

**BEFORE THE NATIONAL GREEN TRIBUNAL, (SZ), SITTING AT CHENNAI**

(Under Section 18(1) read with Sections 14 of National Green Tribunal Act, 2010)

**Application No. 131 OF 2020 (SZ)**

**BETWEEN**

- 1) M. Jayachandran,  
Son of Murugesan Naidu,  
Gangaiamman Kovil Street,  
Puliyankannu Navlock Village,  
Ranipet, Ranipet District – 632401.  
9789052084 ; saisathyajith@gmail.com
- 2) B. Gopi Sathiyarajan  
Son of S. Balan,  
No. 4/36B, Bajana Koil Street,  
Thandalam- Ranipet, Ranipet District- 632401.  
9789052084 ; saisathyajith@gmail.com

**.. APPLICANTS**

**- AND -**

1. The Ministry of Environment,  
Forest and Climate Change  
3rd Floor, Prithvi Wing  
Indira Parvayaran Bhawan  
Jor Bagh, New Delhi-110003  
Phone. No. +91 11 24695262, 24695265, 24695132  
Email- [secy-moef@nic.in](mailto:secy-moef@nic.in)
2. The State of Tamil Nadu  
Rep.by.its Secretary  
Environment and Forest Department  
Secretariat, Fort.St.George, Chennai 600 108  
Phone No :- 044 256 71511  
Email Id :- [forsec@tngov.in](mailto:forsec@tngov.in)
3. The District Collector,  
District Collectorate  
District Institution of Education and Training ( DIET ) Campus,  
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Ranipet - 632401  
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Phone No. -8300310130
4. The Sub-Collector  
cum Revenue Divisional Officer,



Office of the Revenue Divisional Officer  
Ranipet – 632 401.  
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5. The Member Secretary  
Tamil Nadu Pollution Control Board  
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6. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Ranipet, Tamil Nadu  
Phone Number :- 044-2717 4524  
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7. The Chief Engineer,  
Public Works Department, WRO  
State Ground and Surface water Resource data centre,  
Tharamani, Chennai- 600 113.  
Phone No. 044 28410402  
Email- [cegwchennai@gmail.com](mailto:cegwchennai@gmail.com)
8. M/s. Thirumalai Chemicals Limited  
Rep. by its President  
25-A, SIPCOT Industrial Complex,  
Ranipet, Tamil Nadu- 632 403  
Phone number and email id UNKNOWN

**.. RESPONDENTS**

TO  
THE HON'BLE CHAIRMAN AND HIS  
COMPANION MEMBERS OF THE  
NATIONAL GREEN TRIBUNAL

THE HUMBLE APPLICATION OF THE  
APPLICANTS ABOVE NAMED



## Reply filed on behalf of B. Gopisathiyarajan

### FACTS IN BRIEF:

The present application has been filed aggrieved by the unabated pollution being caused by the 8<sup>th</sup> respondent unit. In particular, the 8<sup>th</sup> respondent is a proven violator and has been let off without any action by the Respondent authorities. The following facts are submitted to establish the case of the applicants: -

1. I respectfully submit that in the Orders passed by the Sub Divisional Magistrate, Ranipet, it has been clearly proved beyond the doubt that the 8<sup>th</sup> Respondent industry knowingly and unlawfully discharged the untreated trade effluent into rain water drains during rainy season and criminal action was taken under 133 Cr.P.C. and Order was passed by the Sub Divisional Magistrate, Ranipet and criminal case also registered against the responding officer of the 8<sup>th</sup> Respondent industry. Also some directions was imposed to the 8<sup>th</sup> respondent industry with the intention to prevent the untreated effluent discharge by the Sub Divisional Magistrate. Without considering and implementing the orders, the 8<sup>th</sup> respondent industry approached the Hon'ble High Court of Madras in W.P.No. 34473 of 2019 and asked the interim stay to the order of Sub Divisional Magistrate. Even though no stay was granted by the Hon'ble High Court of Madras, 8<sup>th</sup> Respondent industry claimed that the Hon'ble High Court of Madras has stayed the order of Sub Divisional Magistrate and tactfully escaped from actions by Sub Divisional Magistrate.
2. Further the TNPCB, Vellore also given so many directions to upgrade the 8<sup>th</sup> Respondent industry and the same was also not implemented by the 8<sup>th</sup> respondent industry and was continuing the effluent discharge into the rain water drains and was causing pollution.



3. Further the Petitioner approached this Hon'ble National Green Tribunal, South Zone and case has been registered and constituted Joint Committee to give report on the environmental damages caused by the 8<sup>th</sup> respondent industry and the expert committee have inspected in and around the 8<sup>th</sup> respondent industry and submitted their detailed report to this Hon'ble Tribunal on 11.02.2021.
4. **From the above observation by the Member and Sub Collector, Ranipet it is clearly proved beyond the doubt that the following Violations have been done by the 8<sup>th</sup> respondent industry.**
- **Huge quantity of untreated trade effluent has been stagnated in the open Ground to seep into the Ground in the premises of respondent industry illegally.**
  - **Huge quantity of untreated trade effluent has been illegally stored in Raw water storage tanks of the Respondent industry**
  - **The 8<sup>th</sup> respondent industry illegally discharging their untreated effluent into the rain water drains during rainy season**
  - **The 8<sup>th</sup> respondent industry illegally discharging their untreated effluent through the underground pipeline, which was constructed without permission from SIPCOT.**
5. **The 8<sup>th</sup> respondent industry is running their manufacturing unit since 1976 and they got environmental clearance to enhance the production capacity in 4 times in the year 1996. More than 45 years, the respondent industry violating the environmental rules, discharging untreated effluent and causing damages to environments as well as public health.**



6. It is submitted that, due to the continuous discharging of untreated effluent for a long period, the lands situated in the nearby area of the 8<sup>th</sup> Respondent industry severely affected. The commission for Loss of Ecology, which was constituted as per the direction of the Hon'ble Supreme Court of India and it's award dated 07.03.2001, the 8<sup>th</sup> respondent industry was erroneously omitted. The commission for Loss of Ecology has identified the industries, which caused damage by pollution and 200 crores of fines were collected from them and disbursed to the affected land owners/ Farmers. When the affected land owners of Navlock Panchayat, who were protesting for a long period against the 8<sup>th</sup> respondent for the illegal discharge of untreated trade effluent into their Agriculture lands situated at Navlock Panchayath approached the Commission for Loss of Ecology for the compensation to their affected lands, the 8<sup>th</sup> respondent industry purchased the affected lands at very low price from the land owners of Navlock Panchayath in the year 2004-2006 and Patta to the grabbed lands near about the extent of 23 Acres are still remaining in the name of the 8<sup>th</sup> Respondent industry.
7. The Government of Tamilnadu have banned the further expansion/Upgradation of existing Red category industry and establishment of new projects through the G.O. No. 127, dated, 08.05.1998 within the 5 kilometers radius of Palar River banks. The 8<sup>th</sup> Respondent industry is situated within the limit of 5 kilometers radius to Palar River bank. From the year 2009 afterwards, 8<sup>th</sup> respondent industry has made somany expansion and Upgradation in their unit and some of expansion/ Upgradation have no permission and some of the permission were given without considering the prohibition of the said G.O.



8. The Central pollution Control Board has categorized the SIPCOT Industrial Estate at Ranipet as Critically Polluted Area in the year 2009 itself. Due to the heavy pollution at SIPCOT Industrial Estate at Ranipet, the Comprehensive Environmental Pollution Index of Ranipet has been determined 79.38. As per the order of CPCB further expansion/Upgradation of existing Red category industry and establishment of new projects have been prohibited. The 8<sup>th</sup> Respondent industry is situated at the SIPCOT Industrial Estate at Ranipet.
9. In the year 2009 afterwards, any type of expansion or Upgradation couldn't be allowed as per the order of CPCB. But from the year 2009 afterwards, 8<sup>th</sup> respondent industry has made so many expansion and Upgradation in their unit and some of expansion/Upgradation have no permission and some of the permission were given without considering the Order of CPCB. When the expansion/ Upgradation/ New Projects in the Critically Polluted Area was prohibited by the CPCB, Deputy Director of Town and County Planning or Assistant Director of Village Panchayath or the Local body have no power to grant permission for further construction/ Expansion/ Upgradation in the 8<sup>th</sup> Respondent industry.
10. Further the activity of the 8<sup>th</sup> Respondent industry falls under the purview of EIA Notification- 2006 and mandate the unit to submit the Environmental Impact Assessment Report to the Tamilnadu State Environmental Impact Assessment Authority and to have obtain Environmental Clearance from the said Authority. But still the 8<sup>th</sup> Respondent industry has not obtain Environmental Clearance under the EIA Notification- 2006 and running their industry without Environmental Impact Assessment.



11. The 8<sup>th</sup> Respondent industry has to be assessed under EIA Notification 2006 by TNSEIA jointly with Deputy Director of DTCP, Assistant Director of Village Panchayath, TNPCB and CPCB and should be ascertain as to whether the construction/ Expansion/ Upgradation if any is in violation of EIA Regulations or G.O.No. 127/1998 or Order of CPCB or Tamilnadu Panchayath Act. And if the unit was functioning earlier without getting Environmental Clearance under EIA-2006 and other requisite Clearance from Authorities, then the POLLUTERS PAY PRINCIPLE may be applied to asses the Environmental Compensation as directed by the Principle Bench of NGT, New Delhi. CPCB and TNPCB Regulation Authorities to assess environmental compensation on the basis of the nature of violation and number of days violation. The number of days of violation may be calculated from year 1996, from which year the 8<sup>th</sup> Respondent industry had got Environmental clearance for their present production capacity and doing their process for the past 26 years I.e. upto the year 2021 without installing the adequate Effluent Treatment Plant to treat their entire process Effluent and discharging the untreated effluent into rain water drains and causing damages for the past 26 years. In this regard, it is submitted that Hon'ble NGT, Principal Bench, New Delhi, vide its order dated 19/02/2019 in O.A. No.593/2017 (W.P) (Civil) No.375 /2012 filed by Parayavaran Samiti &Anr. Against Union of India has discussed on the levy of Environmental Compensation based on the formula:

- $EC = PI \times N \times R \times S \times LF$
- Where EC is Environmental Compensation in INR.
- PI = Pollution Index of industrial sector
- N= Number of days violation took place
- R = A factor in Rupees for EC



- **S = factor of scale of operation LF = Location factor**
- **CASE A: Environmental Compensation was calculated as above which amounts to**

$$\text{PI 79.38 N 9490 days EC} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$

**12. It is submitted that,** originally, the town of Ranipet in Vellore district was a very fertile area consisting of several hectares of agricultural lands. There are two rivers namely Palar and Ponnaiyaar which runs through the Ranipet town in the Vellore district and is the major source of livelihood. The two rivers are also the lifeline for agriculture in the entire district. It was in the year 1972 that the first industrial area in the state of Tamil Nadu namely “The State Industries Promotion Corporation of Tamil Nadu Limited” (SIPCOT) was established in Vellore District. Thereafter, several industries have been set up which are continuing to function even till date. One of the earliest and, perhaps, the largest industry is the 8<sup>th</sup> Respondent Unit. The said industry is located within the SIPCOT, and is indulged in the manufacture of petrochemical products, namely phthalic and other components. The said industry is established at an extent of 47 acres. The eighth respondent started with the production of Phthalic Anhydride in 1976 and has grown into a diverse enterprise, rapidly expanding into the manufacture of many other critical industrial chemicals, namely, Maleic Anhydride, Food ingredients, Cosmetic Additives and various Fine Chemicals and Derivates for the past 45 years. Today, the eighth respondent ranks the largest producer in the world in all its core products. However, the town of Ranipet has been ranked amongst the highly polluted areas.

**13. It is submitted that the respondent industry had started operations by causing indiscriminate pollution. Further, it is alleged that the said industry is drawing up ground water of about 2250 KL/Day. But there is no Water Flow meter either in the**

SIPCOT Pumping Station or in the 8<sup>th</sup> Respondent industry. The said unit had been uncontrollably and indiscriminately causing severe pollution in the area. Particularly, the unit lets out untreated effluent directly into the two nearby water bodies, viz. Puliyan kannu Eri and Kaarai Eri, through rainwater channels and other indiscriminate ways. Hence the Raw water, supplying by the SIPCOT should be monitored by installing the Water flow meters in the Outlet of SIPCOT Pumping Station and also the inlet of 8<sup>th</sup> Respondent industry's Raw water collection Sump.

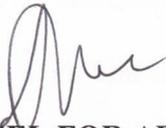
14. Finally the 8<sup>th</sup> Respondent industry has filed the Status Compliance Report 01.07.2022 and stated that 38 numbers of directions imposed by TNPCB and Joint Committee have been Complied. In Serial No. 12, TNPCB as well as Joint Committee have ordered to reduce the production at 50 %, but the industry does not reduce it's main product i.e. Phthalic Anhydride, which contribute 93% of overall production of 8<sup>th</sup> Respondent industry and producing the whole consented quantity. The 8<sup>th</sup> respondent industry is not Complied the direction so far. In Serial No 17, DPR has been prepared by IIT, Madras to remediate the contaminated site in the 8<sup>th</sup> Respondent industry, in where untreated effluent had been stagnated in open Ground. The 8<sup>th</sup> Respondent industry has not properly implemented the IIT Recommendations to remediate scientifically. Hence the direction issued by the Joint Committee in Serial No. 17 is not Complied.

15. As per the directions issued by the Joint Committee in Serial No. 4, the 8<sup>th</sup> respondent industry provided the rainwater harvesting system at Roof Area only. The efficacy and adequacy of Rainwater harvesting system and also the construction for the revamp the storm water drain would be ascertained at the time of Rainy and Monsoon Season.



16. Further the 8<sup>th</sup> Respondent industry stated in the said status of Compliance, the directions in Serial Nos. 3, 7, 8, 9, 10, 15, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34, 35, 36 and 38 should have to be inspected periodically and surprisingly, because the 8<sup>th</sup> Respondent industry had not highly environment conscious in the past. Only after strictly actions taken by the Sub Collector, Ranipet and also as per TNPCB's various directions to the 8<sup>th</sup> Respondent industry Complied the above directions after Lapse of so many years.

Therefore, this applicant most humbly requests this Hon'ble Tribunal to direct the Tamilnadu Pollution Control Board and Revenue officials to inspect 8<sup>th</sup> Respondent factory premises periodically inorder to check the discharge of the untreated effluents and to penalize the 8<sup>th</sup> respondent for the release of untreated effluents through the rainwater channels in indiscriminate ways even after the orders of this Hon'ble Tribunal and penalize for the loss of ecology and to impose environmental compensation and pass such orders deem fit and render justice.



**COUNSEL FOR APPLICANT**



**APPLICANT**

### VERIFICATION

I, B.Gopi Sathiyarajan 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 12<sup>th</sup> day July 2022



**APPLICANT**

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

**CHENNAI**

OA.NO. 131 OF 2020

**REPLY FILED BY THE APPLICANTS**

12/1/2022

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

**S.V.BANUPRIYA (1943/2009)**

**N.NAJUMUNISHA (2055/2017)**

**A.S.SHANMUGA RAJAN (3373/2018)**

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