

Item Nos. 02-03

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 515/2018  
(Earlier O.A. No. 439/2013(SZ)  
(W.P.(C) No. 3637/2012)

And

Original Application No. 516/2018  
(Earlier O.A. No. 456/2013 (SZ)  
(W.P. No. 1367/2011)

Chandran Pillai N &Ors.

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

And

ManushyavakashaParisthithiSamra

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

Date of hearing: 07.01.2019

**CORAM : HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. A NisterHakery, Advocate

For Respondent (s): Ms.RemaSmrithi VK for KPCB,  
Mr.Kamachi D for Kolum Corporation,  
Ms. ME Saraswhaty for MoEF& CC.

For Respondent 2, 25:Mr. E.K. Kumaresh for G.P. Prebhum, Advocates

**ORDER**

The learned counsel appearing for Kollam Corporation submitted that they have filed an affidavit showing the status of the plan of action for disposal of legacy waste as well as for other methods by which future solid waste can be disposed of. The Learned Counsel also submitted that there is no alternate place available for establishing the unit and they intend to do the same the

present place itself. The learned Counsel also submitted that the order of this Tribunal dated 29<sup>th</sup> October, 2018 directing the Kollam Corporation to deposit Rs. 2 Crores as performance guarantee has been modified by the Hon'ble High Court of Kerala by their order in WPC 36792 of 2018 Y and the modified amount as directed by High Court of Kerala has been deposited by them. The stay of implementation of the directions has been extended and the Writ Petition is pending.

The Counsel for the petitioner submitted that there was a report obtained regarding the feasibility of the present place for establishing the Solid Waste Management Unit through the then District Judge, Kollam in an earlier proceeding of the Kerala High Court and the then District Judge had submitted a report stating that this place was not suitable for the same and it is on that basis that this tribunal has directed the Corporation to find out an alternate place where unit can be established. The Counsel for the petitioner seeks time to produce that report.

We have gone through the Status Report submitted by the Kollam Corporation and we are not satisfied with the same. There is no concrete proposal made out by the Corporation as to how the legacy waste is going to be removed as per the norms provided under the present rule. They have not mentioned anything about the present quantity and time required for bio mining and also the manner in which they are going to remove the reject after bio mining. They have also not mentioned as to the nature of steps taken by them for finding out an alternate site for establishing the unit as well. So the Kollam Corporation is directed to submit a detailed affidavit showing the manner in which the legacy waste has to be disposed of and time required for disposal of the same and also the manner in which they intend to deposit the reject after bio mining etc., and also

the steps taken by them for finding out an alternative site for establishing the unit which is suitable for the same as provided under the present Rule within a period of one month.

Put up on 11th February, 2019.

K.Ramakrishnan, JM

Dr.Nagin Nanda, EM

January 07, 2019  
Original Application No. 515/2018  
(Earlier O.A. No. 439/2013(SZ)  
(W.P.(C) No. 3637/2012)  
And other connected matters  
PU

