DR. JLL
**MUNICIPAL SECRETARY
MARADU MUNICIPALITY**




Chief Environment Engineer, KSPCB

M. A. BAIJU
Chief Environmental Engineer



മരട് ഫ്ലാറ്റ് പൊളിച്ചിട്ട് 6 മാസം, അവശിഷ്ടം കായലിൽ തന്നെ

■ അവശിഷ്ടം പൂർണ്ണമായി നീക്കാതെ കരാറുകാർ മടങ്ങി

നെട്ടൂർ • സൂപ്രീം കോടതി ഉത്തരവിനെ തുടർന്ന് പൊളിച്ച ആൽഫാ ഫ്ലാറ്റിന്റെ കായലിൽ വീണ്ട അവശിഷ്ടം പൂർണ്ണമായി നീക്കം ചെയ്യാതെ കരാർ കമ്പനി മടങ്ങി. ഫ്ലാറ്റ് പൊളിക്കാൻ കരാറടുത്ത ചെന്നൈ വിജയ് സ്റ്റിൽ സാൻ കായലിലെ അവശിഷ്ടം പൂർണ്ണമായി നീക്കം ചെയ്യാതിരുന്നതിനെ തുടർന്ന് കോടതി ഉത്തരവിനെ തുടർന്ന് പൊളിച്ച ആൽഫാ ഫ്ലാറ്റിന്റെ കായലിൽ വീണ്ട അവശിഷ്ടം പൂർണ്ണമായി നീക്കം ചെയ്യാതെ കരാർ കമ്പനി മടങ്ങി.

സമീപ വീടുകൾക്കു നാശനഷ്ടം ഉണ്ടാകാതിരിക്കാനായി ഇരട്ട ടവറിൽ ഒന്നിന്റെ 30% ഭാഗമാണ് കായലിലേക്കു വിഴ്ത്തിയത്. ഇവ നീക്കം ചെയ്തെന്ന വിജയ് സ്റ്റിൽസ് പറഞ്ഞതിന്റെ അടിസ്ഥാനത്തിൽ നഗരസഭ റിപ്പോർട്ട് തയ്യാറാക്കി മലിനീകരണ നിയന്ത്രണ ബോർഡിനു നൽകിയിട്ടുണ്ട്. എന്നാൽ, ടവറിന്റെ തല്ലൊരു ഭാഗം ഇപ്പോഴും വെള്ളത്തിലാണ്.

അവശിഷ്ടങ്ങൾ കായലിൽ മുങ്ങിക്കിടക്കുകയാണെന്ന് മത്സ്യത്തൊഴിലാളികൾ പറയുന്നു. ഇപ്പോൾ കായലിൽ അരയോളമേ വെള്ളമുള്ളൂ. കോൺക്രീറ്റ് കമ്പികൾ വെള്ളത്തിനു മുകളിൽ ഉയർന്നു നിൽക്കുന്നുണ്ട്. കഴിഞ്ഞ ദിവസം ഈ ഭാഗത്തു വലയിട്ട ഉദയപേരൂർ സമുദ്രീയായ മത്സ്യത്തൊഴിലാളിയുടെ വല കീറി. അവശിഷ്ടം കായലിൽ നിന്നു പൂർണ്ണമായി നീക്കം ചെയ്യാത്തതിനെപ്പറ്റി പ്രതികരിക്കാൻ നഗരസഭാധികൃതർ തയ്യാറായില്ല.

പൊളിച്ച എല്ലാ ഫ്ലാറ്റുകളിലെയും കോൺക്രീറ്റിലെ കമ്പിയുടെ അവകാശവും ഇടനിലക്കരാറില്ലാതെ വിജയ് സ്റ്റിൽസിന് ആയിരുന്നു. കമ്പി ഒഴികെയുള്ള അവശിഷ്ടങ്ങൾ ആലുവയിലെ പ്രോപർട്ടി എൻഡ്വൈസ് എന്ന കമ്പനിക്ക് കൈമാറി. അവശിഷ്ടങ്ങൾ പ്രധാനമായും വെങ്ങോലയിലെ യൂണിറ്റിലേക്കു മാറ്റി എസാൻഡും കോൺക്രീറ്റ് കട്ടകളുമാക്കുകയാണു ചെയ്തത്. മേയ് 21ന് അവശിഷ്ടനീക്കം പൂർത്തിയാക്കുന്നതാണ് അധികൃതരെ അറിയിച്ചത്.

വീടുകൾക്ക് ബലക്ഷയം

ആൽഫാ പരിസരത്തെ വീടുകൾക്കും കെട്ടിടങ്ങൾക്കും ബലക്ഷയമുണ്ട്. ചില കിണറുകൾ ഉപയോഗ ശൂന്യമായി. വാടക വീടിലേക്കു മാറിയതിന്റെ ദുരിതം വേറെ. വീടിന്റെ ശോച്യാവസ്ഥ കാരണം പലർക്കും ഇനിയും തിരിച്ചെത്താനായില്ല. സ്വന്തം പോക്കറ്റിൽ നിന്നാണ് ഇവർ ഇപ്പോൾ വാടക നൽകുന്നത്. വിള്ളൽ വീണ വീടുകളുടെ അറ്റകുറ്റപ്പണി നാമമാത്രമായിരുന്നെന്ന് പരിസരവാസികൾ ആരോപിച്ചു. മഴക്കാലം കഴിഞ്ഞു കിട്ടിയാൽ ഭാഗ്യമെന്ന് ഇവർ പറയുന്നു.



എച്ച്ടൂടെ ഹോളി ഫെയ്ത്ത് നിന്നിരുന്ന സ്ഥലം ഇപ്പോൾ. ചിത്രങ്ങൾ: ജോസ്കുട്ടി പനയ്ക്കൽ • മനോരമ



മരട് എച്ച്ടൂടെ ഹോളി ഫെയ്ത്ത് പാർപ്പിട സമുച്ചയത്തിന്റെ പഴയ ചിത്രം.

വാസികൾ ആരോപിച്ചു. മഴക്കാലം കഴിഞ്ഞു കിട്ടിയാൽ ഭാഗ്യമെന്ന് ഇവർ പറയുന്നു.

“വിള്ളൽ വീണു കൂടുതൽ കേടുപറ്റിയ ഞങ്ങളുടെ വീടുകളുടെ അറ്റകുറ്റപ്പണിയുടെ കാര്യത്തിൽ ഇനിയും തീരുമാനം ആയില്ല. ചോർന്നോലിച്ച് 2 വീടുകളുടെയും ഭിത്തിയിൽ പായൽ പിടിച്ചു. ഇൻഷുറൻസ് പരിരക്ഷയെന്നായിരുന്നു ഒടുവിൽ സമാശ്വസിപ്പിച്ചത്. അതും കിട്ടില്ലെന്ന് ഉറപ്പായതോടെ കേസിനു പോകാമെന്നാണിപ്പോൾ നഗരസഭ പറയുന്നത്. കേസും വിധിയുമൊക്കെ ഏതു കാലത്തു തീരാനാണ്. ആരുടെയോ തെറ്റിനു ദുരിതം അനുഭവിക്കുന്നത് ഞങ്ങളാണ്.”

■ നെടുമ്പിള്ളിൽ സുഗുണാനന്ദൻ, കണ്ണിയാമ്പിള്ളിൽ അജിത് ആൽഫാ ഫ്ലാറ്റിനു സമീപം ഏറ്റവും കൂടുതൽ കേടുപറ്റിയ വീടുകളുടെ ഉടമകൾ

ഹരിത ട്രൈബ്യൂണലിൽ റിപ്പോർട്ട് നൽകിയില്ല

മാടിലെ മാലിന്യനീക്കം, മാനദണ്ഡങ്ങൾ പാലിച്ചില്ലെന്ന ദേശീയ ഹരിത ട്രൈബ്യൂണൽ സംസ്ഥാനതല മേൽനോട്ട സമിതി ചെയർമാൻ ജസ്റ്റിസ് എ.വി. രാമകൃഷ്ണ പിള്ളയുടെ റിപ്പോർട്ടിന്റെ അടിസ്ഥാനത്തിൽ ട്രൈബ്യൂണൽ ചെന്നൈ ബെഞ്ച് സ്വമേധയാ കേസെടുത്തിരുന്നു. ജില്ലാതല സമിതിയോടു മേയ് 11നു റിപ്പോർട്ട് സമർപ്പിക്കാൻ ആവശ്യപ്പെട്ടിരുന്നു. കോവിഡ് ആയതിനാൽ റിപ്പോർട്ട് തയ്യാറാക്കാനാകാത്തതിനെ തുടർന്നു 2 മാസത്തെ സാമ്പകാശം അനുവദിച്ചിട്ടുണ്ട്. ജൂലൈ 30ന് ആണ് കേസ് വീണ്ടും പരിഗണിക്കുക.

കായലിൽ വീണ ഫ്ലാറ്റ് അവശിഷ്ടത്തിൽ തട്ടിവലയും മറ്റുപകരണങ്ങളും നശിക്കുന്നു. പൊളിക്കുന്ന സമയത്തു നൽകിയ വാഗ്ദാനമെല്ലാം അധികൃതർ മറന്നു. എച്ച്ടൂടെ ഫ്ലാറ്റിനു സമീപത്തെ കൂടു മത്സ്യക്കുഴിക്കു നഷ്ടപരിഹാരം നൽകുമെന്ന പറഞ്ഞതും വെറുതെയായി. അവശിഷ്ടങ്ങൾ കായലിൽ നിന്ന് എത്രയും പെട്ടെന്ന് നീക്കം ചെയ്യണം. നഷ്ടപരിഹാരം നൽകണം.

■ ആന്റണി കളരിക്കൽ ജില്ലാ പ്രസിഡൻ്റ് മത്സ്യത്തൊഴിലാളി കോൺഗ്രസ്



എച്ച്ടൂടെ ഹോളി ഫെയ്ത്ത് ഫ്ലാറ്റ് സ്ഫോടനത്തിൽ തകരുന്നതു.



മറ്റ് ഫ്ലാറ്റുകളുടെ മുൻപുള്ള ദൃശ്യവും സ്ഫോടന ദിനവും ഇപ്പോഴത്തെ കാഴ്ചയും കാണാൻ ക്യാരൂർ കോഡ് സ്കാൻ ചെയ്യുക.

ANNEXURE - X3

CEE : 0484 2207782
Phone : 0484 - 2207783 - 86
Fax : 0484 - 2207782
e-mail:pcbrokekm@gmail.com



KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, GANDHI NAGAR, ERNAKULAM – 682 020

www.keralapcb.org

File No. PCB/RO-EKM/ GEN- 276/2020

25.07.2020

From

The Chief Environmental Engineer

To

The Chairman

State Level Monitoring Committee (NGT)

Sub: Demolition of Flats at Maradu-O A 12-2020 -reg.

- Ref: 1. Order of the Hon'ble National Green Tribunal in O.A no.12/2020 dated 14.05.2020
2. Report of the Joint Committee in compliance with the order of the order dated 14.05.2020.
3. This Office Letter of even number dated 15.07.2020 asking advise from the Member Secretary.
4. This Office Letter of even number dated 21.07.20.
5. Instruction given by your good self on 24.07.2020.

Respected Sir,

In response to the instruction given by your good self on 24.07.2020 with regard to complete removal of debris from the Back waters "The Thevara Kanal", I may report as follows.

The Apartment Project in question is "The Alfa Serene - Tower 2" which was demolished on 11.01.20 in compliance with the order of the Hon'ble Supreme Court. The demolition of this apartment created disturbance in the stream by way of debris where a portion of the wastes has fallen in the Kayal. It is important to note that the Committee constituted by the Hon'ble Tribunal coordinated the activities for the removal of debris from all the four sites under the supervision of State Level Monitoring Committee from January 2020 onwards itself. It is also

18 - /

pertinent to note that though the outbreak of COVID-19 decelerated the activities of removal of debris, the municipality has submitted the completion report on removal of debris on 18.07.2020 after detailed discussion within the committee forum. Accordingly, the committee finalized its action taken report for submission before the Hon'ble NGT.

However, as per the direction of your good self, enquiry was conducted by the Board officials on 24.07.2020 at 2pm at the site of Alfa Serene- Tower 2, Maradu. Search was also made in the Back water where debris has fallen due to demolition of the said apartment. Due to time constraints, only a preliminary search was possible with the assistance of a local fisherman.

The preliminary investigation exposed following facts.

1. Debris due to the demolition of Alfa Serene -Tower 2 apartment has fallen at a stretch of approximately 30 m length parallel to the bank of the stream and approximately 15 m towards the middle of the backwater.
2. Search was made up to about 20 m towards Backwater where some scattered settlement of debris were found including reinforced beams, concrete debris etc. beyond 5m and up to approximately 15 m from the bank.

It is understood that these types of wastes are identified in the backwater since the municipality had used JCB type earth movers for the removal of debris up to a length of maximum 5m only from the river bank. Further, I may report that detailed quantification if needed can be done using accredited agencies viz Navy, Fire & Rescue team etc.

Yours faith fully

M A BAIJU

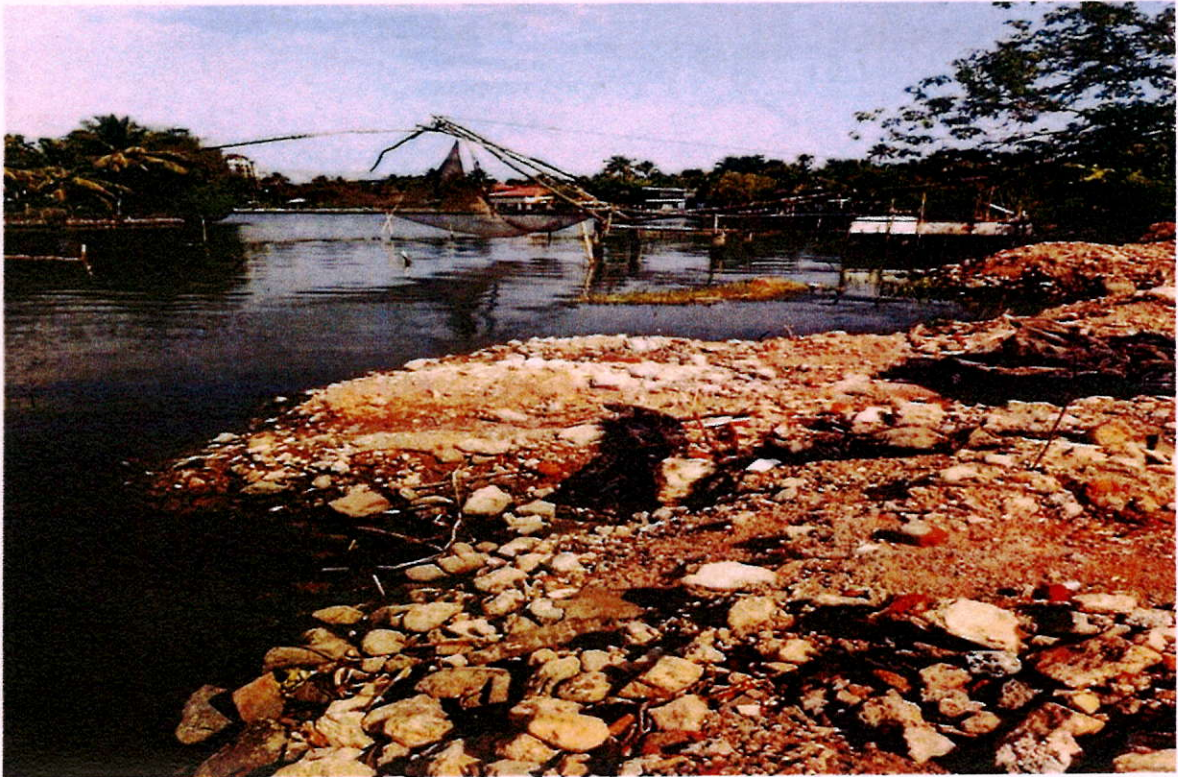
Digitally signed by M A BAIJU
Date: 2020.07.25 14:37:02 +05'30'

Chief Environmental Engineer

- Copy to:1. The Member Secretary, KSPCB, Thiruvananthapuram.
2. The District Collector, Ernakulam
3. The Sub Divisional Magistrate, Kochi
4. The Secretary, Maradu Municipality **(For urgent action and report)**
5. The Environmental Engineer, District Office-1, Ernakulam.

ANNEXURE - X₄

(1)



Canal Bank where debris fallen Near Alfa Serene Tower 2 Site (Photograph taken on 05.05.20)

(2)



A Close view on Settled debris (Swimmer performed search on 24.07.2020)



KERALA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, GANDHI NAGAR, ERNAKULAM - 682 020

www.keralapcb.org

File No. PCB/RO-EKM/ GEN- 276/2020

26.07.2020

From

The Chief Environmental Engineer

To

The Chairman

State Level Monitoring Committee (NGT)

Sub: Demolition of Flats at Maradu-O A 12-2020 -reg.

- Ref: 1. This Office Letter of even number dated 25.07.20
2. Order of the Hon'ble National Green Tribunal in O.A no.12/2020 dated 14.05.2020
3. Instruction given by your good self on 26.07.2020 during visit at the Site of Alfa Serene -Tower 2 at Maradu.

Respected Sir,

As instructed by your good self during the visit mentioned vide reference cited (3) and in continuation to the letter cited (1) prepared after inspecting the site on 24.07.2020 by Board Officials alone I may explain as follows.

During the visit at 11 AM today the 26th of July 2020, a local resident (Sri. Sugunanandan, Nedumpillil House, Nettoor P.O, Maradu), who belongs to fisherman community, also accompanied the inspecting team headed by Hon'ble Justice A.V Ramakrishna Pillai, Chairman, SLMC(NGT) and explained certain glitches against the Maradu Municipality in carrying out the removal of debris from the site of the apartment mentioned, especially about the removal of fallen debris from the Back water "The Thevara Canal" where regular tidal effect is experienced. He further explained that the Municipality, while doing the removal of debris from the Kayal was able to remove a minor portion of this using JCB type earthmovers which was already explained in the letter under reference (1). As per the direction

given, he arranged a local fisherman to conduct a search in the Kayal where debris has fallen due to the demolition.

The swimmer who performed the search identified reinforced concrete structures settled at the bottom of the Kayal. Unlike on earlier occasion while the Board officials had conducted inspection at 2 pm on 24.07.20, steel portion of the structures were visible above the water surface. This may be due to the tidal effect where water level dropped a little.

However, this time also following facts are noticed.

1. Debris due to the demolition of Alfa Serene -Tower 2 apartment has fallen at a stretch of approximately 30 m length parallel to the bank and 15 m towards the middle of the backwater. Also, some scattered settlement of debris were found including reinforced beams, concrete debris etc.
2. The action undertaken by the Maradu Municipality using service providers or other agencies did not seem to be satisfactory as there are remains of debris in the Backwater and urgent action shall be taken by the Municipality to remove the remaining portion of debris fallen in the backwater immediately as the Hon'ble Supreme Court and Hon'ble NGT are closely watching the scenario.

Photographs taken during different occasion with notes are enclosed.

Yours faithfully

M A BAIJU

Digitally signed by M A BAIJU
Date: 2020.07.26 15:42:02 +05'30

Chief Environmental Engineer

- Copy to:
1. The Member Secretary, KSPCB, Thiruvananthapuram.
 2. The District Collector, Ernakulam
 3. The Sub Divisional Magistrate, Kochi
 4. The Secretary, Maradu Municipality **(For urgent action and report)**
 5. The Environmental Engineer, District Office-1, Ernakulam.

ANNEXURE - X6 SERIES



Canal Bank on 26.07.20 (About 30 m length where debris fallen in the Backwater)



Sri Sugunanandan explaining grievances to Hon'ble Justice A.V Ramakrishna Pillai, Chairman, SLMC (26.07.20)

(3)



A view of Chinese fishing net at the affected Site

(4)



Swimmer standing on a Reinforced concrete structure at About 15 m from the Canal Bank (26.07.20)



Swimmer Performing Search on 26.07.20 (Another view)



Another view of Chinese fishing net at the affected Site (Alfa Serene - Tower 2)