

P.E.Shamsudheen vs Kerala State Pollution Control Board

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Court : Kerala

Decided On : Dec-13-2021

Judge : Honourable the Chief Justice Mr.S.Manikumar,Honourable Mr. Justice Shaji P.Chaly

Appeal No. : WP(C)/22772/2018

Appellant : P.E.Shamsudheen

Respondent : Kerala State Pollution Control Board

Judgement :

W.P.(C) No. 22772/2018 :1:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE THE CHIEF JUSTICE
MR.S.MANIKUMAR & THE HONOURABLE MR. JUSTICE SHAJI
P.CHALY MONDAY, THE 13TH DAY OF DECEMBER 2021 / 22ND
AGRAHAYANA, 1943 WP(C) NO. 22772 OF 2018 PETITIONER/S:
P.E.SHAMSUDHEEN AGED 65 YEARS PALLIMITTATH HOUSE,
BINANIPURAM P.O.,EDAYAR-683 502. SECRETARY, WELFARE
PARTY OF INDIA,ERNAKULAM DISTRICT. BY ADVS.
SRI.K.K.ASHKAR SMT.ASHIRA MOHAMED ASHROF

RESPONDENT/S:

1 KERALA STATE POLLUTION CONTROL BOARD PATTOM P.O., THIRUVANANTHAPURAM-695 004, REPRESENTED BY ITS MEMBER SECRETARY. 2 ENVIRONMENTAL ENGINEER ENVIRONMENTAL SURVEILLANCE CENTRE, KERALA STATE POLLUTION CONTROL BOARD, FACT QR.NO.S-5, ELOOR EAST, UDYOGAMANDAL P.O., ERNAKULAM-683 501. 3 KADUNGALLOOR GRAMA PANCHAYAT MUPPATHADOM P.O., ALUVA-683 110, REPRESENTED BY ITS SECRETARY. 4 THE GENERAL MANAGER DISTRICT INDUSTRIES CENTRE, KUNNUMPURAM, KAKKANAD, KOCHI- 682 030. 5 THE DISTRICT COLLECTOR ERNAKULAM, COLLECTORATE, KAKKANAD-682 030. 6 THE CHAIRMAN DISTRICT DISASTER MANAGEMENT AUTHORITY, COLLECTORATE, KAKKANAD, KOCHI- 30. 7 DIRECTOR DIRECTORATE OF FACTORIES AND BOILERS, "SURAKSHA BHAVAN", KUMARAPURAM, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM-695 011. 8 INSPECTOR OF FACTORIES AND BOILERS GRADE-1 NEAR RAILWAY STATION, ALUVA - 683 101.

W.P.(C) No. 22772/2018 :2:

9 MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE, GOVERNMENT OF INDIA, PARYAVARAN BHAWAN, CGO COMPLEX, LODHI ROAD, NEW DELHI-110 003, REPRESENTED BY ITS SECRETARY. 10 THE CENTRAL POLLUTION CONTROL BOARD PARIVESH BHAWAN, EAST ARJUN NAGAR, DELHI - 110b032, REP. BY ITS CHAIRMAN/MEMBER SECRETARY. 11 STATE OF KERALA REP BY ITS ADDITIONAL SECRETARY TO GOVERNMENT, DEPARTMENT OF FOREST AND ENVIRONMENT, THIRUVANANTHAPURAM-695 001. 12 MS. EDAYAR ZINC LIMITED (FORMERLY BINANI ZINC LTD), CIN: U27204WB 2000 PLCO91214, REGISTERED OFFICE: 37/2 CHINAR PARK, NEW TOWN, RAJARHAT MAIN ROAD, P.O. HATIARA, KOLKATTA 700 157,

REPRESENTED BY ITS MANAGING DIRECTOR. 13 MR.R.S.JOSHI
MANAGING DIRECTOR, M/S.EDAYAR ZINC LIMITED,REGISTERED
OFFICE: 37/2 CHINAR PARK, NEW TOWN,RAJARHAT MAIN ROAD,
P.O.HATIARA, KOLKATTA 700 157. 14 M/S.BINANI INDUSTRIES LTD.
(CIN:L241 17WB1 962P1CO25584),REGISTERED OFFICE: 37/2
CHINAR PARK, NEW TOWN,RAJARHAT MAIN ROAD, P.O.HATIARA,
KOLKATTA-700 157.REPRESENTED BY ITS CHAIRMAN MR.BRAJ
BHUSHANDAS BINANI. 15 MR.RAKESH KUMAR RAWAL WHOLE
TIME DIRECTOR, EDAYAR ZINC LIMITED,CORPORATE OFFICE,
MERCANTILE CHAMBERS 12,J.N.HEREDIA MARG, BALLARD
ESTATE, MUMBAI-400 001. 16 MR.VINOD KUMAR R. VICE
PRESIDENT, EDAYAR ZINC LIMITED,(FORMERLY BINANI ZINC
LTD),BINANIPURAM, ERNAKULAM, KERALA-683 502. 17 THE CHIEF
MANAGER PUNJAB NATIONAL BANK,PM ROAD, ILLACO HOUSE,
FORT MUMBAI,MAHARASHTRA, PIN - 400 001. 18 M/S.FACT
ENGINEERING DESIGN ORGANISATION (FEDO), UDYOGAMANDAL,
COCHIN-683 501,REPRESENTED BY ITS DEPUTY GENERAL
MANAGER. 19 M/S.KERALA ENVIRO INFRASTRUCTURE LTD.,
COMMON TSDF PROJECT, INSIDE FACT CD
CAMPUS,AMBALAMMEDU, KOCHI-682 303,REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER. BY ADVS. R10 BY SRI.M.AJAY R1 & R2
BY SRI. T.NAVEEN SC, KERALA STATE POLLUTION CONTROL
BOARD, R3 BY SRI.DINESH MATHEW J. MURIKKAN, SC,
KADUNGALLOOR GRAMA PANCHAYAT R9 BY SMT.SREEKALA K.L.,
CGC SRI.K.V.SOHAN, STATE ATTORNEY SMT.SREEKALA K.L., CGC

W.P.(C) No. 22772/2018 :3: R17 BY SRI.SANTHEEP ANKARATH, SC,
PUNJAB NATIONAL BANK R15 BY SRI.P.S.BIJU R19 BY
SRI.M.HARISHARMA SRI.SREEJITH S.NAIR R12 TO R14 BY SRI. S.
SURAJ R19 BY SRI. M.

R4, R8 & R11 BY SRI.K.R.RANJITH, GOVERNMENT PLEADER THIS WRIT
PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13.12.2021, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C) No.

22772/2018 :4: Dated this the 13th day of December, 2021.

JUDGMENT

S. MANIKUMAR,CJ. Petitioner has filed this writ petition as a Public Interest Litigation seeking for a direction to the Kerala State Pollution Control Board, Thiruvananthapuram and the Environmental Engineer, Kerala State Pollution Control Board, Ernakulam, respondents 1 and 2, to ensure immediate removal and disposal of hazardous substances stored in the virtually abandoned industrial plant of M/s. Edayar Zinc Limited, the 12th respondent, on the banks of river Periyar posing danger to the life and safety of neighborhood, public, and environment as such.

2. Facts leading to the writ petition are as follows:

The 12th respondent Company, a metallurgical industry engaged in the production of zinc at their factory is located in about 110 acres on the banks of river Periyar in Edayar Industrial Development area. It was established in 1967. All of a sudden, on 27.11.2014, it stopped operation even without completing production which was in the halfway process in lines, tanks, and reactors of the plant. According to the petitioner, 12th respondent unit virtually abandoned the industrial plant leaving, no staff even for ensuring safety and security of the plant. They have disconnected the electric supply to the factory. No pollution control measures, safety, and firefighting equipment can be W.P.(C) No. 22772/2018 :5: operated now, in the absence of power supply.

3. The inspection conducted by the Factories and Boilers

Department and State Pollution Control Board two years back revealed that many hazardous substances were stored in the storage tank, process lines, reactors of the factory premises, causing alarming situation having potential of polluting the river and posing danger to the life and safety of the neighborhood, public and environment, if it is not removed urgently from the premises in a scientific manner.

4. According to the petitioner, the direction issued against the

12th respondent Company in that regard was not complied with and the State Pollution Control Board as well as Factories and Boilers Department are not taking any concrete steps for its removal. Further, the Environmental Engineer of the State Pollution Control Board, 2 nd respondent, has reported that the storage tanks and reactors are in a pathetic stage and are about to collapse at any time.

5. Petitioner has submitted that it is well settled by the Hon'ble

Apex Court in a catena of decisions that right to life under Article 21 of the Constitution of India includes right to health, right to healthy, clean and safe environment, right to live pollution free, right to live in an atmosphere congenial to human existence. The State is bound to ensure the fundamental rights to its citizens. It is also submitted that it is a settled legal position that a person, who is guilty of causing W.P.(C) No. 22772/2018 :6: pollution has to pay damages for restoration of the environment and ecology and also liable to pay exemplary damages. It is further submitted that Article 21 of the Constitution of India imposes an obligation on the State to safeguard the right to life of every citizen, and the protection of human life is of utmost and paramount importance.

6. Heard Sri. K.K. Ashkar, the learned counsel for the petitioner, Sri.

Suraj S, learned Standing Counsel for the 12 th respondent Company, Sri. Naveen, the learned Standing Counsel for the Pollution Control Board, Sri. Dinesh Mathew J Muricken for the Grama Panchayat, Sri. Sreekala K.L, Central Government Counsel, Sri. M. Ajay, learned Standing Counsel for the Central Pollution Control Board, Sri. Santheep Ankarath, Sri. K. R. Ranjith, learned Government Pleader, Sri. M. Harishma and Sri. P.S Biju, and perused the materials on record.

7. In pursuance to the interim order passed by this Court on

22.11.2021, an affidavit is filed by M/s. Edayar Zinc Limited, 12 th respondent, stating that they are trying to restructure the company after availing one-time settlement option from the 17 th Respondent bank, by using the industrial land for setting up 700 Crore Eco industrial and Logistics Township project in association

with KINFRA providing direct employment generation of about 3000 persons, and indirect employment of 10,000 persons. The discussion for the same is W.P.(C) No. 22772/2018 :7: going on at the Government level, and that they are ready to discharge environmental liability to ensure that hazardous chemicals and substances kept in their premises are disposed of in an environmentally sound manner.

8. It is submitted that the State Pollution Control Board issued

direction for removal of chemicals stored in the premises of 12 th respondent company firstly on 25/02/2017 as per Exhibit P10. Prior to that direction, 12th respondent received communication dated Inspector, directing it to remove certain classes of materials, which may cause environmental damage and public safety hazard. The factory was closed from 26/11/2014 due to financial crunches. When the 12th respondent tried to comply with the directions of the Factories and Boilers Inspector considering the environmental and safety hazard potential of the substances stored in the factory premises, it was obstructed by the employees who were under agitation in front of the factory gate for not getting their compensation due to the closure of the company and also by the local residents and green activist relying on the order of this Court dated 04/01/2016 in W.P. (C) No. 39940 of 2015 restraining the 12th respondent from removing plant, machineries and equipment from the factory premises. W.P.(C) No. 22772/2018 :8:

9. Therefore, they have filed I.A. No. 6917 of 2016 for vacating

the interim order enabling the 12th respondent to comply with the directions issued by the 8 th Respondent for removal of chemicals and materials stored in the factory premises and the same was vehemently opposed by the petitioner and the interim order was not got vacated or modified.

10. Thereafter, the Chief Manager, Punjab National Bank,

Mumbai, 17th Respondent, has taken possession of the industrial land, building and plants and machineries, and auction proceedings for its sale were initiated by

the bank. Considering the fact, that the company is under attachment by the 17 th Respondent Bank and was kept for auction, the State Pollution Control Board itself informed the Bank about the alarming situation and directed to give necessary clearance/permission to the company to dispose of the chemicals on from the Bank. Thereafter, the Pollution Control Board decided to execute the work for removal of hazardous chemicals from the factory premises under Section 32 of the Water (Prevention and Control of Pollution) Act.

11. It is also submitted that the removal and disposal of

chemicals stored in the factory premises attracts no financial burden W.P.(C) No. 22772/2018 :9: on the company, rather it would fetch revenue to the company. But what precluded the 12th respondent company to comply with the direction is the strong opposition of the employees of the company and the local public and the pendency of the interim order of learned single judge dated 06/01/2016 in W.P. (C) No. 39940/2015. The Pollution Control Board sold out the chemicals to successful bidders under the guidance of the technical committee and monitoring committee constituted by the Board and collected Rs.3.06 Crores from the sale proceeds.

12. According to the 12th respondent, the company extended

full support to the Pollution Control Board for removal of chemicals at the instance of the Board by providing technical and other relevant information regarding the chemicals and its disposal. The tenders floated by the Board for sale of chemicals stored in the factory premises were evaluated by a technical committee constituted by the Board.

13. It is also submitted that the former Chief Executive of the

company, Mr. Roy Kurian K.K, extended all support to the work by heading the Technical Committee. One, whole time Director of the company was a member in the monitoring committee constituted by the Pollution Control Board for the implementation of the work. There W.P.(C) No. 22772/2018 : 10 : is no willful laches or deliberate negligence on the part of the 12 th respondent company for non-compliance of the directions issued by the State Pollution Control Board for

removal of chemicals stored in the factory premises of the 12th Respondent.

14. It is submitted that the plants and machineries of the

company were sold out to M/s. Fine Fab Engineering and Constructions by the Punjab National Bank under sale Certificate dated from this Court permitting them to remove the plant and machineries from the factory premises. The dismantling and removal of plant and machinery by the purchaser is almost complete. The Pollution Control Board, after inspecting the site, directed the purchaser company to safely dispose of the remaining sludge/slurry in the existing jarosite pond during dismantling of the plant and the purchaser has complied with the said direction.

15. The Pollution Control Board, after inspecting the factory

premises on 01/11/2021, reported that the list of available chemicals in the premises of the 12 th respondent required to be disposed as follows: Sl. No. Item Quantity
1 Zinc Ore 50 MT
2 Bionil 48 drums (40 Ltr each)
3 Lime 15MT W.P.(C)
No. 22772/2018 : 11 : 4 Manganese Dioxide 18MT
5 Sodium Sulphate 2 MT

16. Based on the report of the the Pollution Control Board dated

machineries to submit a time bound action plan to remove the above listed available chemicals as reported by the Pollution Control Board and to submit the status on disposal of sludge/slurry in Pond No.4 by communication dated 14/11/2021, evident from Exhibit-R12(e). M/s. Fine Fab Engineering and Construction, the purchaser, has submitted that unusable chemical bottom sludge found in the tanks and other areas of the site are safely disposed in the pond No.4 on the premises and submitted an action plan for removal of available chemicals as follows:

Sl. No.	Item	Timeline for removal
1	Zinc Ore (50 MT)	30.12.2021
2	Bionil (48 drums (40 Ltr each))	25.12.2021
3	Lime (15MT)	15.01.2022
4	Manganese Dioxide(18MT)	31.01.2022
5	Sodium Sulphate(2 MT)	30.12.2021

Ext. R12(f) is the copy of the communication dated 23/11/2021 made by M/s. Fine Fab Engineering and Construction to the 12 th Respondent submitting a time

bound action plan for removal of the available chemicals kept in the factory premises, which is reported by PCB to be in solid-state and not causing imminent threat to the river or ecology.

17. It is also submitted that the removal of available chemicals

W.P.(C) No. 22772/2018 : 12 : and dismantling and shifting of plants and machineries by M/s. Fine Fab expected to be complete by the end of January, 2022. Further, they are ready to remove jarosite kept in 3 old ponds in their premises and to safely dispose of the same in Pond No.4 which was constructed as per PCB guidelines with leak proof HDPE liner and other control measures, under the supervision of the State Pollution Control Board.

18. According to the 12 th respondent, as part of their corporate

social responsibility, they have been providing free drinking water to the residents of Edayar in Ward No.XVIII of Kadungalloor Grama panchayat since 2005 onwards, with a ceiling of 10KL per month to each families and now they are extending the ceiling to 15 KL each families and also paid bill arrears of all the beneficiary families for their additional use till September 2021 by handing over Rs.40 Lakhs by cheque to Kerala water authority in the meeting held at Kadungalloor Grama Panchayat on 08.09.2021.

19. Considering the averments, we are not proposing to

adjudicate the issues raised in detail, because the 12 th respondent- M/s. Edayar Zinc Limited having its office at Ernakulam, against whom allegations are made, has filed an affidavit before this Court undertaking to remove the hazardous and dangerous chemicals W.P.(C) No. 22772/2018 : 13 : within the time frame, as shown in the tabular column above.

20. On going through the materials on record and the

submissions made by the State Pollution Control Board, we are satisfied that in order to safely remove the hazardous chemicals, reasonable time is required. The State Pollution Control Board has also submitted an additional report, as per the

direction issued by this Court on 22.11.2021, wherein it is stated that there is no progress in the removal of the chemicals after the previous inspection conducted on 01.11.2021. However, it is stated, the above inaction is due to the bad weather and heavy rain during the last few weeks. The details with respect to the hazardous chemicals remaining in the company would tally with the details furnished by M/s. Edayar Zinc Limited in its latest affidavit.

21. It is also clear from the report of the Pollution Control Board

that around 50000 MT of the partially processed zinc concentrate was stored in the factory premises in a secured manner, majority of which is secured in a pond and a portion of the materials are stored in a roofed building, which is situated around 50 meters from the river Periyar and therefore, it is stated that M/s. Edayar Zinc Limited has to remove the zinc concentrate along with the above mentioned chemicals. W.P.(C) No. 22772/2018 : 14 :

22. That apart, it is submitted that the Pollution Control Board

has directed M/s Edayar Zinc Ltd., as per Annexure R2(a) communication dated 04.12.2021, to remove the remaining chemicals and to transfer the sludge to the Treatment Storage and Disposal Facility of M/s. KEIL at Ambalamugal. It is also clear from the report of the Pollution Control Board that there are four jarosite ponds in the company compound and three of which are already capped and the fourth one is open; that sides are secured with RCC walls and the bottom is lined with HDPE. But, it is submitted that jarosite is not a chemical and it is only a solid waste material produced during extraction of zinc; that when it is mixed with lime, the resulting stable material is jarofix, which is a non hazardous material.

23. Taking into account the above facts and figures and the

undertaking made by M/s. Edayar Ltd., 12 th respondent, we are of the considered opinion that the writ petition can be disposed of with a direction to M/s. Edayar Zinc Ltd. to comply with the timeline specified in the affidavit. Accordingly, we direct M/s. Edayar Zinc Ltd to do so.

24. We also direct the Kerala State Pollution Control Board to

ensure that all precautionary measures are complied with by M/s. W.P.(C) No. 22772/2018 : 15 : Edayar Zinc Ltd. till such time as is undertaken for removal of the chemicals, the hazardous chemicals, and other waste materials, and also to ensure that all safety features and measures are followed by the company in the matter of removal of the hazardous chemicals and waste from the factory premises.

25. In view of the timeline undertaken as above, in order to

record the compliance, we direct the registry of this Court to post the writ petition before this Court during the third week of February, 2022 for filing compliance report of the Pollution Control Board and M/s. Edayar Zinc Ltd., respectively. This writ petition is disposed of as above. sd/- S. MANIKUMAR, CHIEF JUSTICE. sd/- SHAJI P. CHALY, JUDGE. Rv W.P.(C) No. 22772/2018 : 16 : APPENDIX OF WP(C) 22772/2018 PETITIONER'S EXHIBITS: EXHIBIT-P1: TRUE COPY OF THE GOVERNMENT ORDER VIDE GO (RT) NO.1424/2015/LBR DATED 16.10.2015. EXHIBIT-P2: TRUE COPY OF THE E-AUCTION NOTICE TO PUBLIC ISSUED ON 11.05.2018 BY THE 17TH RESPONDENT. EXHIBIT-P3: TRUE COPY OF THE RELEVANT PAGES 35 TO 40, 49 & 50,

65 & 66 OF ENVIRONMENT IMPACT ASSESSMENT REPORT ON ELOOR-EDAYAR 2004-06, CONTAINING SUBMITTED TO SCMC BY LOCAL AREA ENVIRONMENT COMMITTEE ALONG WITH ITS COVER PAGES.

EXHIBIT-P4: TRUE COPY OF THE COMMUNICATION DATED 07.09.2016 PRODUCED BY GOVERNMENT OF KERALA BEFORE NGT, CHENNAI BENCH IN APPLICATION NO.396/2013. EXHIBIT-P5: TRUE COPY OF THE STATEMENT DATED 14.06.2018 SUBMITTED BY THE 11TH RESPONDENT IN W.P.(C) NO.23419/2017 BEFORE THIS HONOURABLE COURT. EXHIBIT-P6: TRUE COPY OF THE JUDGMENT DATED 21.06.2018 IN W.P.(C) NO.23419/2017 OF THIS HONOURABLE COURT. EXHIBIT-P7: TRUE COPY OF THE DIRECTION VIDE NO.B- 29102/ESS(CPA)/2015-16 DATED 26.04.2016 ISSUED BY THE 10TH RESPONDENT. EXHIBIT-P8: TRUE COPY OF THE ORDER DATED 15.01.2016 ISSUED BY THE 8TH RESPONDENT AGAINST THE 12TH RESPONDENT. EXHIBIT-P9: TRUE COPY OF THE REMINDER

NOTICE DATED 27.04.2016 ISSUED BY 8TH RESPONDENT TO 12TH RESPONDENT. EXHIBIT-P10: TRUE COPY OF THE DIRECTION ISSUED BY THE 2ND RESPONDENT DATED 25.02.2017 TO THE 12TH RESPONDENT. EXHIBIT-P11: TRUE COPY OF THE COMMUNICATION DATED 10.10.2017 ISSUED BY THE 2ND RESPONDENT TO THE 12TH RESPONDENT. EXHIBIT-P12: TRUE COPY OF THE REPLY LETTER DATED 08.11.2017 ISSUED BY THE SENIOR MANAGER (MATERIALS) OF THE 12TH RESPONDENT COMPANY. EXHIBIT-P13: TRUE COPY OF THE LETTER DATED 17.11.2017 MADE BY THE 2ND RESPONDENT TO 5TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION. EXHIBIT-P14: TRUE COPY OF THE MINUTES OF THE MEETING DATED 14.02.2018 HELD AT THE HEAD OFFICE OF THE 1ST RESPONDENT. EXHIBIT-P15: TRUE COPY OF THE LETTER DATED 14.02.2018 ISSUED BY THE CHAIRMAN, KSPCB TO THE 16TH RESPONDENT. EXHIBIT-P16: TRUE COPY OF THE REPRESENTATION MADE BY THE W.P.(C) No. 22772/2018 : 17 : PETITIONER DATED 07.05.18 BEFORE THE RESPONDENTS 2 TO 6. EXHIBIT-P17: TRUE COPY OF THE LETTER DATED 30.05.2018 ISSUED BY THE 2ND RESPONDENT TO THE 5TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION. EXHIBIT-P18: TRUE COPY OF THE COMMUNICATION DATED 30.05.2018

MADE BY THE 2ND RESPONDENT TO THE CHAIRMAN OF THE 1ST RESPONDENT BOARD ALONG WITH ITS ENGLISH TRANSLATION. EXHIBIT-P19: TRUE COPY OF THE MINUTES OF THE MEETING DATED 23.06.2018 HELD AT HEAD OFFICE OF THE 1ST RESPONDENT BOARD. RESPONDENT EXHIBITS Exhibit R12(d) A TRUE COPY OF THE INTERLOCUTORY APPLICATION I.A.NO.6917/2016 FILED BY THIS RESPONDENT IN WP.

(C) NO.39940/2015 BEFORE THIS HONORABLE COURT RESPONDENT EXHIBITS Exhibit R12(e) TRUE COPY OF THE STATUS REPORT SOUGHT BY THIS

RESPONDENT TO THE PURCHASER OF PLANTS AND MACHINERIES TO SUBMIT A TIME BOUND ACTION PLAN TO REMOVE THE ABOVE LISTED AVAILABLE CHEMICALS AS REPORTED BY PCB AND TO SUBMIT THE

STATUS ON DISPOSAL OF SLUDGE/SLURRY IN POND NO.4 BY COMMUNICATION DATED 14/11/2021, A TRUE COPY OF THE SAME IS PRODUCED HERewith AND MARKED FOR AS Exhibit R12(f) A TRUE COPY OF THE COMMUNICATION DATED CONSTRUCTION TO THIS RESPONDENT SUBMITTING A TIME BOUND ACTION PLAN FOR REMOVAL OF THE AVAILABLE CHEMICALS KEPT IN THE FACTORY PREMISES, WHICH IS REPORTED BY PCB TO BE IN SOLID-STATE AND NOT CAUSING IMMINENT THREAT TO THE RIVER OR ECOLOGY Exhibit R19(a) TRUE COPY OF THE AGREEMENT DATED 30/12/2008 ENTERED INTO BETWEEN THE 12TH RESPONDENT AND THE 19TH RESPONDENT. PETITIONER ANNEXURES Annexure R2(A) (1)TRUE COPY OF THE CONSENT NO. PCB/HO/EKM/ICO-R/11/2012 DATED 05/10/2012 ISSUED TO M/S. BINANI ZINC LIMITED.

(2) TRUE COPY OF THE ORDER DATE 25/09/2018 CONSTITUTING THE TECHNICAL COMMITTEE.

(3) TRUE COPY OF THE LETTER NO. PCB/ESC/BZDC/18

DATED 22/02/2019 ISSUED TO M/S. ICMC, CHENNAI AND M/S. SRI. SAKTHI SULPHATES. Annexure R2(B) (1) TRUE COPY OF DIRECTION NO. PCB/ESC/CO-11/07 DATED 25/02/2017 ISSUED TO M/S. BINANI ZINC LIMITED. W.P.(C) No. 22772/2018 : 18 :

(2) TRUE COPY OF THE ORDER DATED 28/09/2018 RECONSTITUTING THE TECHNICAL COMMITTEE. Annexure R2(C) (1) TRUE COPY OF THE LETTER NO. PCB/ESC/CO-11/07 DATED 10/10/2017 ISSUED TO M/S. BINANI ZINC LIMITED.

(2) TRUE COPY OF THE ORDER DATED 25/07/2018 CONSTITUTING THE MONITORING COMMITTEE. Annexure R2(D) (1) TRUE COPY OF THE MINUTES OF HEARING CONDUCTED ON 14/02/2018.

(2) TRUE COPY OF THE ORDER DATED 13/09/2018 RECONSTITUTING THE MONITORING COMMITTEE. Annexure R2(E) (1) TRUE COPY OF THE LETTER NO. PCB/HWM/A/9/90 DATED 14/02/2018 ISSUED TO M/S. BINANI ZINC

LIMITED.

(2) TRUE COPY OF THE ORDER DATED 10/12/2018

ISSUED BY THE BOARD TO M/S. ICMC, CHENNAI. Annexure R2(F) (1) TRUE COPY OF THE LETTER NO. PCB/FSC/CO-11/07 DATED 07/06/2018 ISSUED TO M/S. PUNJAB NATIONAL BANK.

(2) TRUE COPY OF THE ORDER DATED 10/12/2018

ISSUED BY THE BOARD TO M/S. SRI. SAKTHI SULPHATES. Annexure R2(G) (1) TRUE COPY OF THE LETTER NO. PCB/ESC/CO-11/07 DATED 07/06/2018 ISSUED TO M/S. BINANI ZINC LIMITED.

(2) TRUE COPY OF MINUTES OF TECHNICAL COMMITTEE MEETING HELD ON 11/02/2019. Annexure R2(H) (1) TRUE COPY OF THE MINUTES OF THE MEETING CONDUCTED ON 23/06/2018.

(2) TRUE COPY OF MINUTES OF TECHNICAL COMMITTEE MEETING HELD ON 27/02/2019. Annexure R2(I) (1) TRUE COPY OF THE MINUTES OF MEETING CONDUCTED ON 20/07/2018.

(2) TRUE COPY OF THE MINUTES OF THE MEETING OF

THE TECHNICAL COMMITTEE HELD ON 02/07/2020. Annexure R2(J) TRUE COPY OF THE MINUTES OF BOARD CHAIRMAN MEETING DATED 20/07/2018 AND THE PROCEEDINGS NO. PCB/HWA/A/9/90 DATED 20/07/2018. Annexure R2(K) TRUE COPY OF THE LETTER NO. PCB/ESC/BZDC/18 DATED 10/11/2020 ISSUED TO MEMBER SECRETARY. Annexure R2(L) TRUE COPY OF THE ORDER DATED 01/10/2020 IN WPC NO.19291/2020 OF THIS HON'BLE COURT. Annexure R2(M) TRUE COPY OF THE LETTER DATED 19/03/2021 ISSUED TO M/S. BINANI ZINC LIMITED. Annexure R2(N) TRUE COPY OF THE LETTER DATED 28/10/2021 ISSUED TO M/S. BINANI ZINC LIMITED. Annexure R3(A) TRUE COPY OF THE RESOLUTION NO.29(1) OF PANCHAYAT COMMITTEE OF THE 3RD RESPONDENT PANCHAYAT DATED 11/06/2018. W.P.(C) No. 22772/2018 : 19 : Annexure R3(B) TRUE COPY OF THE MINUTES

OF THE MEETING PRESIDED BY MINISTER FOR LOCAL ADMINISTRATION DATED 09/07/2018. Annexure R3(C) TRUE COPY OF THE MINUTES OF THE MEETING CONVENED BY THE 3RD RESPONDENT PANCHAYAT DATED 16/07/2018. Annexure R3(D) TRUE COPY OF THE ACTION PLAN FOR DISPOSAL OF CHEMICALS PREPARED BY THE 18TH RESPONDENT DATED 04/07/2018. Annexure R3(E) TRUE COPY OF THE MINUTES OF THE MEETING HELD BY THE 1ST RESPONDENT DATED 20/07/2018. Annexure R3(F) TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT DATED 26/07/2018. Annexure R5(A) TRUE COPY OF THE LETTER DATED 27/11/2017. Annexure R5(B) TRUE COPY OF THE LIST OF MEMBERS OF THE MONITORING COMMITTEE. Annexure R5(C) TRUE COPY OF THE LIST OF MEMBERS OF TECHNICAL COMMITTEE. RESPONDENTS' EXHIBITS: Exhibit R12(A) TRUE PHOTOGRAPHS SHOWING FINAL STAGE OF REMOVAL OF PLANTS AND MACHINERIES FROM THE PREMISES OF THIS RESPONDENT. Exhibit R12(B) TRUE COPY OF THE CONCEPTUAL NOTE FOR THE NEW REVIVAL PROJECT ECO INDUSTRIAL AND LOGISTICS TOWNSHIP. Exhibit R12(C) TRUE COPY OF THE ORDER DATED 13/04/2021 ISSUED BY NGT, CHENNAI IN OA NO.143/2020. Annexure R2(O) TRUE COPY OF THE LETTER NO. PCB/ESC/CO-11/07 DATED 04/12/2021 ISSUED BY THE PCB TO M/S. EDAYAR ZINC LIMITED. /True Copy/ P.S To Judge. rv

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