

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.
Original Application No.122 of 2023**

R.Kanappan,
S/o.RangaiyaGowder,
2/213/A, KilakkuThottam, Illupanatham,
Thimmanur Post,
Sirumugai – 641 302,
Mettupalayam Taluk,
Coimbatore District.

... Applicant

-Vs-

1. The Chairperson,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai – 600 032.
& 6 Others

....Respondents

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**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

O.A. No.122 of 2023

R.Kanappan,
S/o.RangaiyaGowder,
2/213/A, KilakkuThottam, Illupanatham,
Thimmanur Post,
Sirumugai – 641 302,
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Coimbatore District.

... Applicant

-Vs-

1. The Chairperson,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai – 600 032.
2. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai – 600 032.
3. The Joint Chief Environmental Engineer,
Tamil Nadu Pollution Control Board
4th Floor, No.34, Bharathi Park
8th cross Street, Saibaba colony,
Coimbatore – 641 011.
4. The District Environmental Engineer,
Coimbatore (North)
Tamil Nadu Pollution Control Board,
No.5, Ramasamy Nagar,
Near Fire Service Station.
Kavundampalayam, Coimbatore – 641 030.
5. The District Collector,
Coimbatore,
Collectorate, State Bank Road,
Coimbatore – 641 018.
6. The Tahsildar,
Mettupalayam Taluk,
Office of the Tahsildar,
Mettupalayam, Coimbatore District,

dar
16/2/24
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

7. V.B Agro Farms,
Rep. by its Proprietor, P.Mahendran,
S.F.139/2, Illupanatham Village,
Mettupalayam, Coimbatore District.

...Respondents

REPORT FILED ON BEHALF OF THE RESPONDENTS 1 to 4
TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Sarasvani, D/o. J. Raghavan, Hindu, aged about 58 years, having my 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 and I am authorized to file this report on behalf of the respondents 1 to 4 herein and as such I am well acquainted with the facts of the case from the records available in our office.

2. I submit that the Hon'ble Tribunal in its order dated 18.10.2023 directed the TNPCB to conduct an inspection and file a detailed report.

3. It is respectfully submitted that the unit M/s. V. B. Agro Farms is a Button Mushroom Compost manufacturing unit. The unit vide Proc. No.F.1694CBN/GS/DEE/TNPCB/CBN/W&A/2019, Dated: 30.05.2019 has obtained Consent to Establish (CTE) in the name of M/s. V B Agro Farms, S.F.No.139/2 Pt, Iluppanatham Village, Mettupalayam Taluk, Coimbatore District under the category of 3999 – Miscellaneous (Green) for the following,

Product:

Button Mushroom Compost – 50 T/M.

Sewage:

Sewage –0.16 KLD- on Industry's Own Land

Trade Effluent:

Trade Effluent - 1.5 KLD - Recycling to process

Point Emission Sources:

DG Set - 20 KVA - Acoustic enclosures with stack.

4. It is respectfully submitted that, on receipt of public complaints regarding odour nuisance and environmental pollution due to operation of the unit, the unit

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was inspected by the officials of the O/o. DEE, TNPCB, Coimbatore North and vide Proc.No.F.1643/OS/DEE/TNPCB/CBN/AEE/W&A/2023, dated: 15.05.2023, Show Cause Notice under Water and Air Acts were issued to the unit for operating without obtaining Consent To Operate (CTO) from the Board by considering the category of the unit as **Green-3999–Miscellaneous (Green)** and not considering under the category of **White-4028–Organic Manure (Manual Mixing)** because of the fact that they were using machineries in the process.

5. It is further submitted that, vide Proc.No.: TNPCB/T1/F.014441/Closure/Water/2023, dated 17.07.2023 Direction for closure and disconnection of power supply under Section 33A of the Water (P&CP) Act, 1974 as amended and vide Proc.No.: TNPCB/T1/F.014441/Closure/ Air /2023, dated 17.07.2023, Direction for closure and disconnection of power supply under Section 31A of the Air (P&CP) Act, 1981 as amended was issued to the unit as the unit did not rectified the violations mentioned in the Show Cause Notices issued. Accordingly, power supply to the unit was disconnected by the TANGEDCO on 19.07.2023.

6. It is further submitted that, O.A. No:122 of 2023 has been filed before the Hon'ble National Green Tribunal South Zone Chennai by Mr. R. Kannappan who is residing at Iluppanatham Village alleging that the unit is carrying out operations by using D.G.Sets after issuance of directions for closure and disconnection of power supply.

7. It is respectfully submitted that, the Hon'ble National Green Tribunal South Zone Chennai vide its order dated 25.08.2023 inter-alia has made the following order and posted the matter on 25.09.2023,

"It is now alleged by the applicant that despite the closure order issued by the TNPCB, the 7th respondent is using a power generator thereby continuing to cause the above said pollution. If that is so, the TNPCB is directed to cause an inspection again and seal the premises through the proper channel."

8. It is respectfully submitted that in this regard a joint inspection was carried out by the officials of the O/o.DEE, Tamil Nadu Pollution Control Board, Coimbatore North along with RDO, Coimbatore North on 01.09.2023 and it was observed that the unit was not under operation and the unit has installed ammonia scrubber with suction hood arrangements as odour control measures and operating

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the same using DG Set to control ammonia emanation from it's bulk chamber and bunker rooms after the issuance of closure order. Subsequently, the unit was instructed vide O/o. DEE, TNPCB, Coimbatore North letter dated 11.09.2023, not to carry out any operation of the unit without obtaining Consent to Operate (CTO) and proper revocation of closure direction from the Board.

9. It is further submitted that, the unit has applied for CTO– Direct vide Application No.54186219 dated: 22.08.2023 through Online Consent Management and Monitoring System (OCMMS) of TNPCB in the name M/s. V. B. Agro Farms, S.F.No.139/2A Part, 139/2B Part, Iluppanatham Village, Mettupalayam Taluk, Coimbatore District for the following including change in management,

Product:

Button Mushroom Compost –100 T/M.

Sewage:

Sewage – 0.16 KLD - on Industry's Own Land

Trade Effluent:

Trade Effluent - 1.5 KLD - Recycling to process

Point Emission Sources:

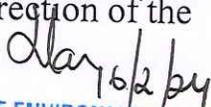
DG Set - 30 KVA - Acoustic enclosures with stack

Bunker room - Wet scrubber with stack

10. It is respectfully submitted that vide Proc.No.F.1694CBN/GS/DEE/TNPCB/CBN/W&A/2023, Dated 17.10.2023 Consent To Operate CTO-Direct was issued to the unit valid up to 31.03.2025 with a condition inter alia that **“The issue of this consent shall not be constructed as permission for operation of the unit and the unit shall carry out operation only after obtaining proper revocation of the closure direction and restoration of power supply order from the Board.”**

11. It is further submitted that, vide letter dated 11.10.2023 the unit has made representation to the Board for revocation of closure order and restoration of power supply. In this regard the unit was inspected by the officials of the O/o. DEE, TNPCB, Coimbatore North on 26.10.2023 and the following were observed,

1. During inspection, the unit was not in operation.
2. The machineries such as mixing dozer, conveyors, air blowers and spawn mixer were not under operation.
3. Few houses located within 200 meters from North East direction of the


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unit's location, which is the complaint prone area.

4. The unit has installed ammonia scrubber with suction hood arrangements as odour control measures and operating the same using DG Set to control ammonia emanating from its bulk chamber and bunker rooms after the issuance of closure order.
5. The unit has provided septic tank followed by dispersion trench arrangement for treatment and disposal of sewage.
6. The unit has provided collection tank to recycle the trade effluent generating from the process. The unit has provided concrete impervious platform for the manure mixing area.
7. The unit has provided air pollution control measures such as wet scrubber with stack to the bunker room and acoustic enclosures with stack to the DG Set - 30 KVA. The same were under operable condition.

12. It is further submitted that, vide proceeding No. T1 / TNPCB / F.014441 / CBN / Revocation of closure / Water & Air/ 2023, Dated 03.11.2023, Directions for revocation of closure and restoration of power supply under Water Act and Air Act were issued to the unit subject to the condition that **"The unit shall comply with the conditions stipulated in the CTO-Direct Order proceeding dated 07.10.2023."** The power supply has been restored to the unit and the unit is under operation and at present no complaints are received against the operation of the unit.

In 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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TAMIL NADU POLLUTION CONTROL BOARD
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VERIFICATION

I, R. Sarasavani, D/o. J. 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.

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SOUTHERN ZONE, CHENNAI.**

O.A No. 122 of 2023

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THE RESPONDENTS 1 TO 4
– TAMIL NADU POLLUTION
CONTROL BOARD**

**Advocate for Respondent:TNPCB
Thiru.S. Sai Sathya Jith ,
Advocate, Chennai.**

Date:16.02.2024

Date of hearing on: 22.02.2024