

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

Original Application No. 119 of 2021

Tribunal on its own motion Suo Motu
based on the newspaper items published
in Dinamlar Tamil Newspaper, Chennai Edition,
Dt.14.04.2021 under the caption "All over the
villages is dust Land, it deforms the villages along with lives"

Versus

The Chief Secretary to Govt. of
Tamil Nadu, Govt Secretariat, Chennai
and Ors.

...Respondent(s)

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**Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**



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The Chief Secretary to Govt. of Tamil Nadu,
Govt Secretariat, Chennai
and Ors.
...Respondents

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

I, R. Sarasavani, D/o. J. Raghavan, Hindu, aged about 59 years, having my office at No.76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely state as follows:-

1. I submit that I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032 and I am authorized to file this report on behalf of the fourth Respondents and as such I am well acquainted with the facts of the case from the records available in our office.
2. It is respectfully submitted that the Tamil Nadu Pollution Control Board vide proceeding dated 22.12.2022 has issued show Cause Notice to 185 brick kiln units located in Thadagam region of Coimbatore district, as to why TNPCB shall not levy Environmental Compensation towards them for causing ecological damage / environmental pollution in that area. Aggrieved by the same the Brick

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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

Kiln units filed writ petitions vide WP No. 34793 of 2022 against the Board's proceeding before the Hon'ble High Court of Madras.

3. It is respectfully submitted that, the Hon'ble High of Madras vide order dated 27.04.2023 in WP No. 34793 of 2022 has directed the following among other;

"..... (2) The Chairman, Tamil Nadu Pollution Control Board, prior to fixing damages, shall strictly follow the methodology given by the Central Pollution Control Board's In-house Committee for assessing environmental compensation and action plan in particular, as per Guidelines 1.3.2.

.....(6) The period of damage shall be from the date of commencement of the operation by the individual brick kiln which can be found out from the Annual Brick Fee paid by them or from such material as the Chairman/ the Committee so decides and shall conclude with the date of closure passed by the District Collector, Coimbatore i.e..13.06.2021....."

4. It is respectfully submitted that, the CPCB In-house Committee report on "Methodology for Assessing Environmental Compensation and Action Plan" under section 1.3.2 has stated the following;

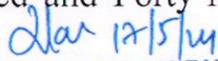
"1.3.2 In other instances i.e. d, e and f, the environmental compensation may contain two parts – one requires providing immediate relief and other long-term measures such as remediation.

In all these cases, detailed investigations are required from expert institutions/organizations based on which environmental compensation will be decided. CPCB shall list the expert institutions for this purpose. In such cases, comprehensive plan for remediation of environmental pollution may be prepared and executed under the supervision of a

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committee with representatives of SPCB, CPCB and expert institutions/organizations.”

5. It is respectfully submitted that, in view of the above, the TNPCB has requested the CPCB, to furnish list of the expert institutes / organization for assessing the environmental compensation for the purpose mentioned in 1.3.2. of “CPCB In-house committee report on Methodology for Assessing Environmental Compensation and Action Plan”. Based on the same, the CPCB vide its letter dated 18.07.2023 furnished list of the expert institutes / organization.
6. It is respectfully submitted that, the TNPCB vide letter dated 24.07.2023 requested the expert institutes / organization listed by the CPCB to assess environmental compensation to be levied from the brick kilns that were functioning in Thadagam region of Coimbatore District for causing ecological damage / environmental pollution in that area, in compliance of the said orders of the Hon’ble High of Madras. The Energy and Resource Institute (TERI) alone furnished its willing and proposal to conduct the said assessment vide its letter dated 10.08.2023.
7. It is respectfully submitted that, the Board convened a virtual meeting with the TERI on 01.09.2023 and subsequently, the Board requested the TERI to furnish a revised proposal for the ToR issued to the TERI vide Board’s letter dated 19.09.2023, 13.10.2023 & 10.11.2023.
8. It is respectfully submitted that, the TERI vide proposal dated 29.11.2023 has submitted a revised proposal to carryout the said study based on the field visit between 20th& 21stNovember 2023. The Proposal submitted by the TERI as per the TOR issued by the Board has been accepted for a total cost of Rs. 1,21,70,349 /- (Rupees One Crore Twenty-One Lakh Seventy Thousand Three Hundred and Forty-Nine


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Only, inclusive of GST & Overheads) and the details of the project is as follows:

Project area	Assessment of Environmental Compensation for the brick kilns that were functioning in the five revenue villages namely, Chinna Thadagam, Veerapandi, Nanjundapuram, Somaiyampalayam and Pannimadai of Thadagam region of total area of 55 sq.km (approximately) in Coimbatore District
Project duration	Ten months
Cost estimate	Rs. 1,21,70,349 /- (Rupees One Crore Twenty-one Lakh Seventy Thousand Three Hundred and Forty-Nine Only) inclusive of GST &Overheads

9. It is respectfully submitted that, in compliance to the orders of the Hon'ble High Court of Madras dated 27.04.2023 in WP No. 34793 of 2022, the Board vide work order dated 22.12.2023 allotted the work for carrying out "Assessment of Environmental Compensation for the brick kilns located in Thadagam region of Coimbatore District to the Energy and Resource Institute (TERI), New Delhi at a total cost of Rs. 1,21,70,349 /- (Rupees One Crore Twenty-one Lakh Seventy Thousand Three Hundred and Forty-Nine Only) inclusive of GST & overheads.
10. It is respectfully submitted that, an agreement was executed on 25.1.2024 between the Tamil Nadu Pollution Control Board, Chennai and The Energy and Resources Institute (TERI), New Delhi for conducting the said assessment of Environmental Compensation for the brick kiln units located in Thadagam region of Coimbatore District, and the TERI is in the process of the assessment.

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 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

11. It is respectfully submitted that; the Board vide proceeding 29.01.2024 has constituted a committee with the following officials:

- Thiru. R. Idhayachander, Deputy Director, National Productivity Council.
- Dr. R. RajKumar, Scientist-E, CPCB, Chennai Regional Office
- Joint Chief Environmental Engineer (M), Coimbatore, TNPCB

The said committee is constituted as per the Section 1.3.2 of "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" to carry out the following:

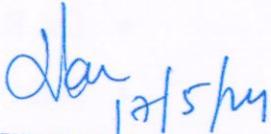
- To supervise the Assessment of Environmental Compensation for the brick kilns that were functioning in Thadagam region of Coimbatore District for causing ecological damage / environmental pollution in that area carried out by the Expert Institute.
- To hear the brick kiln units individually prior to the assessment of environmental compensation and to receive their replies.
- To furnish a detailed report on the assessment of environmental compensation to the Brick kilns in Thadagam Valley as per the Hon'ble High Court of Madras order dated 27.04.2023 in WP No. 34793 / 2022.
- To prepare a comprehensive plan for remediation of environmental pollution caused by the brick kiln units in Thadagam region and to execute the same.

12. It is respectfully submitted that, the TERI in its proposal dated 29.11.2023 has mentioned the study duration as 10 months and hence the final report will be submitted to the Hon'ble Tribunal, on receipt of the same from the TERI.

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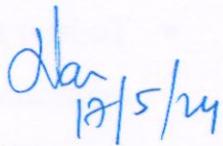
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

In the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such order or further order 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.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

VERIFICATION

I, R. Sarasavani, D/o. J. Raghavan, Hindu, aged about 59 years, having my office at No.76, Mount Salai, Guindy, Chennai-600032, do hereby verify that the contents of above reply are true to the best of my knowledge through records.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

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

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Suo Motu based on the News Item published in Dinamalar Tamil Newspaper, Chennai edition dt. 14.04.2021 under the caption "All over the village is dust land. It deforms the village along with lives".

Vs

The Chief Secretary to Government
of Tamil Nadu,
Govt. Secretariat,
Fort St. George, Chennai,
Tamil Nadu – 600 009 & 11 Others.

...Respondents

**REPORT OF FILED ON BEHALF OF
THE FOURTH RESPONDENT - TAMIL
NADU POLLUTION CONTROL BOARD
IN THE MATTER OF O.A.NO.119 OF
2021**

**Advocate for Respondent: - TNPCB
Thiru.C. Kasirajan,
Advocate, Chennai.**

Date:17.07.2024.

Next date of hearing on :20.07.2021

