

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

Application No. 412 of 2016 (PB)

IN THE MATTER OF:

NGI Action Council,
Registration No. R 742/2009 (Thrissur District)
Rep. by its President Jaison Panaikulangara &
Secretary K.M.Anil Kuma
Kathikudam P.O -680308
Thrissur Distrtict,
Kerala State

...Applicants

VS

1. Nitta Gelatin Inc.
Rep. by its Chairman Executive Officer, Norimichi Soga
4-26, Sukunagawa 4-Chrome,
Naniwa-ku, Osaka (PC 556.0022),
Japan.
2. Nitta Gelatin (India) Limited
Rep. by its Managing Director,
27/472, SBT Avenue, Panampilly Nagar,
Cochin – 682036.
3. Union of India
rep. by Secretary,
Ministry of Environment, Forests and Climate Change,
Paryavaran Bhavan,
Jorbagh Rd, New Delhi – 110 003

4. State of Kerala
rep. by Chief Secretary,
Government of Kerala,
Administrative Secretariat,
Thiruvananthapura m-695 001
5. Central Pollution Control Board
Rep. by its Member Secretary,
Parivesh Bhavan, East Arjun nagar,
New Delhi 110 032.
6. Kerala State Pollution Control Board,
Rep. by its Member Secretary,
Pattom, Thiruvananthapuram – 695004
7. Kadukutty Grama Panchayat
Rep. by its Secretary,
Kadukutty P.O -680 309
Thrissur District,
Kerala State.

.....Respondents

Counsel appearing for the Applicants:

Mr.Vincent Panikulangara

Counsel appearing for the Respondents :

**Mr.Anand , senior counsel for
M/s.B.S.Krishna Associates for R2
Ms.Me.Sarashwathy, for R3
Mrs.Suvitha, A.S. for R4
Mr.D.S.Ekambarm for R5
Mr.T.Naveen for R6
M/s.Sheejo Chacho &
Anand Parathara for R7.**

J U D G E M E N T**PRESENT:****HON'BLE SHRI JUSTICE M.S.NAMBIAR, JUDICIAL MEMBER****HON'BLE SHRI P.S. RAO, EXPERT MEMBER**

Delivered by Hon'ble Justice M.S.NAMBIAR, Judicial Member**Dated: 27th February, 2017**

Whether the Judgement is allowed to be published on the Internet – Yes/No

Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

This is an application filed by M/s.Nitta Gelatin India Ltd., Action Council for seeking the following reliefs:

"i. to direct 5th respondent to study the pollution caused by the factory to air, water and land in terms of the parameters fixed in Annexure 1 and 2 and the smell from the factory.

ii. to prohibit the factory to draw such huge quantity of water every day from the Chalukudiyar for industrial purpose without permission from 4th respondent.

iii. to prohibit the factory to discharge its effluents and sludge into the Chalakudiyar unless the discharge satisfies the conditions in Annexure 1 and 2 and respondents 1 and 2 get

permission from 4th respondent to draw and to discharge the treated effluents and sludge which satisfy the conditions in Annexure 1 and 2 into the Chalakudiyar.

iv. to direct 2nd respondent to compensate the dead and the living victims of pollution.

v. to direct 2nd respondent to compensate the uncultivable agricultural land and

vi. to direct respondents 1 and 2 to clean the river bed of the downstream of the Chalakudiyar from Kathikudam of heavy metals and chemical industrial wastes.

vii. to direct 2nd respondent to take away and clean the sludge stored in Kalliyamapara

viii. to direct 2nd respondent to clean the river bed of the Gayathripuzha.

ix. to grant any other relief this Hon'ble Tribunal deems fit and proper in the batch of the case including a direction to 2nd respondent to pay cost of this litigation to Applicant."

2. The applicant contended that the 2nd respondent Nitta Gelatin India Ltd. obtained the integrated consent dated 17.06.2009 from the 6th respondent KSPCB under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 for manufacture of Ossein, Limed Ossein, Dry Calcium Phosphate, Meat meal, Sterilised Bone Meal and compost with a total production of

106.17 Tonnes per day and the raw materials permitted to use in the factory are bone chips, HCl and lime. It is contended that HCl purchased by the company contains huge amount of mercury and other heavy metals and the entire waste water and the effluents along with the sludge are discharged into the river through common ground pipes and polluting the water and environment. It is contended that the industry releases everyday 25.08 tonnes of chlorides and 43.89 tonnes of total dissolved solids (TDS) into the river along with other chemical and industrial effluents. The applicants have raised the same ground which have been taken by the applicants in the Original Application Nos.305 and 309 of 2013. In addition, they have contended that the actions of respondent Nos. 1 and 2 are violating the right of the applicants under Article 300 A of the Constitution of India and they have caused miseries to seven lakh people who have been living for generations on the banks of Chalakkudy river and the environmental hazard caused by respondent Nos. 1 and 2 made the banks of this river unfit and unsafe for living as well as agricultural activities.

3. The respondents have resisted the application raising the same contentions which have been raised by them in the Original Application Nos.305 and 309 of 2013.

4. The Central Pollution Control Board (CPCB), respondent No.5 was directed to inspect the industry and submit a detailed report including on the sludge and Ambient Air Quality in the industry of the respondent No.2. Accordingly, the CPCB, after inspection and analysis of the samples collected, submitted a report.

5. Learned counsel appearing for the applicant submitted that they agreed to the findings of the CPCB and the application be disposed based on that report. The respondent industry filed detailed objection to the report.

6. The entire aspects raised by the applicant have been elaborately considered in Original Application Nos.305 and 309 of 2013. The report submitted by CPCB in this application as well as the objections raised against the findings by the industry were also considered in those applications. In such circumstances, we find it not necessary to consider the same in this application separately.

7. Though the applicant sought compensation to the deceased and living victims of the pollution as well as for making the agricultural land uncultivable, no evidence to support the claim is adduced. In the light of the findings in Original Application Nos. 305 and 309 of 2013, as the applicant has not produced any material to substantiate the claim, the applicant is not entitled to the said reliefs.

8. The application is disposed of in accordance with the common judgment made in Original Application Nos.305 and 309 of 2013, with no order as to costs. The said judgment shall form part of the judgment in this application also.

Justice M.S.Nambiar
Judicial Member

P.S.Rao
Expert Member

NGT