

**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 CONCRETE WASTE FALLEN IN
THE BACK WATERS DURING THE DEMOLITION OF THE HIGH
RISES WITH IN THE LOCAL LIMITS OF
MARADU MUNICIPALITY, ERNAKULAM DISTRICT, KERALA**

PRESENTED ON : 22.10.2020

COMPLIANCE: ORDER DATED 11.08.2020

DATE OF POSTING 28.10.2020

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ADDITIONAL REPORT

Adverting to my previous report dated 27.07.2020 as well as the report submitted by the Kerala State Pollution Control Board, this Hon'ble Tribunal as per order dated 11.8.2020 has directed the Pollution Control Board to apply the guidelines provided by the NGT on the basis of the guidelines of the Central Pollution Control Board to assess the compensation for the violation found against the Maradu Municipality as well as the project proponent in accordance with the law.

The Maradu Municipality was directed to produce all necessary documents to show as to how they have monitored and complied with the Rules and the plan provided as required under the rules of the project proponent.

The Joint Committee headed by the District Collector was directed to submit a detailed report on or before the next posting date.

The Chairman, SLMC was directed to monitor the process and submit an independent report.

Though the Maradu Municipality was duty bound to inform me the further action taken in the matter, there was no communication whatsoever from them till date.

However, I came across with a report in Malayala Manorama daily dated 2.9.2020 stating that the portions of concrete structures fallen in the back waters during the demolition of Alfa Serin Tower-II were being removed. **Annexure-I** is the copy of the said report.

Immediately, I gave a message to the Member Secretary, SLMC to prevail upon the Regional Office, KSPCB, to inspect the site while the debris sweeping operations in the back waters were

going on and to submit a factual report regarding the removal of the debris along with the photographs of the different stages of operation.

On the basis of this the surveillance team of the KSPCB visited the site on 3.9.2020 and had taken **Annexure-II series** photographs. It was reported that during the visit the removal of debris from the back waters was being carried out using an earth remover as could be seen in Annexure-II series.

As per the report from the Chief Environmental Engineer, Regional Office, KSPCB, Ernakulam, the process of removal continued till 15.9.2020.

Annexure-III series are the photographs of the removal process taken on different days viz., 4.9.2020, 8.9.2020 and 12.9.2020. It was also reported by the Chief Environmental Engineer, Regional Office, KSPCB, Ernakulam, that the debris removed from the back waters was remaining at the site at the time of inspection on 12.9.2020. It was also reported that the Secretary of Maradu Municipality had not submitted any action plan for the removal of debris till that day.

On 13.9.2020, the surveillance team conducted a thorough search in the back waters with the assistance one Mr.Sugunandan, a nearby resident and certain other local fish mongers. During the inspection it was revealed that certain portions of a concrete structure fallen near a China net (Cheenavala) were not removed. It was reported that the employees under the contractor had said that three more days would be required to complete the process. **Annexure-IV series** are the photographs taken 13.9.2020.

Reportedly, the surveillance team inspected the site again on 18.9.2020. At that time, the temporary bund constructed into the back waters for facilitating the removal of debris was seen

removed. It was also reported that the remaining portions of the concrete structures were also removed. Annexure-V series are the photographs taken on 18.9.2020.

On 30.9.2020 I made a local inspection of the site along with the Chief Environmental Engineer, Regional Office, KSPCB and found that the last report of the surveillance team tallied with the actual fact situation. Annexure-VI series are the photograph taken on date of my visit.

Though the reinforced particles fallen into the back waters were seen removed, the mud and clay containing small debris particles are still remaining at the site unattended. Unless, it is removed, it is likely to be washed down to the back waters during heavy rain. Therefore direction may be given to the parties concerned to remove the debris containing clay also from the site.

During my visit, one Mr.Mohammed who is running a small shop near the site complained that the site has become a comfortable place for the gathering of anti-social elements as it is kept open throughout. He added that the site was under lock and key before the present cleaning operations have started. Therefore, the District administration may directed to see that the site is kept closed to avoid any untoward incidents.

A portion of the mud bund constructed for the present clearing operations was seen protruding into the Kayal. However, without ascertaining the boundary of the site with survey records, it cannot be said whether there is encroachment into the kayal.

Before parting with this report, it is crucial to point out that the Maradu Municipality has not submitted any details to KSPCB to complete their exercise of assessing compensation as directed by this Tribunal. On 27.9.2020, the Chief Environmental Engineer, Regional Office, KSPCB has forwarded a copy of letter dated

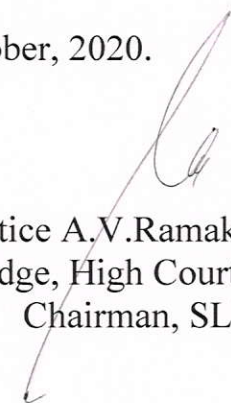
24.9.2020, addressed to the Secretary, Maradu Municipality seeking explanation for noncompliance. A copy of the same is marked as **Annexure-VII.**

On 21.10.2020, the Chief Environmental Engineer informed that the Secretary, Maradu Municipality in response to Annexure-VII, has sent a letter on 13.10.2020, intimating the completion of debris removal. The letter dated 21.10.2020 from the Chief Environmental Engineer, Regional Office, KSPCB is marked as **Annexure-VIII.**

It appears that the letter from the Secretary is silent regarding the material particulars asked for by the KSPCB, as directed by this Tribunal. Also, no explanation is forthcoming from the Secretary for the laches on the part of Maradu Municipality in dealing with the issue.

Annexure-VIII reveals that the Joint Committee would be meeting at 4 p.m. on 22.10.2020 to discuss the future course of action.

Dated this the 22nd day of October, 2020.


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

ഫ്ലാറ്റ് അവശിഷ്ടം നീക്കിത്തുടങ്ങി

നെട്ടൂർ • സുപ്രീം കോടതി ഉത്തരവിനെ തുടർന്ന് നിയന്ത്രിത സ്ഫോടനത്തിൽ തകർത്ത പ്ലാൾകായലിൽവീണ ആൽഫാ ഫ്ലാറ്റിന്റെ അവശിഷ്ടം നീക്കിത്തുടങ്ങി. ഫ്ലാറ്റ് പൊളിച്ച് 7 മാസത്തിനു ശേഷമാണ് കരാറുകാരായ വിജയ് സ്റ്റീൽസ് അവശിഷ്ടം നീക്കുന്നത്. കായലിലേക്ക് താൽക്കാലിക ബണ്ട് നിർമിച്ച് യന്ത്രസഹായത്തോടെയാണ് ഇത് കരയിലെത്തിക്കുന്നത്.

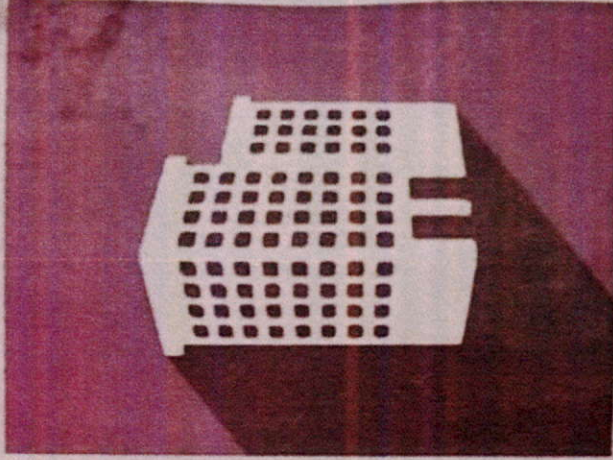
കേടുപറ്റാതെ കിടന്ന ബാൽക്കണിയുടെ ഭാഗവും തുണു. മറ്റും ഇന്നലെ കരയിലെത്തിച്ചു. അവശിഷ്ടം പൂർണ്ണമായി നീക്കിയ ശേഷം ബണ്ട് നീക്കം ചെയ്ത് നീരാഴുകി സുഗമമാക്കും. അവശിഷ്ടങ്ങളിൽ ഇരുമ്പു കമ്പിയുടെ അവകാശം വിജയ് സ്റ്റീൽസിനാണ്. കമ്പി നീക്കം ചെയ്ത കോൺ

ക്രീറ്റ് അവശിഷ്ടം മാറ്റാൻ പ്രോപ്റ്റ് എൻ്റർപ്രൈസസ് എന്ന കമ്പനിയാണ് കരാറെടുത്തത്. കരയിൽ എത്തിക്കുന്ന ഫ്ലാറ്റ് അവശിഷ്ടം എന്തു ചെയ്യണമെന്ന കാര്യത്തിൽ ധാരണ ആയിട്ടില്ല.

കായലിൽ വീണത് ഏകദേശം 1025 ടൺ

• 1025 ടൺ അവശിഷ്ടം കായലിൽ വീണെന്നാണ് കരുതുന്നത്. ഇതിൽ കരയിൽ നിന്നു യന്ത്രം ഉപയോഗിച്ചു കോരിമാറ്റാവുന്നത് 2 ഘട്ടമായി നീക്കം ചെയ്തിരുന്നു.

30 മീറ്റർ ചുറ്റളവിൽ ചിതറി കിടക്കുന്ന ബാക്കി അവശിഷ്ടം കാ



യലിൽ തന്നെയുണ്ട്. മൂന്നാൾ താഴ്ചയുള്ള ഭാഗത്തു നിന്ന് കരയിലെത്തിക്കുന്നത് ഏറെ ശ്രമകരമാണ്. താൽക്കാലിക ബണ്ടിനടുത്തേക്ക് വലിച്ച് അടുപ്പിച്ച് കരയിൽ എത്തിക്കുകയാണിപ്പോൾ.

Construction of temporary bund into the Canal for the removal of debris using excavator –

Photograph taken on 3.9.2020



Process of removing debris from the back waters using excavator -

Photograph taken on 3.9.2020



Portions of reinforced structure collected from the back waters using excavator -

Photograph taken on 3.9.2020



Parts of reinforced portions recovered from the back waters – Photograph taken on 3.9.2020



Debris removal from the back waters – Photograph taken on 4.9.2020



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Debris removal from the back waters – Photograph taken on 8.9.2020



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Views of Canal bank on 12.9.2020 (At that time the temporary bund constructed has not been removed) - Photograph taken on 12.9.2020



Photograph taken on 12.9.2020 showing the canal bank.

Mud and clay containing debris particles excavated from the back waters -

Photograph taken on 12.9.2020



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ANNEXURE V(a)







ANNEXURE V (d)



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ANNEXURE VI (a)

Site inspection by the Chairman, SLMC on 30.9.2020



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View of the Canal bank – Photograph taken on 30.9.2020



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Mud and clay containing debris particles seen deposited at the site – Photograph taken on 30.9.2020





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

www.keralapcb.org

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

24.09.2020

From

The Chief Environmental Engineer

To

The Secretary, Maradu Municipality

Sub: Removal of debris from Kayal-Alfa Serene flat -O A 12-2020 -reg.

- Ref: 1. Order dated 11.08.2020 of the Hon'ble tribunal in O A no.12/2020
2. Copy of this office letter of even no. dated 24.08.2020 &12.09.2020

Sir,

It is regretted to note that you have not intimated any actions on removal of debris that fallen during demolition of flats at Maradu. Please note that, as per the order of the Hon'ble National Green Tribunal in O A No.12/2020 dated 11.08.2020, the Hon'ble Tribunal directed as follows

“Maradu Municipality to produce all the necessary documents as to how they have monitored and satisfied with the compliance of the Construction and Demolition Waste Management Rules, 2016 and the plan provided as required under the Rules by the project proponent. Maradu Municipality is also directed to produce documents before the Pollution Control Board and before the committee. The committee can consider the question and submit a detailed report to this Tribunal on or before 28.10.2020”.

In this context, please note that the Board, though you have not intimated the action plans for the removal of debris that fallen in the Kayal, had conducted periodical inspections to verify the progress of removal of debris from the kayal based on the instruction received from the Chairman, State level Monitoring

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Committee (SLMC). Inspections were conducted on 03.09.2020 and 12.09.2020 and submitted the report before the Chairman with copy to you with specific instruction to submit action plan/action taken report about removal and transfer of debris but not complied with till now. You may be well aware that the Chairman State Level Monitoring Committee appointed in O.A No. 606/2018 is supervising the activities of the joint committee and removal of debris also. The Chairman, SLMC periodically enquiring about the submissions from your side and the status of the removal of debris from Kayal for further onsite inspections and reports.

In these circumstances, you are hereby directed to explain why you are not keen on submitting timely action plans/reports on the removal of debris from the Kayal and transferring such wastes to other disposal sites afterwards. Hence you are hereby once again directed to submit a consolidated report on the actions completed till now immediately to this office to avoid further confusions.

Yours faithfully

Digitally signed by M A BAJU
Date: 2020.09.24 16:35:33 +05'30'

Chief Environmental Engineer

Copy to.

1. The District Collector, Ernakulam
2. The Sub Collector, Kochi.
3. The Member Secretary, Head Office/The Member Secretary, SLMC.
4. The Environmental Engineer, DO-1, Ernakulam.





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

www.keralapcb.org

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

21.10.2020

From

The Chief Environmental Engineer

To

The Chairman

State Level Monitoring Committee (NGT)

Sub: Removal of Debris from Kayal – Demolition of Flats at Maradu-O A 12-2020 -
Reg.

Ref: 1. Discussion had with your good self on 21.10.2020.

Respected Sir,

In response to the discussion had today I may report as follows

As your good self is well aware that even after repeated requests from the Board's side and directions from the SLMC no satisfactory action plans have been submitted by the Secretary till date in connection with removal of debris from the demolition sites. This created lot of difficulties in identifying the waste disposal sites. Though they had submitted certain action taken reports, practically it was not possible to ensure the safe disposal of debris due to time constraints faced by us. It may be pertinent to note that they had proposed a crusher called "Rubble Master" in the beginning stages at Kumbalam but was not able to install this machine due to public protest as they explained. It may also be noted that the Secretary, Maradu municipality was issued with a direction ie, on 24.09.2020 pointing out the non-compliance of the direction of the Hon'ble Tribunal regarding the submission of the action plan/action taken report about the removal and transfer of debris from Kayal and reminding to submit the consolidated report on the actions completed. In response to the letter, the Secretary, Maradu

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Municipality had submitted a letter dated 13.10.2020 intimating the completion of the removal of debris, the main content of which is as follows:

"The measures to redress the environmental issues and related matters in connection with the demolition of flats-Apartments had been adopted within the purview of Maradu Municipality itself. At present, the works in connection with the removal of debris has been completed. It is also hereby reported that, the service providers have completed the removal of debris as per the agreement entered with maradu Municipality and the Municipality has given completion certificate to them in this regard."

It may also be noted that the District Collector is convening a meeting tomorrow ie, on 22.10.2020 at 4.00 PM to discuss about the future course of actions to be completed and to finalize the report to be submitted before the Hon'ble NGT.

This is for favour of information and necessary advice

Yours faith fully

Digitally signed by M A BAJU
Date: 2020.10.21 21:24:00 +05'30'

Chief Environmental Engineer

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

