

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application No.122 of 2017 (SZ)

In the matter of

M/s. B.J. Expo Pvt. Ltd.,
Rep. by its Manager
S. Ganesh, Vellanur
Ambattur Taluk, Tiruvallur Dist

.. Applicant

Vs.

1. Tamil Nadu Pollution Control Board
Rep. by its Member Secretary
Guindy, Chennai

2. The Joint Chief Environmental Engineer
Tamil Nadu Pollution Control Board
Guindy, Chennai

3. The District Environmental Engineer
Tamil Nadu Pollution Control Board
Ambattur Industrial Estate, Chennai

.. Respondents

Counsel appearing for the applicants

M/s.R. Thiagarajan
S. Saravana Kuar
G. Ajay Kumar
Saurabh Mishra

Counsel appearing for the respondents

O R D E R

Present

Hon'ble Shri Justice Dr. P. Jyothimani, Judicial Member

Hon'ble Shri P.S.Rao, Expert Member

29th May, 2017

Whether judgment is allowed to be published on the Internet .. Yes/No

Whether judgment is to be published in the All India NGT Reporter .. Yes/No

We have heard Mr. R. Thiagarajan, learned counsel appearing for the applicant.

The applicant, which is a company stated to have been formed with an objective of treating and reducing adverse effects of bio medical waste generated from various health care units and facilities, has filed this application praying for a direction against the 1st respondent – Tamil Nadu Pollution Control Board to consider the application filed in Form – II under Rule 10 of the Bio Medical Waste Management Rules, 2016 dated 3.3.2017, followed by representation dated 8.5.2017.

2. The Tamil Nadu Pollution Control Board (Board) to which the application was made, has returned the same stating that as per the Government of India Notification in S.O.1142(E) dated 17.4.2015 any person who files application as per the provisions of the Bio Medical Waste Management Rules, 2016 for handling Bio Medical Waste at a Common Bio Medical Waste Treatment Facility has to obtain prior Environmental Clearance (EC) as per the amended provisions of the EIA Notification, 2006 and only thereafter the application for 'consent' will be considered both under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

3. Mr. R. Thiagarajan, learned counsel appearing for the applicant would submit that in as much as the applicant has filed application after the expiry of the previous 'authorisation' granted by the Board which expired on 31.3.2017 the Board should have considered the application on merits particularly, on an earlier occasion the Board itself has granted 'authorisation' to the applicant under the Bio Medical Waste (Management and Handling) Rules, 1998. However, Mr. R. Thiagarajan would fairly submit that the applicant is always prepared to make necessary application

for obtaining prior EC and the Board may be directed to consider the 'consent' application on merits and in accordance with law. He has also brought to the notice of this Tribunal that the Principal Bench of the National Green Tribunal in HAAT SUPREME WASTECH PVT. LTD VS STATE OF HARYANA (Appeal No.63 OF 2012 DATED 28.11.2013) while considering the provisions of Bio-Medical Waste (Management & Handling) Rules, 1998 has taken a stand that establishment of Bio Medical Waste Treatment Plant is required to obtain prior EC and directed the parties therein to approach the Regulatory Authority to consider the application for EC. In view of the same, we are of the considered view that there is nothing wrong on the part of the Board in returning the application for 'consent' submitted by the applicant.

4. Accordingly, the application is disposed of, however, with a direction that as and when the applicant obtains prior EC as per the provisions of the EIA Notification, 2006 and represents the application for 'consent' or files a fresh application, it is open to the Board to consider the same on merits and in accordance with law.

With the above observation, the application stands disposed of. There shall be no order as to cost.

Justice Dr.P.Jyothimani
Judicial Member

Shri P.S.Rao
Expert Member