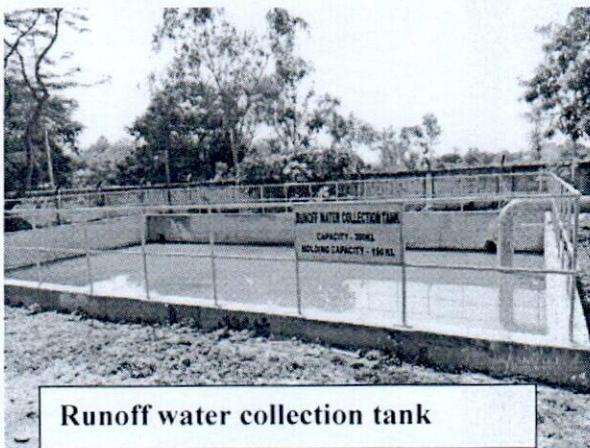
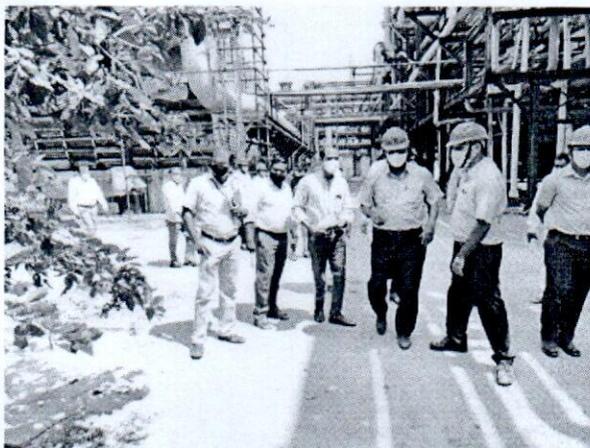
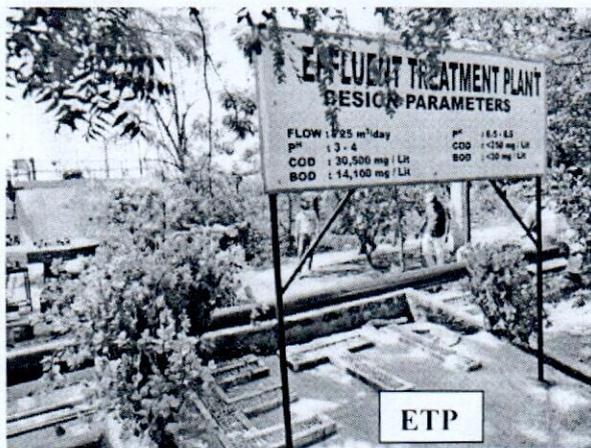


100



Runoff water collection tank



ETP

Construction of sub-surface Storm Water Drain around the Unit



Construction of upstream and downstream Piezometric wells





18. The Ministry of Environment, Forest & Climate Change (MoEF & CC), Regional Office, Chennai will be the nodal agency for co-ordination and providing necessary logistics for this purpose.
19. The committee is directed to submit a report to this Tribunal within a period of three months i.e., on or before 28.10.2020 by e-filing.
20. The applicant is also directed to submit a set of papers to the committee members within a week.
21. The Registry is directed to communicate this order to the members of the committee immediately by e-mail so as to enable them to comply with the direction.
22. For appearance of parties and also for consideration of report, post on 28.10.2020.

.....J.M.  
**(Justice K. Ramakrishnan)**

.....E.M.  
**(Sri Saibal Dasgupta)**

**O.A. No.131/2020,  
30<sup>th</sup> July, 2020. Mn.**

Palaar and Ponniyar which were polluted on account of this and submit a factual as well as action taken report to this Tribunal, if any violation is found.

15. The Committee is directed to go into the question as to whether there was any illegal discharge of trade effluents into the water bodies or public drain illegally by the eighth respondent and the nature of contamination caused to the water bodies on account of the illegal activity, assess the damage caused to the environment and environment compensation and ascertain as to whether the eighth respondent is strictly complying with all the pollution control norms including the condition imposed by the authorities.
16. The committee is also directed to ascertain as to whether there is any unauthorized extraction of ground water and while assessing the environmental compensation, this aspect also may be considered by the committee.
17. The Committee is also directed to take water samples from the water bodies as well as from the drain where the industries is situated and after conducting the analysis, if there is any contamination found, the remedial measures to rectify the same may also be recommended.

and if possible by Dusthi and produce the proof of service to this Tribunal by filing an affidavit as per rules.

12. The applicant is also directed to serve copies of the application to the standing counsel appearing for the respondents within a week.
13. The applicant is also directed to produce necessary requisite to this Tribunal along with postal cover with sufficient postal stamps within a week so as to enable the Tribunal to send notice to the respondents 1 & 8.
14. In order to ascertain the present state of affairs and nature of damage caused and assess the environmental compensation, we feel it appropriate to appoint a Joint Committee comprising of 1) the District Collector, Ranipet or a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate of that area designated by him 2) a Senior Scientist of Pollution Control Board designated by the Chairman of Tamil Nadu Pollution Control Board, 3) Superintending Engineer of Public Works Department and Water Resources Organization, 4) Senior officer from the Ministry of Environment, Forest & Climate Change (MoEF & CC), Regional Office, Chennai and 5) a Senior Scientist from Central Pollution Control Board, Regional Office, Chennai to inspect the unit in question and also the Puliyanaganu Eri

- (v) *To direct the respondent (1) to (7) to initiate criminal prosecution against the 8<sup>th</sup> respondent for violations of the provisions of the environmental legislations.*
- (vi) *Pass such further or other orders as this Hon'ble Tribunal may deem fit and necessary in the interest of justice."*

6. When the matter came up for hearing today through Video Conference for admission, Sri. Sai Sathya Jith represented the applicant, Sri. M. Mani Gopi represented respondents 2, 3, 4 & 7 and Sri. C. Kasirajan through M/s. Meena represented respondents 5 & 6.
7. On going through the allegations, we are satisfied that there arises a substantial question of environment which requires the interference of this Tribunal to resolve the issue.
8. Further, the order passed by the Sub Divisional Magistrate as mentioned above shows the extent of pollution and public nuisance caused to the water bodies on account of the illegal activity of the eighth respondent.
9. So considering the circumstances, we admit the matter.
10. Issue notice to the respondents 1 & 8, as other respondents entered appearance through standing counsel.
11. The applicant is directed take steps to serve notice on the respondents 1 & 8 by Registered Post with Acknowledgment

ultimately passed an absolute order under Section 138 of Code of Criminal Procedure by order dated 14.10.2019 in RC No. A6/4232/2019 wherein the Sub Divisional Magistrate had reiterated the nature of violation committed by the eighth respondent and the public nuisance caused on account of their illegal activities and directed them not to open the unit without resorting to making the ZLD system effective. On the basis of this order, though Pollution Control Board had issued proceeding giving them only certain directions and also imposing a penalty of Rs.18.6 Lakhs for the violation but have not issued any directions to close the unit.

5. So under such circumstances, applicant has no option but to approach this Tribunal seeking the following reliefs:-

- (i) *To declare the operations of the 8<sup>th</sup> respondent unit as illegal, unauthorized and in violation of the Environment Protection Act, 1986.*
- (ii) *To grant permanent injunction and restrain the 8<sup>th</sup> respondent unit from carrying on further activities.*
- (iii) *To direct the respondent authorities to order for permanent closure of the operations of the 8<sup>th</sup> respondent industry for violations of environmental law.*
- (iv) *To direct the 8<sup>th</sup> respondent to pay environmental compensation as may be determined by this Hon'ble Tribunal.*

## ORDER

1. The grievance in this application is regarding the pollution caused to the water bodies namely Palar and Ponnaiyaar on account of the illegal activities conducted by the eight respondent.
2. It is alleged in the application that eight respondent has been conducting a Petrochemical Industry, since 1976 and he is flagrantly violating all environmental laws, not providing any necessary pollution control mechanism. Though, they claim to be a Zero Liquid Discharge unit, in fact, they are clandestinely discharging the untreated effluents into the rain water drains by providing illegal underground pipe provided which ultimately reach the above said rivers polluting the water in the river.
3. It is also alleged in the application that huge amount of ground water is being extracted unauthorizedly by the eighth respondent without getting necessary permission from the authorities, though it is an over exploited area.
4. On earlier occasion this was found out and action was taken and they have been directed to maintain the ZLD in their unit. Sub Divisional Magistrate had even initiated proceeding under Section 133 of Code of Criminal Procedure and

**Item No.4:**

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

**Original Application No. 131 of 2020 (SZ)**

*(Through Video Conference)*

**IN THE MATTER OF:**

M. Jayachandran,  
Ranipet District and Anr.

... Applicant(s)

**With**

The Ministry of Environment,  
Forest & Climate Change and Ors.

...Respondent(s)

**Date of hearing: 30.07.2020.**

**CORAM:**

**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER**

**HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

**For Applicant(s):**

M/s. S. Sai Sathya Jith.

**For Respondent(s):**

M/s. M. Mani Gopi for R2 to R4, R7.

M/s. C. Kasirajan through

M/s. Meena for R5, R6.



location to the nearby water bodies and rivers. A google map displaying drainage pattern used for reconnaissance survey is given at **Annexure -3**.

**4. Prayer:**

- (i) To assess the pollution level in nearby waterbodies (Puliyanganu Eri, Palaar and Ponniyar) as well as from the drain of the industrial unit, the Joint Committee has decided to engage NEERI (Zonal Office, Chennai) to undertake a study on water quality analysis considering the industrial effluent discharge and to estimate compensation, if any damages found to the environment. The industrial unit M/s Thirumalai Chemicals (TCL) Ltd has agreed to bear the cost for the analysis to be undertaken by the NEERI.
- (ii) On completion of the above analysis, the actual impact on water and soil quality will be assessed and remedial measures if any will be examined subsequently.

To complete the above tasks, it is submitted that the Hon'ble NGT may kindly consider to grant further **Four months-time** to the Joint Committee for the purpose of submission of final and consolidated report.

*Handwritten signature and date: 23/10/20*

(Dr. R. Sridhar)  
Scientist 'D'  
MoEF&CC, RO, Chennai

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## 2. Joint Committee

The MoEF&CC, Regional Office, Chennai, as the nodal agency, requested all concerned authorities for the nomination of the officials for the Joint Committee and site inspection. As per the nominations received, the Joint Committee consists of the following members:

1.	Thiru. K. Elambahavath, I.A.S Sub-Collector, Ranipet
2.	Shri G. Ravichandran, District Environmental Engineer (DEE), TNPCB, Vellore.
3.	Shri. N. Suresh, Superintending Engineer, Public Works Department (PWD), Water Resource Organisation (WRO), Pennaiyar Basin Circle, Tiruvannamalai, TN
4.	Dr. R. Rajkumar, Scientist 'D' Central Pollution Control Board (CPCB), Regional Directorate, Chennai
5.	Dr. R. Sridhar, Joint Director / Scientist 'D', Regional Office, MoEF&CC, Chennai

## 3. Joint Committee's Inspection

The Joint Committee visited the industrial unit M/s Thirumalai Chemicals (TCL) Ltd, SIPCOT Industrial Complex, Ranipet (Tamil Nadu) on 07-10-2020 and inspected the unit. Photos taken during the site inspection is at **Annexure 2**. All the members had participated in the joint inspection.

The TCL made a presentation on status of compliances of various directions issued by the TNPCB (Proc. No. T5/TNPCB/F.0892/VLR/RL/W/2019 dated 13-11-2019) arising out of the public complaint on 23-9-2019 alleging discharge of waste water from the unit causing surface/ground water pollution and subsequent interim injunction order issued by the Court of Sub-Divisional Magistrate (Ranipet Division) on 8-11-2019. It was noted by the Committee that the TNPCB, vide its letter dated 26-8-2020, granted TCL further three months-time till October 2020 for compliance of all remaining directions, while the unit had requested the TNPCB for extension of time.

**Reconnaissance survey by the Joint Committee:** To assess the pollution level in nearby waterbodies as well as from the drain, the Joint Committee has decided to engage NEERI (Zonal Office, Chennai) to undertake a study on water quality analysis considering the industrial effluent discharge and to estimate compensation, if damages found to the environment. The Joint Committee also conducted a reconnaissance survey along with NEERI Scientists on 7-10-2020 in the vicinity of Industrial Unit and identified the drainage pattern flowing through the industry

**STATUS REPORT OF THE  
JOINT COMMITTEE REGARDING HON'BLE NGT (SZ) ORDER DATED 30-07-2020  
IN THE MATTER OF ORIGINAL APPLICATION NO.131 OF 2020 (SZ) TITLED AS  
JEYACHANDRAN VS THE MIN. OF ENV. FOREST & CLIMATE CHANGE AND ORS.**

**1. Background**

The Hon'ble NGT Order dated 30-07-2020 has constituted a Joint Committee comprising of 1) the District Collector, Ranipet or a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate of that area designated by him 2) a Senior Scientist of Pollution Control Board designated by the Chairman of Tamil Nadu Pollution Control Board, 3) Superintending Engineer of Public Works Department and Water Resources Organization, 4) Senior officer from the Ministry of Environment, Forest & Climate Change (MoEF & CC), Regional Office, Chennai and 5) a Senior Scientist from Central Pollution Control Board, Regional Office, Chennai to inspect the unit in question and also the Puliyanaganu Eri, Palaar and Ponniyar which were polluted on account of this and submit a factual as well as action taken report to this Tribunal, if any violation is found (Copy of the NGT Order dated 30-07-2020 is given at **Annexure-1**).

The NGT, vide order dated 30-7-2020 has directed the Joint Committee to:

- (i) Inspect the unit in question and also the Puliyanaganu Eri, Palaar and Ponniyar which were polluted on account of this and submit a factual as well as action taken report to this Tribunal, if any violation is found
- (ii) Examine whether there was any illegal discharge of trade effluents into the water bodies or public drain illegally by the eighth respondent
- (iii) Assess the nature of contamination caused to the water bodies on account of the illegal activity
- (iv) Assess the damage caused to the environment and environment compensation
- (v) Ascertain as to whether the eighth respondent is strictly complying with all the pollution control norms including the condition imposed by the authorities
- (vi) To ascertain as to whether there is any unauthorized extraction of ground water and while assessing the environmental compensation, this aspect also may be considered by the Committee.
- (vii) To take water samples from the water bodies as well as from the drain where the industries is situated and after conducting the analysis, if there is any contamination found, the remedial measures to rectify the same may also be recommended.



**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
Original Application No. 131 of 2020 (SZ)**

**IN THE MATTER OF:**

M. Jayachandran,  
Ranipet District and Anr.

... Applicant(s)

With

The Ministry of Environment,  
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...Respondent(s)

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Place: Chennai  
Date: 23-10-2020