

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

**Original Application No. 10 of 2017 (SZ)
With
Original Application No. 18 of 2017 (SZ)
With
Original Application No. 58 of 2017 (SZ)
With
Original Application No. 105 of 2017 (SZ)**

Suo Motu Proceedings initiated
based on the news item Published
in "The Times of India" Chennai –
Edition dated 20.01.2017 on the caption
"Bhavani river water unfit for consumption"
and "Waste from Mettupalayam Government
Hospital ends up in Bhavani River"

... Applicant(s)

Versus

The Chief Secretary, Government
of Tami Nadu, Secretariat, Chennai
and others.

...Respondent(s)

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**Filed by
Thiru. C. Kasirajan,
Advocate, Chennai.**

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Versus

The Chief Secretary, Government
of Tami Nadu, Secretariat, Chennai
and others.

... Respondent(s)

With

M. Gobineelan S/o. P.P. Mani,
No.5/1 – I, Rest House Road,
Sirumugai, Coimbatore – 641 302.

... Applicant(s)

Versus

The Secretary to the Government,
Department of Environment and Forest,
Government of Tamil Nadu, Secretariat,
Fort St. George, Chennai and others.

... Respondent(s)

With

T.T. Rangasamy, President,
Bhavaani Nadhineer Matrum Nilathadi
Neer Paadhuhaappuk Kuzhu, (Bhavani
River Water and Ground Water Protection
Committee) Uma Sankar Nilaiyam, L.S.
Puram, Mettupalayam – 641 301.

... Applicant(s)

Versus

State Government of Tamil Nadu
Through its Chief Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai and Ors.

... Respondent(s)

With


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

D. Satheesh Kumar
No.2/17, Ramasamy Pillai Street-3,
Mahadevapuram, Mettupalayam.

...Applicant(s)

Versus

State Government of Tamil Nadu
Rep. by its Chief Secretary,
Fort St. George, Secretariat,
Chennai and Ors.

... Respondent(s)

REPORT FILED ON BEHALF OF THE RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.

I, R.Sarasavani, D/o. Raghavan, Hindu, aged about 55 years, having my office at No. 76, Mount Salai, Guindy, Chennai -600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 5th Respondent TNPC Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the Hon'ble NGT has passed order dated 05.01.2021 and directed inter alia that:

"Though, short term and long term measures were provided to meet the situation, it is not known how much progress has happened after this inspection report, because the report was prepared long ago. Whereas, some of the short term measures will have to be completed by end of December-2020. Further, interim compensation was also calculated till 29.10.2020 to the tune of Rs.51.6 Lakhs and thereafter to pay Rs.3,750/- per day till its compliance against the Government Hospital.

Further, it is not known as to whether any steps have been taken by the Pollution Control Board to impose such compensation against the


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
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Government Hospital Mettupalayam by initiating proceeding by issuing show cause notice and giving opportunity to them to submit their explanation for the same.

Under such circumstances, we direct the committee to re-visit the area for preparation of further report and submit the report regarding the progress that has taken place to implement the short and long term measures suggested by them by the Municipality as well as the Government Hospital and what further action has been taken by the Pollution Control Board against the Government Hospital for not complying with the pollution control norms and the violation committed by them on the basis of the recommendations made by the committee.”

3. It is respectfully submitted that the Joint Committee has reported that the disinfection system provided by the Government Hospital is not adequate to meet the standards prescribed by the TNPC Board.

4. Further, it is respectfully submitted that the Joint Committee has calculated the Environmental Compensation (EC) of Rs. 51.6 Lakhs on account of the violations by the HCF for the period 20.01.2017 to 29.10.2020 and recommended for the levy of EC for the HCF. Also the Joint Committee has recommended for the levy of Environmental Compensation of Rs. 3,750/- per day w.e.f 30.10.2020 until compliance.

5. Hence, it is respectfully submitted that the Board has calculated the Environmental Compensation to be levied for the HCF for the period from 20.01.2017 to 29.10.2020 as Rs. 51.6 Lakhs and from 30.10.2020 upto 31.01.2021 as Rs.3,52,500/- and the total amount of Rs.55,12,500/- is


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TAMILNADU POLLUTION CONTROL BOARD
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assessed as Environmental Compensation for the period from 20.01.2017 to 31.01.2021 for the violations by the Government Hospital.

6. Therefore, it is respectfully submitted that in exercise of the powers conferred under Section 5 of the E(P) Act, 1986, a show cause notice has been issued to the M/s. Government Hospital, Mettupalayam vide Board's Proc.No. T4/TNPCB/F-001904/LAW/LA-III/NGT(SZ)/OA.No.10 of 2017/2021 Dated 03.02.2021 to show cause from the date of receipt of this notice, why the Board shall not recover the Environmental Compensation of Rs. 55,12,500/- for the period from 20.01.2017 to 31.01.2021 for the non-compliance of the provisions of the Bio-Medical Waste Management Rules, 2016 as amended.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to take this Report on record and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


BEFORE ME

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

VERIFICATION

I, Tmt. R.Sarasavani, D/o. Raghavan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.

Verified at Chennai on this day of February, 2021.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
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...Respondent(s)

**Report filed on behalf of the
Respondent - Tamil Nadu Pollution
Control Board.**

Advocate for Respondent: TNPCB
Thiru. Kasirajan
Advocate, Chennai.

Date: 10.02.2021