

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

Original Application No. 14 of 2019 (SZ)

M. Kanthan, S/o. Masilamani,
No.1/689, Bajanai Koil Street,
Padiyanallur Village, Red Hills,
Thiruvallur.

...Applicant

Versus

1. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy Chennai-600 032 & 4 others.

...Respondents

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Filed by
Thiru. S. Sai Sathya Jith
Advocate, Chennai.

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Versus

1. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy Chennai-600 032.

2. The District Collector,
Thiruvallur District,
Thiruvallur.

3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
EPIP Building (AO Block) SIPCOT Industrial Complex,
Gummidipoondi-601201,
Thiruvallur District.

4. The Block Development Officer,
Sholavaram Panchayat Union,
Sholavaram.

5. M/s. Rajini Metal Works,
Rep. by its Proprietor Mr. Rajini,
Padiyanallur Colony,
Bajanai Koil Street,
Chennai-600 052.

...Respondents

**REPORT FILED ON BEHALF OF THE 1ST & 3RD RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R. Rajamanickam, Son of P.M.Ramasamy, Hindu, aged about 57 years, having my office at No. 76, Mount Salai, Guindy, Chennai – 600 032, do hereby solemnly affirm and sincerely state as follows:-


13/4/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
CHENNAI - 600 032

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 1st & 3rd Respondents TNPC Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that, the respondent unit of M/s. Rajani Metal Works, S.F.No.146 pt, New S.F.No.367/8, 367/11, Padiyanallur Village, Ponneri Taluk, Thiruvallur District was issued with Consent to Operate vide Board Proceeding dated 26.11.2018 with validity up to 31.03.2022 for the production of 5 Tons/month of aluminium ingots and 1 Ton/month of Zinc ingots.

3. It is respectfully submitted that compliant received from the public on 12.12.2018 against the respondent unit of M/s. Rajani Metal Works. Based on the compliant, the respondent unit was inspected by TNPCB on 21.12.2018 and the unit was addressed and requested to operate the air pollution control measures efficiently and continuously so as to achieve the standards prescribed by the Board and also instructed strictly to comply with the consent order conditions vide DEE, TNPCB Gummidipoondi letter dated 24.12.2018.

4. It is respectfully submitted that again complaint was received from the public against the unit and the respondent unit was inspected on 14.02.2019. Based on inspection show cause notice was issued vide proceeding dated 25.02.2019 for not operating air pollution control measures. The unit has furnished reply to show cause notice vide letter dated 27.02.2019 which was not satisfactory. Hence, the Board issued directions for closure and disconnection of power supply under section 33A of the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 vide proceeding dated 09.03.2019 and power supply was disconnected on 12.03.2019. Subsequently, the respondent unit requested the Board to restore single phase electricity power supply for the unit for safety purpose vide letter dated 22.03.2019. Accordingly, the Board has issued direction for the restoration of power supply -single phase to the respondent unit vide proceeding dated 10.04.2019.

5. It is respectfully submitted that, in the mean time the applicant filed this application before this Hon'ble National Green Tribunal alleged that unit

is functioning without necessary 'consent' and also without other requisite licenses under Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 other laws.

6. It is respectfully submitted that the Hon'ble NGT has passed order dated 11.12.2019 directed inter alia that:

"Para 6: 6. The Tamil Nadu State Pollution Control Board is directed to take necessary steps to impose environmental compensation, if it is not already done, against the unit, after giving an opportunity to them in accordance with law and file status report within two months.

7. It is respectfully submitted that in order to comply the said NGT order dt.11.12.2019, DEE, Gummidipoondi has assessed the environmental compensation and the same is submitted as follows:

Environmental Compensation formulae = $PI \times N \times R \times S \times LF$

Pollution index (PI) for industry – 50 (unit comes under orange - small category)

Number of days (N) for which violation took place = 27 days

[from 14.02.2019 to 12.03.2019 i.e.; date of violation noticed and date of power supply disconnected)

Factor in Rupees (R) – Rs. 250/-

Scale of operation (S) – 0.5 for small scale unit

Location Factor (LF) – 1.0

Hence, Environmental Compensation = $50 \times 27 \times 250 \times 0.5 \times 1.0$

= Rs.1,68,750/-

(Rupees One Lakh Sixty Eight Thousand Seven Hundred and Fifty only).

The unit was inspected by the DEE on 24.07.2020 and confirmed that the unit was not in operation. The unit was again inspected on 08.04.2022. During the inspection it was found that the unit have vacated said premises. In compliance with direction of this Hon'ble Tribunal order dated 11.12.2019, the Board has issued show cause notice under Section 5 of the Environment (Protection) Act, 1986 vide proceeding dated 12.04.2022 to Thiru.P.Rajini, Proprietor M/s.Rajini Metal Works, residing at No.12B, Rajiv Gandhi Nagar,


3/4/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER

2nd Street, Erukkanchery, Chennai - 600 118, as to why the Board shall not levy an Environmental Compensation of Rs.1,68,750/- for the earlier violation caused by the unit. A copy of the proceeding is submitted in Annexure.

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


13/4/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
CHENNAI - 600 032

BEFORE ME

VERIFICATION

I, R. Rajamanickam, Son of P.M.Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records.


13/4/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
CHENNAI - 600 032



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T. Mani
Original

TAMIL NADU POLLUTION CONTROL BOARD

Proceeding No.: T2 / TNPCB / F.005470 / GMP / SCN / 2019, dated: 12.04.2022

Sub.: TNPCB – Industries – M/s. Rajini Metal Works, S.F.No.146 pt, New S.F.No.367/8, 367/11, Padiyanallur Village, Ponneri Taluk, Thiruvallur District – Show Cause Notice for issue of directions under Section 5 of Environment Protection Act, 1986 on levying Environmental Compensation for the violation caused in respect of air and water pollution – Regarding.

- Ref.:**
1. CPCB Methodology for assessing environmental compensation and action plan to utilize the fund vide circular dated 24.05.2019
 2. Hon'ble NGT (SZ) order dated 11.12.2019 in O.A.No.14 of 2019 (SZ)
 3. DEE's Letter No. F.GMP0783 / OS / DEE / TNPCB / GMP / 2019, dated: 26.12.2019
 4. DEE's Letter No. F.GMP0783 / OS / DEE / TNPCB / GMP / 2022, dated: 08.04.2022

Whereas, the unit of M/s. Rajini Metal Works, S.F.No.146 pt, New S.F.No.367/8, 367/11, Padiyanallur Village, Ponneri Taluk, Thiruvallur District was inspected by the officials of TNPCB, Gummidipoondi on 14.02.2019. During inspection inter alia the following violations were observed

1. The unit was under operation without operation air pollution control measures
2. The aluminium slag was stored inside the unit in a haphazard manner and fugitive emission generated from the same attracting public complaints.
3. The unit has not obtained hazardous waste authorisation under Hazardous and Other Waste (M&TBM) Rules, 2016.

Whereas, Central Pollution Control Board has formulated the methodology to assess and recover compensation under "CPCB Methodology for assessing environmental compensation and action plan to utilize the fund" for the following cases as per the NGT (PB) order dated: 03.08.2018 in O.A. No.593/2017:

- a) Discharges in violation of consent conditions, mainly prescribed standards / consent limits.
- b) Not complying with the directions issued such as direction for closure due to non installation of OCEMS, non adherence to the action plans submitted etc.
- c) Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems
- d) Accidental discharges lasting for short durations resulting into damage to the environment.

- e) Intentional discharges to the environment – land, water and air resulting into acute injury or damage to the environment.
- f) Injection of treated / partially treated / untreated effluents to ground water.

It is evident that the unit has caused environmental damage by intentionally emitting fugitive emissions, furnace gas emissions and furnace smoke emissions into environment – land, water and air resulting into acute injury or damage to the environment.

Whereas, DEE, Gummidipoondi vide letter 2nd cited has recommended that environmental compensation shall be imposed to the unit for the above said violations.

Whereas, the Hon'ble NGT (SZ) in the order dated 11.12.2019 in O.A.No.14 of 2019 have ordered inter alia that the Tamil Nadu State Pollution Control Board is directed to take necessary steps to impose environmental compensation, if it is not already done, against the unit (M/s. Rajini Metal Works), after giving an opportunity to them in accordance with the law and file status report within two months.

Under these circumstances, as per the CPCB methodology for assessing Environmental Compensation, you are liable to pay the Environmental Compensation. The environmental compensation for the period of violation which is considered from the date of violation observed on 14.02.2019 (date of inspection for show cause notice) and the date on which power supply disconnected by TANGEDCO on 12.03.2019. So, number days of violation took place is considered as 27 days.

$$\text{Environmental Compensation formulae} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$

where;

Pollution Index (PI) – 50

Number of days (N) for which violation took place – 27 days.

Factor in Rupees (R) – Rs. 250/-

Scale of operation (S) – 0.5

Location Factor (LF) – 1.

$$\begin{aligned} \text{Hence, Environmental Compensation} &= 50 \times 27 \times 250 \times 0.5 \times 1.0 \\ &= \text{Rs.1,68,750/-} \end{aligned}$$

Environmental Compensation calculated for 27 days is Rs.1,68,750/- (Rupees One Lakh Sixty Eight Thousand Seven Hundred and Fifty only).

Now, therefore, in view of the above facts, you are hereby directed to show cause within 15 days from the date of receipt of this notice as to why environmental compensation computed as above should not be imposed against your unit of M/s. Rajini Metal Works, S.F.No.146 pt, New S.F.No.367/8, 367/11, Padiyanallur Village, Ponneri Taluk, Thiruvallur District under Section 5 of the Environmental Protection Act, 1986 and as per the guidelines issued by the CPCB for the violations caused by the unit as mentioned above.

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

**Original Application No. 14 of 2019
(SZ)**

M. Kanthan, S/o. Masilamani,
No.1/689, Bajanai Koil Street,
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...Applicant

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THE 1ST & 3RD RESPONDENTS -
TAMIL NADU POLLUTION
CONTROL BOARD.**

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

Date:13.04.2022.

Date of hearing on:18.04.2022.