

Item No.03:

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

Original Application No. 71 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF

Tribunal on its own motion-SUO MOTU Based on the News item in the New Indian Express Newspaper, dated 10.02.2021, "Oil Leak from Titanium factory hits Thiruvananthapuram Coast, Public barred from affected stretch". News item in the Hindu, dt: 10.02.2021, "Furnace oil from Titanium factory Spills into sea". News Item in Mathrubumi, English edition Dt: 10.02.2021," Glass furnace pipe bursts at Titanium factory in TVM, Oil leaked to sea".

...Applicant(s)

Versus

1. The Chief Secretary,
Government of Kerala,
Gov. Secretariat,
Thiruvananthapuram – 695 001.
2. The Principal Secretary to Govt. of Kerala,
Department of Revenue and Disaster Management,
Room No, 201A, 2nd Floor Annex 1,
Govt. Secretariat,
Thiruvananthapuram – 695 001.
3. The Principal Secretary to Govt. of Kerala,
Department of Environment,
Room No. 406, 4th Floor Annex II,
Govt. Secretariat,
Thiruvananthapuram – 695 001.

4. The Principal Secretary to Govt. of Kerala,
Health and Family welfare Department,
Room No. 603, 6th Floor, Annex 11,
Secretariat, Thiruvananthapuram – 695 001.
5. The Chairman,
Kerala State Pollution Control Board,
Head Office, Pattom, P. O
Thiruvananthapuram – 695 004.
6. Kerala Coastal Zone Management Authority,
Rep. by its Chairman,
4th Floor, KSRTC Bus Terminal,
Thampanoor,
Thiruvananthapuram – 695 001.
7. Kerala State Disaster Management Authority,
Rep. by its Member Secretary,
Observatory Hills, Vikas Bhavan P. O,
Thiruvananthapuram – 695 033.
8. The District Collector,
Thiruvananthapuram District,
2nd Floor, Civil Station Building,
Civil station Road, Thiruvananthapuram – 695 043.
9. Thiruvananthapuram Municipal Corporation,
Rep. by its Corporation Secretary,
Vikas Bhavan P. O. Thiruvananthapuram,
Kerala – 695 033.
10. Travancore Titanium Products Limited
Rep. by its Managing Director,
Post Box No. 1, Kochuveli,
Thiruvananthapuram, Kerala – 695 021.

.....Respondent(s)

Date of hearing: 17.02.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s): Suo Motu by Court

For Respondent(s): Sri. E.K. Kumaresan for R1 to R4, R7 & R8
Smt. V.K. Rema Smrithi for R5 & R6

ORDER

1. The above case has been SuoMotu registered by this Tribunal on the basis of the newspaper report published in Mathrubumi, English Newspaper Edition dated 10.02.2021, under the caption **“Glass furnace pipe bursts at Titanium factory in Thiruvananthapuram, oil leaked to sea”**.
2. It is alleged in the newspaper report that a glass furnace pipe at Trvancore Titanium Products Limited factory has burst on Wednesday furnace oil flowed into the sea which spread from Veli to Puthukurichi in Thiruvananthapuram District., this has happened on Wednesday.
3. It is seen from the report that though some steps have been taken to block the leakage, it has spread on a large scale in the sea which is likely to affect the marine ecology and cause marine pollution as well.
4. The furnace oil that is leaked and reached the sea is likely to be

- carcinogenic in nature which may affect the health of the people.
5. When the matter came up for hearing for admission today through Video Conference, Sri. E.K. Kumaresan represented respondents 1 to 4, 7 & 8 and Smt. V.K. Rema Smrithi represented respondents 5 and 6.
 6. On going through the allegations in the newspaper report, we are satisfied that there arises a substantial question of environment which requires the interference of this Tribunal for resolving the issue. So the matter is admitted.
 7. The Registry is directed to issue notice to the respondents along with the newspaper report and also the order of this Tribunal by Registered post with Acknowledgement Due, apart from sending notice by e-mail so as to ensure proper service on them so as to enable this Tribunal to proceed against them, if they did not appear, in their absence in accordance with law.
 8. In order to ascertain the real nature of issue and damage caused to the environment, we feel it appropriate to appoint a Joint Committee comprising of **(1)** The District Collector, Thiruvanthapuram District, **(2)** a Senior Scientist from Kerala State Pollution Control Board (KSPCB), **(3)** a Senior Officer from Tamil Nadu Coastal Zone Management Authority (TNCZMA) **(4)** a Senior Scientist from Central Pollution Control Board (CPCB), Regional Office, Bangalore and **(5)** a Senior Scientist from

National Institute of Ocean Technology (NIOT), Chennai to inspect the are in question and submit a factual as well as action taken report including imposition of environmental compensation and the remedial measures for restoring the damage caused to marine ecology and the extent of oil spill in the sea, the nature of damage caused to the aquatic and marine life and the remedial measures to restore the same to its original position and also to assess the environmental compensation, if there is any violation found in carrying out the operation by the 10th respondent and whether they are having all safety measures and complying with the conditions imposed in the permissions and consent that has been obtained for this purpose and whether proper maintenance is being done by them and if further improvement is required, suggest the improvement which they will have to carry out for the purpose for avoiding such things happening in future.

9. The Central Pollution Control Board (CPCB), Regional Office, Bangalore will be the nodal agency for co-ordination and for providing necessary logistics for this purpose.
10. The Chief Secretary of State of Kerala is directed to coordinate and give necessary assistance to the committee members for carrying out their work in an effective manner and submit the report to this Tribunal.

11. The committee is directed to submit the report to this Tribunal on or before 06.04.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per rules.
12. The Registry is directed to communicate this order to the members of the committee and also to the official respondents immediately through e-mail along with the copy of the newspaper report and the gist of the Suo Motu proceeding with full cause title so as to enable them to comply with the direction and for filing their independent response to the allegations made in the newspaper reports and filing the report as directed by this Tribunal.
13. For appearance of parties and submitting their independent responses and also for consideration of report, post on 06.04.2021.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Shri. Saibal Dasgupta)

O.A. No.71/2021(SZ)
17th February, 2021. Sr.