

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

**Application No. 234 of 2013 (SZ)**

Applicant(s) Respondent(s)

Shri V. Eswaran, Coimbatore Vs .1. The District Collector, Coimbatore  
And others

Legal Practitioners for Applicant(s) Legal Practitioners for Respondents

M/s. M/s. S. Kolandasamy, C.S. Saravanan M/s. E.Manoharan for R1  
And M. Selvalakshmi, M/s.R.Siva Kumar, S.Suresh  
J.Kishore, N.Janani for R-2  
Smt. Rita Chandrasekar for R-3

**Application No. 264 of 2013 (SZ)**

Applicant(s) Respondent(s)

Shri K.S. Mohan, Pothanur Vs. 1. The Union of India, MoEF, New Delhi  
Coimbatore-23 2. The State of Tamil Nadu, rep. by its  
Secretary to Govt. Dept. Of Environment  
& Forests, Chennai  
3. The Corporation of Coimbatore, rep. by  
Its Commissioner, Coimbatore  
4. The Dept. Of Municipal Admn., &  
Water Supply, rep. by its Secretary  
to Govt.Chennai  
5. The Director, Town & Country  
Planning, Chennai  
6. The District Collector, Coimbatore  
7. The Tamil Nadu Pollution Control  
Board, rep. by its Member  
Secretary, Chennai  
8. The District Environment Engineer,  
Coimbatore  
9. SEIAA, Chennai  
10. The Coimbatore Local Planning Authority  
rep. by its Member Secretary, Coimbatore  
11. The Vellaloor Town Panchayat  
Rep. by its Executive Officer  
12. M/s. Coimbatore Corporation Integrated  
Municipal Solid Waste Management  
Project, Coimbatore

Legal Practitioners for Applicant(s) Legal Practitioners for Respondents

M/s.Kamalesh Kannan and Smt. C. Sangamithirai for R-1  
Sai Sathya Jith M/s. E.Manoharan for R2, R6 & R9  
M/s.R.Sivakumar, S.Suresh

J.Kishore and N.Janani for R-3  
M/s.Abdul Saleem, S.Saravanan &  
Vidya lakshmi for R5, R10 & R11  
M/s.King & Partridge, Jose John,  
M.Kumaresan for R12  
Smt. H. Yasmeen Ali for R-7 and R-8

Note of the Registry	Orders of the Tribunal
Item No.4 & 5	<p data-bbox="391 526 781 567">Date: 28<sup>th</sup> November, 2017</p> <p data-bbox="391 602 1385 1231">By order dated 12.10.2017 it was made clear that it is the duty on the part of the Coimbatore Corporation to proceed with the capping of waste and the application for 'consent' shall be considered by the Tamil Nadu Pollution Control Board (Board) and pass orders within 3 weeks from today. It is made specifically clear that if order is not passed, the matter will be viewed seriously against the District Environmental Engineer, Coimbatore South. The Board was also directed to file a status report before the next date of hearing. The status report as directed was not filed.</p> <p data-bbox="391 1266 1385 1964">The learned counsel appearing for the Board seeks time submitting that the application for 'consent' submitted by the Coimbatore Corporation has been returned, as the application has to be submitted in accordance with Solid Waste Management Rules, 2016. The learned counsel appearing for the Coimbatore Corporation submits that as the said application is pending when the Municipal Solid Waste (Management and Handling) Rules, 2000 was subsisting, the Board should not have returned the same and should have considered the same in accordance with Municipal Solid Waste (Management and Handling) Rules, 2000. We cannot agree with the</p>

said submission. When the Solid Waste Management Rules, 2016 is in force and the question is on the 'consent' required for capping, where Environmental Clearance is not required, the Board can now grant 'consent' only in accordance with the Solid Waste Management Rules, 2016. Hence we find nothing wrong in returning the application. The Coimbatore Corporation is directed to resubmit the application in accordance with the Solid Waste Management Rules, 2016 immediately. Once the application is submitted, the Board shall pass orders in accordance with Solid Waste Management Rules, 2016 within a period of two weeks and if the order is not passed, the matter will be viewed seriously. The Board shall file the status report before the next date of hearing.

The order dated 12.10.2017 makes it clear that before the next date of hearing, the Coimbatore Corporation shall submit all the papers relating to the granting of EC to the concerned authority. The learned counsel submitted that the DPR has been submitted by the Coimbatore Corporation on 28.9.2017 and received by the Board on 9.10.2017. The learned counsel appearing for the Corporation submitted that though the DPR was rejected by the Board, the Coimbatore Corporation has already got prepared another DPR which is ready and they are prepared to submit before the Board. The Coimbatore Corporation is directed to submit the DPR before the Board immediately and the application for EC shall also be filed without further delay.

By the same order dated 12.10.2017 the 12<sup>th</sup> respondent was

directed to file a status report, as it was submitted by the learned counsel appearing on behalf of the 12<sup>th</sup> respondent that the Special Purpose Vehicle is yet to be received which is on the way. Today the 12<sup>th</sup> respondent has filed status report. The status report discloses that the Leachate Treatment Plant (LTP) was commissioned on 22.11.2017 and its capacity is 10,000 litres per day which is against the generation of 2,000 litres per day in peak monsoon season.

List the matter on 18.12.2017

....., JM  
(Justice M.S.Nambiar)

