

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

**Original Application No.131 of 2017 (SZ)**

Syed Mohammed Kalifa Sahib

...Applicant

**Versus**

1. The District Collector,  
Nagapattinam district and Others.

...Respondents

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Advocate for the Respondent: TNPCB  
Tr. S. Sai Sathya Jith,  
Advocate, Chennai

REPORT FOR THE NATIONAL LABOR RELATIONS BOARD  
ON THE MATTER OF THE NATIONAL LABOR RELATIONS BOARD  
CONTRACT DISPUTATION NO. 12000-100

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1. The contract was not a contract of the National Labor Relations Board  
2. The contract was not a contract of the National Labor Relations Board

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BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI.

ORIGINAL APPLICATION NO. 131 of 2017 (SZ)

1. Syed Mohamed Kalifa Sahib

...Applicant

Vs

1. The District Collector,  
Nagapattinam District.
2. The Commissioner,  
Nagapattinam Municipality,  
Nagapattinam.
3. The Tamil Nadu Pollution Control Board,  
No.76, Mount Salai, Guindy  
Chennai-600 032

...Respondents

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

I, R.Rajamanickam, S/o. P.M.Ramasamy, Hindu, aged about 57 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 Respondent Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

  
16/12/2024  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

2. It is respectfully submitted that the Hon'ble National Green Tribunal (Southern Zone) in its order dated 17.11.2021, has directed ineralia as follows:

*Para 7:When we posed a question to the counsel appearing for the Tamil Nadu Pollution Control Board as to whether the Nagapattinam Municipality has furnished the bank guarantee as directed by this Tribunal for non-compliance of the undertaking given, whether the bank guarantee has been forfeited or not, the learned counsel wanted sometime to get instructions regarding the same and file a report in this regard.*

*Para 8: The Nagapattinam Municipality as well as the Tamil Nadu Pollution Control Board are directed to file their further report as directed by this Tribunal on or before 30.11.2021.*

3. It is respectfully submitted that the Nagapattinam Municipality has not furnished the performance guarantee in time i.e., on or before 20.02.2021 as per the Hon'ble NGT Order dated:21.01.2021. However the Nagapattinam Municipality has submitted the Bank Guarantee No.6204NDDG00000522 dated:29.06.2021 with the following terms and conditions:

- The Nagapattinam Municipality should dispose the entire legacy waste on or before 31.12.2021 to the satisfaction of the TNPC Board failing which the Bank Guarantee of Rs. 15,00,000 (Rs. Fifteen lakhs only) will be forfeited.

  
16/12/2021  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
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4. It is respectfully submitted that, further the DEE, Nagapattinam has inspected the area in question on 20.10.2021 and reported the following:

- i. It is observed from the report furnished by the Municipality, that there is a shortage of Battery Operated Vehicles (28 Nos) to transport the solid waste and also man power to monitor and process the municipal solid waste.
- ii. The municipality has completed the biomining of 23212.77 cu.m of legacy waste on 24.10.2021.
- iii. As per the revised survey of legacy waste, 20735 cu.m of waste is also available at Nagapattinam site which has to be processed by the Municipality.
- iv. Out of 12360 cu.m of legacy waste available in the bio-mining facility at Nagore Town, the Municipality has processed 6600 cu.m of legacy waste and the remaining quantity has to be processed by the Municipality.

5. It is respectfully submitted that, the Nagapattinam Municipality has not completed the biomining process within the stipulated time of 31.03.2021 as per the Hon'ble NGT Order dated 01.06.2021.

6. It is respectfully submitted that as per rule No. 22 (Serial No. 11) of the Solid Waste Management Rules, 2016, time frame for implementation of bio-remediation or capping of old and abandoned dump sites within five years from 08/04/2016 (i.e., upto 07/04/2021).

  
16/12/2024  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
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7. Therefore, it is evident that the Nagapattinam Municipality has not completed the Bio-mining activity before the statutory cut off timeline of 07.04.2021 and thereby not complying with the provisions of Solid Waste Management Rules, 2016.

8. It is respectfully submitted that, in due compliance of the Hon'ble NGT(PB) order dated: 28.02.2020 and 02.07.2020 in O.A No. 606 of 2018, the TNPCB has assessed an interim Environmental Compensation of Rs.19 lakhs for a period of 19 months (from April 2020 to October 2021) to the Nagapattinam Municipality for not processing the legacy waste available in the revised survey site of the Nagapattinam Municipality and for not completing the bio-remediation process as per the provisions of Solid Waste Management Rules, 2016.

9. It is respectfully submitted that, therefore in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, the Board has issued the Show Cause Notice vide proceeding No. T1/TNPCB/Law/Law-III/NGT/F.18409 SWM/2017 dated: 09.12.2021 to the Commissioner, Nagapattinam Municipality, as to why an interim Environmental Compensation Rs.19 Lakhs (from April 2021 to October 2021) shall not be levied for not processing the legacy waste available in the revised survey site of the Nagapattinam Municipality and for not completing the bio-remediation process as per the provisions of Solid Waste Management Rules, 2016 and why the performance guarantee of Rs.15 Lakhs furnished by the Municipality shall not be forfeited as

  
16/12/2021  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
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penalty for not complying with the Solid Waste Management Rules, 2016 and the Hon'ble NGT orders.

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.

  
16/12/2021  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

**BEFORE ME**

**VERIFICATION**

I, R.Rajamanickam, S/o. P.M.Ramasamy 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 16 day of December, 2021.

  
16/12/2021  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
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..Respondent(s)

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

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

Date: 16.12.2021

Next date of hearing: 17.12.2021

