

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI

Original Application No.131 of 2020

BETWEEN,

1. M.Jayachandran,
S/o.Murugesan Naidu,
Gangaiamman Kovil Street,
Puliyankannu - Navlock Village,
Ranipet - 632401

2. B.GopiSathiyarajan
S/o.S.Balan
No.4/36B,Bajanai Koil Street,
Thandalam - Ranipet.

.....Applicants

And

1. The Ministry of Environment, Forest
And Climate change,
3rd floor, Prithvi wing,
Indira Parvayaran Bhawan,
JorBagh, New Delhi.

2. The Secretary to Govt. of Tamilnadu.
Department of Environment and Forests,
Govt. Secretariat, Fort St.George,
Chennai. 9

3. The District Collector,
Ranipet.

4. The Sub-collector
Cum Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ranipet - 632 401.

5. The Member Secretary,
Tamilnadu Pollution Control Board,
No.76, Mount Salai, Guindy, Chennai.

6. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Ranipet.

7. The Chief Engineer,
Public Works Department,
State Ground and Surface Water Resource data centre,
Tharamani, Chennai.

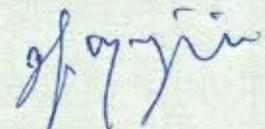
8. M/s.Thirumalai Chemicals Limited,
Rep. by its President,
25-A, SIPCOT Industrial Complex,
Ranipet - 632 403

.....Respondents

REPLY FILED BY THE APPLICANTS

I, B.GopiSathiyarajan Son of S.Balan aged about 42 years, residing at No.4/36B, Bajanaikoil Street, Thandalam, Ranipet District - 632 401 do hereby solemnly affirm and sincerely state as follows;

1. I am the 2nd Applicant herein and I am well acquainted with the facts and circumstances of the case and I am filing this affidavit on behalf of the 1st Applicant also.
2. I submit that, on 24.10.2021, the 8th Respondent herein M/s.Thirumalai Chemicals Limited had let out hazardous untreated effluents directly through the rain water drainage and into the channels of Puliyanankannu Lake.
3. This applicant states that, whenever there is a rain, the untreated effluents were let out in the water channel and on 24.10.2021, I and villagers had immediately contacted the Respondents, but none responded. The opening up of the untreated effluents into the channels affected the villagers and villagers has done road rocko on 24.10.2021 and after which the Police officials came to the spot and none of the Revenue Authorities or the Tamilnadu Pollution Control Board officials reached the spot.
4. I submit that, on the said date, the Police official, namely the Deputy Superintendent of Police, Ranipet had collected the discharged untreated effluents and the same was sealed and handed over to the Revenue Divisional Officer, Ranipet and it is presumed that the said sample of discharged untreated effluents were handed over to the Pollution Control Board and even till date, the said samples was never tested nor report submitted for the reason best known to the Pollution Control Board officials.
5. This applicant submits that, even after the matter taken up by the Hon'ble National Green Tribunal and after a series of inspection by the officials and Joint Committee and even after levying penalty, the 8th Respondent M/s.Thirumalai Chemicals Limited, releasing the untreated effluents during the rainy seasons or at the time of raining and at the late midnights. I submit that, even during the road rocko, only the Police officials came to



the spot and none of the Revenue authorities or the officials of the Tamilnadu Pollution Control Board came to the spot or even not enquired about the release of the untreated effluent on the said date.

6. This applicant submits that, even in the report filed by the Joint Committee dated 29.09.2021, the status of the compliance is mentioned as *partially complied or the compliance under progress*. Thus the 8th Respondent had failed to comply the directions of this Hon'ble Tribunal.
7. It is submitted that the entire effluents were drained on the night of 24.10.2021, but in the report filed by the Joint Chief Environmental Engineer, Tamilnadu Pollution Control Board dated 22.10.2021, page 13, column 5, stated that '*there is no discharge of effluent found outside the premises during inspection*'.
8. It is submitted that, in the Pollution Control Board report dated 22.10.2021 in page 18, column 2 and 3, states that,

SL.No	NGT order dated 15.03.2021 as per Joint Committee Report	Compliance by the unit
2.	After commissioning of upgraded ETP, adequacy test needs to be carried out by an independent govt. academic/research institution like IIT Madras and to certify that the unit has achieved 100% ZLD capacity.	<i>Yet to be complied, the unit has reported that it is discussed with Prof.Dr.Ligy Phillip of IIT Madras. They have visited their factory on 10th April and 23, 24.07.2021. IIT, Madras and carried out the audit of the treatment systems to assess their capacity for 100% ZLD. It is informed by the unit that the report is awaited from IIT, Madras and the unit assured that it would</i>

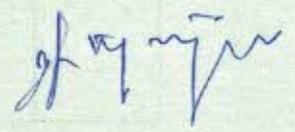
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		<i>get certification done by IIT, Madras at the earliest.</i>
3.	TCL shall, in consultation with reputed institute such as IIT, Madras, prepare a DPR within three months-time, for the remediation of the land where the untreated effluent was discharged within the industry site and execute the task of remediation of contaminated site, under the supervision of TNPCB. The entire cost for the study and remediation shall be borne by the industry as per polluter pays principle.	<i>The unit has submitted the DPR as prepared by IIT, Madras on 22.09.2021. Further, the unit has been addressed by this office to submit the action plan with time schedule for execution of the work by the unit.</i>

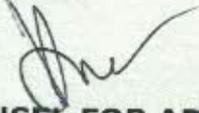
9. This applicant submits that, even on 29.10.2021, at the time of raining, the 8th Respondent company had released the untreated effluents through the rain water channels in indiscriminate way.

10. This appellant had annexed the videos (in pen-drive) of the untreated effluents which were discharged in the water channels on 24.10.2021 and 29.10.2021

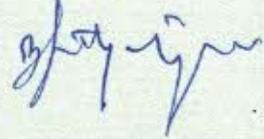
11. Therefore, this applicant most humbly requests this Hon'ble Tribunal to direct the Tamilnadu Pollution Control Board and Revenue officials to inspect 8th Respondent factory premises once again, in order to check the discharge of the untreated effluents and to penalize the 8th respondent for the release of untreated effluents through the rainwater channels in indiscriminate ways, even after the orders of this Hon'ble Tribunal.



12. This applicant reserves his right to file an objection to the Joint Committee report dated 29.09.2021 and to the report of the Tamilnadu Pollution Control Board dated 22.10.2021 in above case.



COUNSEL FOR APPLICANT



APPLICANT

VERIFICATION

I, B.GopiSathiyarajan Son of S.Balan aged about 42 years, residing at No.4/36B, Bajanaikoil Street, Thandalam, Ranipet District - 632 401 do hereby verified and declare that what is stated in para No.1 to 11 are true to the best of my knowledge and belief and I have not suppressed any material facts before this Hon'ble Tribunal.

Dated at Chennai on this the 5th day of November 2021



APPLICANT

**BEFORE THE HON'BLE
NATIONAL GREEN
TRIBUNAL (SZ)**

CHENNAI

OA.NO. 131 OF 2020

**REPLY FILED BY THE
APPLICANTS**

M/s. S.V. VIJAY PRASHANTH (1366/2003)

S.V.BANUPRIYA (1943/2009)

N.NAJUMUNISHA (2055/2017)

A.S.SHANMUGA RAJAN (3373/2018)

COUNSELS FOR APPLICANTS

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advshan3373@gmail.com



Shanmuga Rajan <advshan3373@gmail.com>

OA 131 of 2020 Reply filed by the Applicants

1 message

Shanmuga Rajan <advshan3373@gmail.com>

Sun, Nov 7, 2021 at 1:57 PM

To: secy-moef@nic.in, forsec@tn.gov.in, collr-rpt@gov.in, rdorpt.tnvlr@gmail.com, tnpcb-chn@gov.in, deetnpcbvlr2018@gmail.com, ccgwchennai@gmail.com, tanushreearvind15@gmail.com, saisathyajith@gmail.com, dshanmuganathan@outlook.com

Sir/Madam,

The above referred Original Application coming up for hearing on 8.11.2021- before the Hon'ble National Green Tribunal Southern Zone Chennai.

The Applicants is filing a reply affidavit along with 6 video footage and the same is annexed herewith.

Kindly acknowledge the copy of the reply affidavit and video footage filed by the Applicants.

 **Video 1 dated 24.10.2021.mp4** **video 2 dated 24.10.2021.mp4** **Video 3 dated 24.10.2021.mp4** **Video 4 dated 29.10.2021.mp4** **Video 5 dated 29.10.2021.mp4** **video 6 dated 29.10.2021.mp4**

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A.S.SHANMUGA RAJAN

Legum BaccaLaureate,

CHENNAI.

 **OA 131 of 2020 November Reply by the Petitioners.pdf**
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