

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

Original Application No. 10 of 2022 (SZ)

E. Srinivasan,
S/o. Elumalai,
4/105, Ramagoundalur,
Mallamoopanpatti Village,
Iyamperumalpatti,
Salem – 636 302.

-Vs-

The Chairman,
Tamil Nadu Pollution Control Board,
No. 76, Mount Road, Guindy,
Chennai – 600 032 and others.

...Respondents

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Advocate for the Respondent: TNPCB

Tr. S. Sai Sathya Jith,
Advocate, Chennai

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**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH, CHENNAI.**

Original Application No. 10 of 2022 (SZ)

E. Srinivasan,
S/o. Elumalai,
4/105, Ramagoundlur,
Mallamoopanpatti Village,
Iyamperumalpatti,
Salem – 636 302.

...Applicant

Vs

1. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy,
Chennai – 600 032.
2. The District Collector,
Salem District,
Salem – 606 001.
3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem District, No.1/276, Meyyanur main Road,
Siva Towers,
Salem – 636 004.
4. The Superintending Engineer,
Salem Electricity Distribution Centre,
TANGEDCO,
Kamrajar Colony,
Udayapatti,
Salem – 636 014.
5. M/s. SMS Fly Ash Bricks Company,
Rep. by its Proprietor Sengottaiyan,
S.No.54/4, Ramagowdalur,
Mallamooppampatti, Village,
Ayyamperumampatti Post,
Salem -636 302.
6. M/s. Sri Palaniandawar Fly As Bricks Company,
Rep. by its Partners Duraisamy and Cauvery,
S.No.57/1, Ramagowdalur,
Mallamooppampatti, Village,
Ayyamperumampatti Post,


17/9/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

- Salem West Taluk,
Salem -636 204.
7. M/s. K.P. Fly Ash Bricks Company,
Rep. by its Proprietor Kannan,
S.No.54/21, Ramagodalur,
Mallamooppanpatti, Village,
Ayyamperumampatti Post,
Salem West Taluk,
Salem -636 204.
8. M/s. Alwin Fly Ash Bricks Company,
Rep. by its Proprietor Rajamanickam,
S.No.56/6A, Ramagowdalur,
Mallamooppanpatti, Village,
Ayyamperumampatti Post,
Salem West Taluk,
Salem -636 204..
9. M/s. J.J.Fly Ash Bricks Company,
Rep. by its Proprietor Ramachandran,
S.No.56/2B and 56/3B, Ramagowdalur,
Mallamooppanpatti, Village,
Ayyamperumampatti Post,
Salem West Taluk,
Salem -636 204.

...Respondents

REPORT FILED ON BEHALF OF THE 1ST & 3RD RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Rajamanickam, Son of P.M.Ramasamy, Hindu, aged about 58 years, having office at No. 76, Mount Salai, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32 and I am filing this Status Report on behalf of the 1st & 3rd respondents and as such I am well acquainted with the facts of the case from the records.

2. It is respectfully submitted that the applicant filed this application with the following prayer:

“Grant permanent injunction to the respondents 5 to 9 from running the illegal, unauthorized highly polluting fly ash bricks units”.


12/9/02
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TAMILNADU POLLUTION CONTROL BOARD
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3. It is respectfully submitted that the Hon'ble NGT in its order dated 19.01.2022 & 22.02.2022 in O.A.No.10/2022 directed as follows:

"Para 9. In order to ascertain the genuineness of the allegations made in the application, we direct the 3rd Respondent/District Environmental Engineer of Tamil Nadu Pollution Control Board, Salem District to inspect the units in question and submit a factual as well as action taken report, if there is any violation found.

Para 10 (i) Whether these units are having necessary permission or consent from the Pollution Control Board or under any environmental laws,

(ii) Whether any pollution is being caused on account of their operation, as alleged in the application,

(iii) Even if they are having necessary permission and license, whether the pollution control mechanism provided are sufficient to mitigate the circumstances of causing air pollution on account of the use of fly ash in that area,

(iv) If the pollution control mechanisms provided are not sufficient, what is the nature of measures to be taken by them to mitigate the situation to avoid complaint of dust pollution being caused on account of their operation, even if they are having necessary permissions etc.

(v) If it is found that they are not having necessary permission, then what is the nature of action taken by them against these units including imposition of environmental compensation for unauthorized operation and causing pollution in that area.

(vi) The 3rd Respondent is also directed to assess the environmental compensation for the damage caused to the environment on account of their operation, apart from assessing compensation for the violation of their illegal operation"

4. It is respectfully submitted that, there are 10 number of fly ash brick units located in the Mallamoopampatty Village of Salem West Taluk, Salem District. These units were issued with show cause notices under the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 & the


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Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 vide DEE, TNPCB, Salem Proceeding dt 11.04.2022 whose names are detailed below:

- i. M/s. JJ Flyash Bricks
- ii. M/s. VR Bharath Allwin Ash Bricks
- iii. M/s. Ashok Flyash Bricks
- iv. M/s. Sekar Flyash Bricks
- v. M/s. SMS Bricks – I
- vi. M/s. SMS Bricks – II
- vii. M/s. SMS Bricks – III
- viii. M/s. Sri Palaniandavar Bricks & Transports (Kavery Flyash Bricks)
- ix. M/s. Palaniandavar Flyash Bricks
- x. M/s. MSK Flyash Bricks

These units are located in cluster at Mallamooppampatti Village, Salem West Taluk, Salem District. Also, it is decided to conduct AAQ survey around the units. Further, personal hearing was conducted with the above said unit authorities on 15.09.2022.

5. It is respectfully submitted that with respect to direction no.10 of the of the Hon'ble NGT order dated 19.01.2022 the following are submitted:

Point. no	Directions issued by the Hon'ble NGT	Remarks
10 (i)	Whether these units are having necessary permission or consent from the Pollution Control Board or under any environmental laws	No, All these units have not obtained consent from the TNPCB so far. But, during personal hearing on 15.09.2022, all these units have assured to obtain CTO from the Board after complying with the guidelines framed by TNPCB.
10 (ii)	Whether any pollution is being caused on account of their operation, as alleged in the application	There are more chances for the carry over of fine dust due to wind to the nearby areas as all the raw materials namely fly ash, stone dust are being stored in open land and not under closed shed. Moreover, stone dust is being stored in heaps beyond 10 feet above the ground level.


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10 (iii)	Even if they are having necessary permission and license, whether the pollution control mechanism provided are sufficient to mitigate the circumstances of causing air pollution on account of the use of fly ash in that area	Pollution control measures at present is not sufficient to mitigate the dust pollution. But, all these units have assured to provide appropriate mechanism as stipulated in the guidelines prescribed by the TNPCB and they are seeking time to implement the same.
10 (iv)	If the pollution control mechanisms provided are not sufficient, what is the nature of measures to be taken by them to mitigate the situation to avoid complaint of dust pollution being caused on account of their operation, even if they are having necessary permissions etc.	The following are the measures to be taken by all these units to control air pollution. (a) Shall store all the raw materials under closed shed or cement / fly ash shall be stored in silo. Stone dust shall be stored in storage bins & sprinkled with water regularly. (b) Shall provide suitable enclosures around the vibrating/compacting machine to control noise & dust. (c) Shall develop green belt of adequate width around its periphery. (d) Shall provide proper land scaping to avoid rain water stagnation.
10 (v)	If it is found that they are not having necessary permission, then what is the nature of action taken by them against these units including imposition of environmental compensation for unauthorized operation and causing pollution in that area.	Environmental compensation to be worked out as per CPCB norms.
10 (vi)	The 3 rd Respondent is also directed to assess the environmental compensation for the damage caused to the environment on account of their operation, apart from assessing compensation for the violation of their illegal operation.	Environmental compensation to be worked out as per CPCB norms.

R. J. J.
7/9/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
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5. It is respectfully submitted that all these units were called for personal hearing earlier on 30.08.2022 and they have not attended as the letters in this regard addressed to these unit were received by them late. Again they were called for personal hearing on 15.09.2022 by delivering the letters in person to them. During personal hearing conducted on 15.09.2022 these units have sought 2 months time to adopt the guidelines framed by TNPCB. These units were inspected after personal hearing on 15.09.2022, it was observed that all these units are located in cluster at Mallapooppampatti Village, Salem West Taluk, Salem District. Also, the AEL, TNPCB, Salem has been requested to conduct Ambient Air Quality & Ambient Noise Level survey around these units and the same is to be conducted.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to 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.


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TAMILNADU POLLUTION CONTROL BOARD
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BEFORE ME

VERIFICATION

I, R. Rajamanickam, S/o. P.M. Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai - 600 032 do hereby verify that the contents of above report are true to the best of my knowledge through records.


17/9/2022
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**REPORT FILED ON BEHALF OF THE
1ST & 3RD RESPONDENTS – TAMIL
NADU POLLUTION CONTROL BOARD**

Advocate for Respondent: TNPCB
Thiru. Sai Sathyajith
Advocate, Chennai.

Date: 19.09.2022

Date of Hearing: 19.09.2022

