

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 147 of 2020 (SZ)

IN THE MATTER OF:

Smt. R. Prabha

..... Applicant

Vs

The Tamilnadu Pollution Control Board and Ors

.....Respondent(s)

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Place: Chennai

Date: 26.02.2021

**H.D. Varalaxmi
Regional Director
Central Pollution Control Board
Regional Directorate
Chennai – 600 058**

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
O.A. NO.: 147 OF 2020**

IN THE MATTER OF:

Smt. R. Prabha

... Applicant

VERSUS

The Tamilnadu Pollution Control Board and others

... Respondent(s)

**REPORT OF THE JOINT COMMITTEE FILED WITH REGARD TO
HON'BLE TRIBUNAL ORDER DATED January 05, 2021**

I, H.D. Varalaxmi, D/o Shri. H.S. Devaiah, Hindu, aged about 51 years, having office at the Regional Directorate-Chennai, Central Pollution Control Board, 2nd Floor, 77-A, South Avenue Road, Ambattur Industrial Estate, Chennai – 600 058 do hereby solemnly affirm and sincerely state as follows: -

1. That I am presently working as Scientist 'E' & holding the charge of Regional Director (Chennai), Central Pollution Control Board, (hereafter called as CPCB) have been authorized to file the report of joint committee. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present as under:
2. That the Hon'ble National Green Tribunal, Southern Zone Bench, Chennai vide order dated 05.01.2021 constituted the committee with a direction to submit the further report. It is to be informed that committee had its meeting through video conference on 19th, February, 2021. The report of the joint committee is enclosed as Appendix.

H.D. Varalaxmi

DEPONENT

VERIFICATION

It is verified that the content of this report is based on the observations of the joint committee and nothing has been concealed therein.

Signed and verified on this 26th day of February, 2021 at Chennai

Counsel For
CPCB



H.D. Varalaxmi

DEPONENT

**Joint Committee report in compliance with the Order
dated 5th January, 2021 of Hon'ble NGT (SZ), Chennai
in the matter of O.A. No.147 of 2020 (SZ)**

1.0 Preamble

After hearing the matter of O.A. No.147 of 2021 filed by Smt. R. Prabha Vs Tamilnadu Pollution Control Board and others against the illegal operation of poultry farm run by 4th respondent, the Hon'ble National Green Tribunal (NGT), Southern Zone, has passed an Order dated January 5, 2021 that;

“We direct the committee to revisit the issue again in view of the directions issued by the Principal Bench as OA no.:681 of 2017 mentioned supra and submit a further report.”

The committee has been directed to submit their further report in view of the observations made on or before 05.02.2021 to this Tribunal by e-filing.

The copy of the said Order is given at **Annexure -1**.

2.0 Meeting of Joint Committee constituted by Hon'ble NGT

In pursuance to the above directions of Hon'ble National Green Tribunal, the Joint Committee had its meeting on 19th February, 2021 through video conference and deliberated the issues. Based on the deliberations further report is furnished as under

- i. The Order dt.: 16th September, 2020 passed by the Hon'ble NGT., Principal Bench in OA no.: 681 of 2017 states that;

“(17) “Accordingly, we allow this application and direct the Central Pollution Control Board (CPCB) to revisit the guidelines for categorizing the poultry farms as green category and exempting their regulation under the Air Act, Water Act and EP Act. The CPCB may issue fresh appropriate orders within three months and in if no further order is issued, all the State PCBs/PCCs will require enforcement of consent mechanism under the above Acts after 01.01.2021 for all poultry farms above 5000 birds in the same manner as is being done for farms having more than one lac birds. Till then, even without such Consent mechanism, the State PCBs/PCCs may strictly enforce the environmental norms and take appropriate remedial action

against the any violation of water, air and soil standards statutorily laid down”

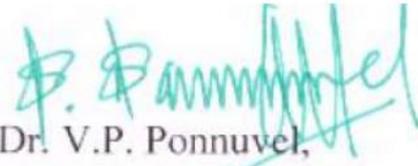
In compliance with the above said Order of Hon’ble NGT (PB), CPCB is working on the revisit of guidelines for categorising the poultry farms as green category and exempting their regulation under Water, Air and E(P) Acts and the same is under progress.

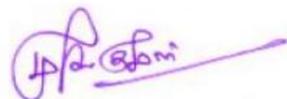
- ii. In accordance with the Order dated 16th September, 2020, **poultry farms handling more than 5000 birds have to obtain the Consent from the respective State Pollution Control Board with effect from 1st January, 2021.** During the inspection, the Committee observed that all the Environmental norms were complying except the Consent from TNPCB.
- iii. The joint Committee has enquired the compliance status of Statutory requirement by the poultry farms and it is informed by the office of DEE, TNPCB, Namakkal and Kumarapalayam that;
 - a) The poultry farm in question, M/s. RVS Poultry Farm, Ariyagoundampatti village, Rasipuram taluk, Namakkal district applied for grant of Consent from TNPCB through OCMMS on 20.10.2020. The resubmitted application on 05.02.2021 was returned to the unit, since the unit has not submitted some additional particulars and case (OA No. 147/2020) is pending before Hon’ble NGT.
 - b) Consent has been granted to M/s. Mahalakshmi Poultry Farm, Survey No.: 40/2, 41/1, 2, 3 Village Kalangani, NH7 Main Road, Reddipudur (PO), Namakkal Taluk, Namakkal District and the same is valid up to 31st March, 2026.
 - c) The balance ten poultry farm did not apply for grant of Consent from TNPCB.
 - d) Further, in compliance with the Order of Hon’ble NGT(PB), the office of District Environmental Engineer, TNPCB, Namakkal has taken steps to enforce Consent mechanism under Water, Air and EP Acts with effect from 01.01.2021 for all the poultry farms handling more than 5000 birds in the same

e) manner as is being done for farms handling more than one lac birds. The status of action taken by TNPCB is as below ;

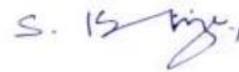
S. No.	Subject	No. of cases
1.	Consent granted	7
2.	Consent under process	1
3.	Show Cause Notice (SCN) issued so far as on 01.02.2021	436

By considering all the above facts, the Hon'ble NGT may pass appropriate Order / Directions as deemed fit.


 Dr. V.P. Ponnuel,
 Regional Joint Director, Animal
 Husbandry, Namakkal


 M. KottaiKumar,
 Revenue Divisional Officer,
 Namakkal


 R. Ravikumar,
 District Environmental Engineer,
 TNPCB. Namakkal


 S. Karthikeyan, Scientist-C,
 CPCB, RD, Chennai

Item No.01:

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

Original Application No. 147 of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF

Smt. R. Prabha

...Applicant(s)

Versus

The Tamil Nadu Pollution Control Board and others.

...Respondent(s)

Date of hearing: 13.08.2020.

CORAM:

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

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s):

Miss. Chetanna represented Mr. A.
Yogeshwaran

For Respondent(s):.

Sri. C. Kasirajan through M/s. Meena
for R1
Sri. Mani Gopi for R2,R3 andR5.

ORDER

1. The grievance in this application is regarding the illegal operation of poultry farm run by the 4th respondent, against the guidelines provided by the Central Pollution Control Board in respect of such matters.
2. According to the applicant, the poultry farm did not confirm to any of the guidelines provided by the Central Pollution Control Board in this regard. There is over exploitation of water from a place which is a critically exploited area and they have not obtained the permission from the authorities for drawing ground water.
3. It is also submitted by the learned counsel appearing for the applicant, that there are large numbers of such poultry farms functioning in Rasipuram Taluk of Namakkal District.
4. There is no carrying capacity assessment conducted by the authorities regarding such units which are mushrooming in large scales. They have not provided any 'green belt' as required and also any mechanism for disposal of waste generated which ultimately causes pollution in that area.
5. It is also alleged in the application that when complaint has

been lodged by the applicant to the Tamil Nadu State Pollution Control Board, after inspection they have sent a reply dated 27.01.2020 stating that this poultry farm is being run by the 4th respondent in compliance with the directions of the guidelines provided by the Central Pollution Control Board and also directions were issued to the poultry farm to operate as per Central Pollution Control Board guidelines without causing any damage to the public or republic. So, the applicant was not satisfied with the directions issued. So, she filed this application seeking the following reliefs:

- a) *Direct the 4th respondent to shift the poultry at Vellappan Poultry Farm, Nanjappan Thottam, Ariya Goundampatty, Rasiuram Taluk, Namakkal District – 637 406 to a site conforming to the law and the guidelines dated 20.10.2015.*
 - b) *Direct the 4th respondent to obtain consent under the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981.*
 - c) *Direct the payment of compensation for environmental harm and pollution caused by the 4th respondent and suffered by the applicant.*
 - d) *Issue such other orders as it deems fit in the interest of the case and render justice.*
6. When the matter came up for hearing for admission today through Video Conference, Miss. Chethana represented Sri. A.

Yogeshvaran counsel for the applicant. Sri. C. Kasirajan through M/s. Meena represented 1st respondent and Sri. Mani Gopi represented respondents 2, 3 and 5.

7. Ongoing through the allegations in the application, we are satisfied that there arises a substantial question of environment which requires the interference of this Tribunal for resolving the same. So, the matter is admitted.
8. Since the official respondents 1 to 3 and 5 entered appearance through standing counsel, notice to them is dispensed with. Issue notice to respondents 4 and 6.
9. The applicant is directed to take steps to issue notice to respondents 4 and 6 by Registered post with Acknowledgement Due, e-mail and also by Dusthi if possible and produce proof of service along with affidavit as per rules.
10. The applicant is also directed to produce necessary requisite before this Tribunal within a week along with the postal cover and necessary postal stamps so as to enable this Tribunal to send notice to the respondents 4 and 6.
11. Applicant is also directed to serve the copy of the application and the documents produced to the standing counsel appearing for respondents 1 to 3 and 5 within a week.

12. In order to ascertain the present status of the functioning of the poultry farm and also to ascertain as to how many such units are functioning in Namakkal District, and also whether all those units are functioning in conformity with the guidelines provided by the Central Pollution Control Board and also whether necessary precautions for disposal of waste generated is being followed by them, we feel it appropriate to appoint a joint committee comprising of 1) the District Collector, Namakkal District, or a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate deputed by the District Collector, 2) a Senior Officer from Central Pollution Control Board, Regional Office, Chennai and 3) a Senior Officer from the Tamil Nadu State Pollution Control Board deputed by the Chairman to inspect the area in question and submit a status as well as action taken report if there is any violation found.

13. The committee is also directed to ascertain the status of the water scarcity in that area, and whether necessary permissions have been obtained from the authorities for drawing ground water by poultry farms and if there is any

violation found, assess the environmental compensation against them.

14. The Central Pollution Control Board, Regional Office, Chennai will be the nodal agency for co-ordination and for providing all necessary logistics for this purpose.

15. The committee is directed to submit the report to this Tribunal within a period of two months i.e., on or before 20.10.2020 by e-filing.

16. The applicant is also directed to submit a set of papers to the members of the committee within a week.

17. The Registry is directed to communicate this order to the members of the committee and also to the official respondents immediately by e-mail, so as to enable them to comply with the direction.

18. For appearance of parties, consideration of report and for submission of pleadings, post on 20.10.2020.

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

.....E.M.
(Shri. Saibal Dasgupta)

O.A. No.147/2020
13th August 2020. Sr.

Item No.01:

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

Original Application No. 147 of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF

Smt. R. Prabha

...Applicant(s)

Versus

The Tamil Nadu Pollution Control Board and others.

...Respondent(s)

Date of hearing: 05.01.2021.

CORAM:

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

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s): None.

For Respondent(s):

Sri. C. Kasirajan through

M/s. Meena for R1

Sri. Dr. V. R. Thirunarayanan for R2, R3 & R5.

Sri. Krishna Prasad for R4

Sri. D. Ramesh Kumar for R6

ORDER

1. The grievance in this application is regarding the illegal operation of poultry

farm run by the 4th respondent, against the guidelines provided by the Central Pollution Control Board (CPCB) in respect of such matters. In order to ascertain the grievance in the application and also nature of things that is happening in Namakkal District in respect of operation of poultry farms, a Joint Committee was constituted by this Tribunal and they were directed to submit a factual as well as action taken report in respect of the operation of the poultry farms in Namakkal District including the one under dispute. The case was adjourned subsequently by notifications and it is posted to today for that purpose.

2. When the matter came up for hearing today through Video Conference, there was no representation for the applicant. Sri. C. Kasirajan through M/s. Meena represented 1st respondent, Sri. Dr. V.R. Thirunarayanan represented respondents 2, 3 and 5, Sri. Krishnaprasad represented respondent 4 and Sri. D. Ramesh Kumar represented 6th represented. So service is complete.
3. We have received a report submitted by the committee. But the committee report proceeded on the basis as per the Central Pollution Control Board (CPCB) Guide lines of 2017, wherein, only those poultry farms which are having more than 1, 00,000 lakh birds will come under purview of the concerned mechanism. But the committee has failed to note that the directions issued by the Principal Bench as *O.A. No. 681 of 2017 (Gauri Maulekhi Vs. Union of India and others)* by order dated 16.09.2020 contained certain directions which was extracted in Para 17 of the order which reads as follows:-

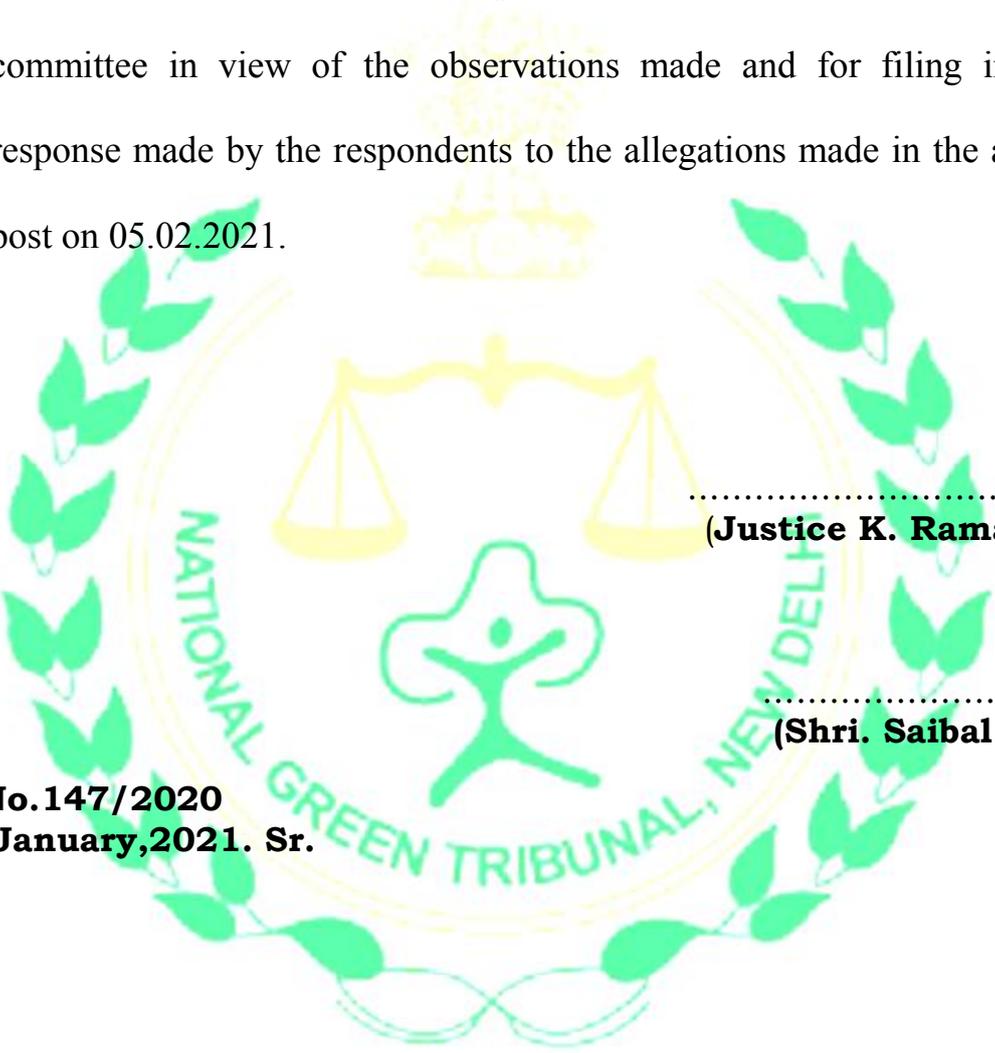
(17) *“Accordingly, we allow this application and direct the Central Pollution Control Board (CPCB) to revisit the guidelines for categorising the poultry farms as green category and exempting their regulation under the Air Act, Water Act and the EP Act. The CPCB may issue fresh appropriate orders within three months and in if no further order is issued, all the State PCBs/PCCs will require enforcement of consent mechanism under the above Acts after 01.01.2021 for all poultry farms above 5000 birds in the same manner as is being done for farms having more than one lac birds. Till then, even without such consent mechanism, the State PCB/PCCs may strictly enforce the environmental norms and take appropriate remedial action against the any violation of water, air and soil standards statutorily laid down.”*

Accordingly, if that be the case, most of the poultry farms that are being operated in the State will have to apply and get consent from the Tamil Nadu State Pollution Control Board from 01.01.2021, if the Central Pollution Control Board (CPCB) has not issued fresh appropriate orders within three months as directed them.

5. The counsel appearing for the 4th respondent wanted to file their objection to the application as well as the report. So considering the circumstances, we feel that an opportunity can be given to the parties to file their independent responses. Further, we direct the committee to revisit the issue again in view of the directions issued by the Principal Bench as O.A. No. 681 of 2017 mentioned supra and submit a further report.

6. The Tamil Nadu State Pollution Control Board are directed to comply with the direction issued by the Principal Bench as O.A. No. 681 of 2017 in the absence of any further direction issued by Central Pollution Control Board (CPCB) in this regard.

7. For objection if any, to the report of the committee, further report of the committee in view of the observations made and for filing independent response made by the respondents to the allegations made in the application, post on 05.02.2021.



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

.....E.M.
(Shri. Saibal Dasgupta)

**O.A. No.147/2020
05th January,2021. Sr.**