

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 320/2024

News item titled "Begging for breath: Trapped between industries Kochi residents gasp for fresh air" appearing in The New Indian Express dated 23.02.2024.

Date of hearing: 04.04.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Ms. Soni Singh, Adv. for R – 1 (Through VC)  
Mr. Jogy Scaria, Mrs. Beena Victor & Mr. Ashwani Kumar Soni, Advs. for  
R - 2  
Mr. Nishe Rajen Shonker, Mrs. Anu. K. Joy & Mr. Alim Anvar, Advs. for  
R - 3

**ORDER**

1. This Original Application is registered *suo-motu* on the basis of the news item titled "Begging for breath: Trapped between industries Kochi residents gasp for fresh air" appearing in The New Indian Express dated 23.02.2024. The news item reveals the condition of the residents of Ambalamugal industrial area's Ayyankuzhi village, which is sandwiched between the Kochi refinery of Bharat Petroleum Corporation Limited (BPCL) and Hindustan Organic Chemicals Ltd. (HOCL). As per the article the condition in the area is such that many residents have to move to safer areas on account of the respiratory issues and health problem. The news item discloses that the industrial units have trapped Ayyankuzhi's 9.5 acres where once 41 families were living but now only 29 families have remained. The families are required to relocate on account of the health issues. The news item discloses the violation of the environment norms by the two industrial units and also reveals that in a health camp organized in Emakulam District Medical Office in 2023 several people were found to be suffering from Cough, Nasal Allergy, Respiratory

Infection, Chest Heaviness, Fatigue and even COPD and that the atmospheric pollution was the main cause of chronic lung disease. As per the article there is no green belt or buffer zone leaving the residents vulnerable to the industrial pollution.

2. The news item raises substantial issue relating to compliance of the provisions of The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.

3. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

4. Hence, we implead the following as respondents in the matter:

- (i) Central Pollution Control Board (CPCB), through its Member Secretary
- (ii) Kerala State Pollution Control Board (KSPCB), through its Member Secretary
- (iii) District Collector/District Magistrate, Kochi, Ernakulam
- (iv) Bharat Petroleum Corporation Limited, Kochi refinery through its administrative head
- (v) Hindustan Organic Chemicals Ltd., Kochi through its administrative head

5. Respondent No. 1 to 3 are represented through the counsel. Let notice be issued to Respondent No. 4 and 5.

6. On advance notice report on behalf of the KSPCB has been filed.

7. Let the Response/Report by the other Respondents be also filed before the appropriate bench of the Tribunal atleast one week before the next date of hearing

8. Since the matter relates to the Southern Zonal Bench, Chennai, therefore, OA is transferred to the Southern Zonal Bench for appropriate further action. Office is directed to transfer the original record of the OA to Southern Zonal Bench, Chennai.

9. List before Southern Zonal Bench at Chennai on 27.05.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

April 04, 2024  
Original Application No. 320/2024  
AS.