

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

ORIGINAL APPLICATION NO.127 OF 2022 (SZ)

K.S Mohan  
79/54, 7<sup>th</sup> Street East, Sriram Nagar  
Podanur, Coimbatore-23,  
Email:yogeshwaranadv@gmail.com  
Phone:9566254546

...Applicant

Versus

The Corporation of Coimbatore,  
Rep by its Commissioner,  
No.1, Town Hall, Coimbatore,  
Email:commr.coimbatore@tn.gov.in  
Phone: +91-422-2390261 and 5 others

...Respondent(s)

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Filed by  
Thiru. SaiSathyajith,  
Advocate, Chennai.



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1. The Corporation of Coimbatore,  
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...Respondents

**REPLY FILED BY THE 4<sup>th</sup> RESPONDENT**  
**TAMIL NADU POLLUTION CONTROL BOARD**

I, M. Pannirselvam, S/o. M. Venkatesan, Hindu, aged about 59 years, having my office at 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 (TNPCB), Chennai -600 032, and filing this Report on behalf of the Respondent Tamil Nadu Pollution Control Board (TNPCB) and as such I am well acquainted with the facts of the case from the records.

2) This Respondent has read the affidavit filed by the applicant in support of this Original Application and denies each and every one of the averments and allegations contained therein, except those that are specifically admitted herein.

3) It is respectfully submitted that the Applicant has filed this Application with the prayer to direct:

- a) "The 1<sup>st</sup> Respondent to stop dumping unsegregated waste and burning municipal solid waste and other waste at Kurichi – Vellalore dump site.
- b) Direct the respondents to of the site at Kurichi – Vellalore and implement the same forthwith.

  
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TAMIL NADU POLLUTION CONTROL BOARD

- c) Direct the respondents to carry out necessary steps to restore the ecology of the area.
- d) Direct the payment of compensation for environmental harm on account of the violation committed by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents.”

4) Before responding to the averments contained in this Application, the answering respondent submits the brief facts of the case for appreciation of this Hon'ble Tribunal.

5) It is respectfully submitted that the Solid waste management processing facility of 1<sup>st</sup> Respondent is located at SF Nos. 501/1, 501/2A, 501/2B, etc. of Kurichi village and SF Nos. 567/1(part), 498/1, 504/1, 504/2, 504/3, 504/4, 504/5, 504/6, 504/7, 509/1A etc. of the Vellalore Village, Madukkarai Taluk, Coimbatore District. The total area of the facility is about 650 acres.

6) It is respectfully submitted that the 1<sup>st</sup> Respondent has established bio-methanation plant of 2.5 TPD and Vermi Composting for 100 TPD in the MSW processing facility, Vellalore for treating the vegetable, fruit & flower wastes.

7) It is respectfully submitted that the 1<sup>st</sup> Respondent had obtained Authorisation under Solid Waste Management Rules, 2016 for processing, recycling, treatment and disposal of municipal solid wastes of 600 T/day and its validity expired on 31.03.2019. The 4<sup>th</sup> Respondent has already addressed the 1<sup>st</sup> Respondent to apply for renewal of authorisation under Solid Waste Management Rules, 2016 vide this office letter Dated: 02.08.2019, 10.01.2020 and 22.10.2020, 29/07/2021 & 12/08/2022. Moreover, the State level monitoring committee instructed the 1<sup>st</sup> Respondent to comply with the Rules in the meeting held on 09.08.2019 and 31.01.2020. So far, the Solid waste management processing facility (SPV) of the 1<sup>st</sup> Respondent has not applied for renewal authorisation under Solid Waste Management Rules 2016, and not obtained consent under the Water Act and Air Act.

8) It is respectfully submitted that the unit of M/s. COIMBATORE INTEGRATED WASTE MANAGEMENT COMPANY PRIVATE LIMITED is located at S.F. No. 540/1, 2pt, 541pt, 542/1, 2, 543/1, 2, 544, 545/1, 2, 546/1, 2, 3, 547/1, 2, 548/1, 2, 3, 4, 5, 6, 7, 8, 9, 549, 550, 551, 553/1, 2, 3B, 3C, 554, 555, 556/1, 2, 3, 557, 558, 559, 560/1, 2, 561/1, 2pt, 3, 4pt, 5pt, 562pt, 563/1, 2, 3, 4pt

  
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of Kurichi Village and S.F. No. 497/1pt, 498/1, 2, 501/1, 2A, 2B, 3, 4, 502/1, 2, 3, 4A, 4B, 504/1, 2, 3, 4, 5, 6, 7, 505, 506, 507, 509/1A, 1B, 1C, 2A, 2B, 2C, 2D, 2E, 510/3 pt, 562/1pt, 563/1pt, 3pt of Vellalore Village, Corporation Waste Dump Yard, Madukkarai Taluk, Coimbatore District. The total area of the facility is around 180 acres.

9) It is respectfully submitted that online application for Consent to Operate (CTO-Direct) was filed by the facility M/s. COIMBATORE INTEGRATED WASTE MANAGEMENT COMPANY PRIVATE LIMITED under Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 to operate the existing municipal solid waste management facility of Coimbatore Municipal Corporation vide OCMMS Application No. 14967847 on 08.10.2018 to convert the MSW into the following products:

Sl. No	Product Name	Quantity
1.	Main Products City Compost	69 Tons/Day
2.	Refuse Derived Fuel (RDF)	147 ns/Day

10) It is respectfully submitted that the unit's application was returned for want of certain additional particulars from the Board vide noting dated 30.04.2020 and till now the unit has not resubmitted through online (OCMMS) along with the following additional particulars:

- i. Details of the compliance status on the instructions/recommendations issued by the State Monitoring Committee
- ii. Status of authorisation under Solid Waste Management Rules, 2016 applied by the unit.
- iii. Total break-up of quantity of solid wastes generated, collected, treated (composting, MCC, biomethanation, etc) recycled and disposed.
- iv. Status of establishment of 65 de-centralized treatment plants in different areas of the city and its details. Upon establishment of MCCs, quantity of solid waste reduced disposed to the dumpsite shall be furnished.
- v. Details of solid waste generated by the Bulk Waste Generators and action taken by the corporation to prevent disposal of solid waste generated by the BWGs to the dumpsite.

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MOUNT SALAI GIUNDY

- vi. Status of bio-mining of legacy waste and its details whether the Corporation has furnished action plan and action taken report as indicated above.
- vii. It was reported huge fire accidents occurred on 24.03.2019 & 01.08.2019 and the Commissioner, Coimbatore Corporation were addressed to take necessary precaution measures permanently to prevent such fire occurrences in the MSW dump site in future and to furnish action taken report to mitigate such incidents. In this regard, action taken by the Coimbatore Corporation for the prevention of burning of dumpsite or landfill fire shall be furnished.

11) It is respectfully submitted that in this regard the officers of the 4<sup>th</sup> Respondent collected water samples and conducted air quality survey periodically in the said area and the observations are as follows:

- *Report of Analysis (ROA) of the ground water sample collected on 26.09.2020 reveals that, the Total Dissolved Solids (TDS), Chloride in all the 15 locations and sulphates in 2 locations exceeds the permissible limit of the drinking standards. The TDS exceedance is in the range of 2484 mg/l to 16082 mg/l against the standards of 2100 mg/l, the Chloride value exceedance is in the range of 284 mg/l to 1881 mg/l against the standards of 250 mg/l and Sulphate exceedance is 218 mg/l against the standards of 200 mg/l.*
- *Report of Analysis (ROA) of the ground water sample collected on 24.06.2022 reveals that, the Total Dissolved Solids (TDS) in all 14 locations and Chloride in 12 locations exceeds the permissible limit of the drinking standards. The TDS exceedance is in the range of 2300 mg/l to 2800 mg/l against the standards of 2100 mg/l, the Chloride value exceedance is in the range of 400 mg/l to 1500 mg/l against the acceptable limit of 250 mg/l.*
- *Report of Analysis (ROA) of AAQ survey conducted on 12.10.2020 reveals that out of 7 locations, the parameters  $PM_{10}$  exceeds the standards prescribed by the Board in 2 locations. The stations II & III, the value of  $PM_{10}$  is  $138 \mu\text{g}/\text{m}^3$  &  $126 \mu\text{g}/\text{m}^3$  against the NAAQ standard of  $100 \mu\text{g}/\text{m}^3$ .*

  
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- *Report of Analysis (ROA) of AAQ survey conducted on 24.06.2022 & 25.06.2022 reveals that out of 6 locations, the parameters PM<sub>10</sub> exceeds the standards prescribed by the Board in 1 location. In station II, the value of PM<sub>10</sub> is 161 µg/m<sup>3</sup> against the NAAQ standard of 100 µg/m<sup>3</sup>.*

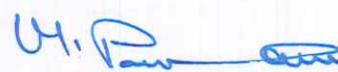
12) It is respectfully submitted that in this regard, a personal hearing was conducted at the monitoring office of the 4<sup>th</sup> Respondent on 01/09/2022.

13) It is respectfully submitted that, the Hon'ble National Green Tribunal (Principal Bench) vide order dated 16.01.2019 in OA No. 606 of 2018 has stated that *"Timelines of two years have expired as rules came into force on 08.04.2016 Timelines of three years is going to expire on 08.04.2019. However, for bio-remediation, timelines of five years has been provided. " On 'Polluter Pays Principle', the polluters must be required to pay damages by the concerned authorities. Failure to do so may render the authorities also liable to pay damages"*.

14) It is respectfully submitted that, the Hon'ble National Green Tribunal (Principal Bench) vide order dated 28.02.2020 & 02.07.2020 in OA No. 606 of 2018 has directed as under:

*" In view of fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and the Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, Interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rules 22 from serial.No.1 to 10."*

*"....Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 Lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per local body from 01.04.2020 till compliance."*

  
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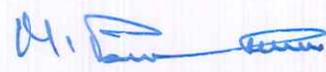
15) It is respectfully submitted that based on the above, 4<sup>th</sup> Respondent Board has issued direction under section 5 of Environmental (Protection) Act 1986 along with interim compensation (from April 2020 to November 2020) of Rs. 80 Lakhs to 1<sup>st</sup> Respondent. The corporation is liable to remit the Environmental Compensation till the compliance of the following directions:

- “1. The Corporation shall comply with provisions of Solid Waste Management Rules, 2016 and shall comply with the orders passed by the Hon’ble NGT in OA 606 of 2018 from time to time.*
- 2. The Corporation shall provide 100% segregation of waste (covering all wards).*
- 3. The Corporation shall provide required capacity of waste processing facilities for the treatment of biodegradable waste and non-degradable wastes.”*

16) It is respectfully submitted that it is also informed that continued failure to comply with Solid Waste Management Rules, 2016 shall incur Environmental Compensation at rates that are multiples of the rates assessed (i.e.,Rs. 10 Lakh per month), till the compliance is achieved. The Coimbatore Corporation has not remitted the environmental compensation.

17) It is respectfully submitted that during Inspection of the site on 06.10.2022 the following were observed:

1. The Integrated Municipal Solid Waste Management Project facility (IMSWP) with three feeding lines incorporated with 14 conveyors and three trommels (100 mm) was under operation.
2. It is informed that, out of 950-1000 Tons generated from 100 wards only 500-550 Tons are handled by Integrated Municipal Solid Waste Management Project facility (IMSWP).
3. Leachate treatment plant was not maintained properly.
4. It was found that biomining activity (old legacy waste) was not properly handled as per the CPCB Guidelines for disposal of Legacy waste (old municipal waste). No proper records has been maintained by the facility.

  
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5. Vermicomposting plant were not under operation.
6. The unit of M/s. BHAIKAV RENDERERS, S.F.No. 497/1 Part, Vellalore village, Madukkarai Taluk, Coimbatore District located nearer to the Biomining facility was found in operation. The unit is involved in the process (dry) of Rendering of chicken wastes collected from Chicken stalls received from Coimbatore Corporation. The Wastes are cooked at high Temperature and sold out as cattle feed. The unit is having valid consent till 31/03/2023.
7. The Integrated Municipal Solid Waste Management Project facility (IMSWP), Biomining facility and the Coimbatore Corporation has not complied the provisions of Solid Waste Management Rules, 2016.
8. The Corporation has not submitted annual report in Form IV each year by 30th June to the Tamil Nadu Pollution Control Board

18) It is respectfully submitted that in view of the above, letters were addressed by the answering Respondent to the 1<sup>st</sup> Respondent vide this office Letters dt. 12/08/2022 & 09/02/2023,

19) It is respectfully submitted that following are the suggestions of the answering Respondent in view of paragraph 10 of the order dated 14.11.2022 passed by this Hon'ble Tribunal in the present matter directing the answering Respondent to extend utmost cooperation for the restoration of the dump yard and for remediation by undertaking the usual procedure of air, water and soil analysis:

1. Whereas, in compliance of Hon'ble NGT order dated 16.01.2019 in the matter of OA No.606 /2018 the Corporation shall comply with Guidelines for disposal of Legacy waste published by CPCB.
2. The Corporation shall comply with the provisions of Solid Waste Management Rules, 2016 and shall comply with the orders passed by the Hon'ble NGT in O.A No.127 of 2022 (SZ) from time to time.
3. The Corporation shall provide 100% segregation of waste (covering all wards) and bring only segregated waste to the processing centre at Vellalore.

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4. The Corporation shall provide required capacity of waste processing facilities for the treatment of biodegradable waste and non-biodegradable wastes.
5. The Corporation is liable to pay Environmental Compensation till the compliance of conditions stipulated in 1 to 4.
6. The Corporation shall file online application with requisite particulars for renewal of Authorisation under the Solid Waste Management Rules, 2016 and to obtain consent under the Water Act and Air Act immediately without further delay.
7. The Corporation shall take necessary action to comply the order dated 02.07.2020 of the Hon'ble NGT, Principal Bench, New Delhi in O.A. 606 of 2018 without further delay.
8. The Corporation shall not bring unsegregated waste and dump any fresh waste without processing.
9. The Corporation shall control fly/odour nuisance during processing of legacy waste.
10. The Corporation shall take appropriate measure to avoid any fire accident at the solid waste processing facility.

20) It is respectfully submitted that the Applicant is put to strict proof of the averments made in paragraphs 1 to 3.

21) With regard to the paragraph 4, it is respectfully submitted that the Hon'ble National Green Tribunal Southern Zone, Chennai has passed an Order dated 18.12.2017 in Application No. 234 of 2013 (SZ) and Application No. 264 of 2013 (SZ) and stated inter alia that:

*"..A report has been filed by respondent No.3 & 4 which is taken on record. As per the Report, the Corporation has not submitted fresh application as required under Solid Waste Management Rules, 2016 with all necessary documents for existing processing facility. The learned counsel appearing for the applicant made available a copy of the application addressed to the State Pollution Control Board to show that it was submitted. The learned counsel appearing for the Board submitted that*

*subsequent to the preparation of the affidavit, the application has been submitted by the Corporation and it is under consideration..”.*

22) It is respectfully submitted that, with regard to the paragraphs 5-14, the details have been sufficiently addressed in this reply affidavit.

23) It is respectfully submitted that with regard to the paragraphs (Grounds A-J) the details have been sufficiently addressed in this reply affidavit. The answering Respondent has taken action against the 1<sup>st</sup> Respondent.

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

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JOINT CHIEF ENVIRONMENTAL ENGINEER  
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**BEFORE ME**

### VERIFICATION

I, M. Pannirselvam, S/o. M. Venkatesan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai-600032 do hereby submit that the contents of the above report are true to the best of my knowledge through records.

 02/03/2023

JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
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**REPIY FILED BY THE 4<sup>TH</sup> RESPONDENT**  
**RESPONDENT - TAMIL NADU**  
**POLLUTION CONTROL BOARD**

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

Dated: 03.03.2023