

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

**Original Application No. 159 of 2023**

Edwin Wilson,  
No. 28, Parthasarathy Street,  
Purasaiwalkam, Chennai – 600 084,  
Tamil Nadu, India  
Mob No. 9840273445,  
Email Id- [sandplegalattorneys@gmail.com](mailto:sandplegalattorneys@gmail.com)

...Applicant

**Vs**

1. The District Collector,  
Coimbatore District – 641 018 & 4 ors.

...Respondents

**INDEX**

<b>S. No</b>	<b>Description</b>	<b>Page No.</b>
1.	<b>REPORT FILED ON BEHALF OF THE SECOND AND THIRD RESPONDENTS - TAMIL NADU POLLUTION CONTROL BOARD.</b>	1 - 7
2.	<b>Annexure - 1 &amp; 2</b>	8 - 9



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

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

**Original Application No. 159 of 2023**

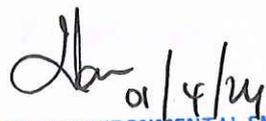
Edwin Wilson,  
No. 28, Parthasarathy Street,  
Purasaiwalkam, Chennai – 600 084,  
Tamil Nadu, India  
Mob No. 9840273445,  
Email Id- sandplegalattorneys@gmail.com

...Applicant

**Vs**

1. The District Collector,  
Coimbatore District – 641 018.
2. The Chairman,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Salai,  
Guindy, Chennai – 600 032.
3. The District Environmental Engineer,  
Coimbatore (South),  
Tamil Nadu Pollution Control Board,  
Coimbatore South, Plot No. E- 55A, SIDCO Industrial Estate,  
Pollachi Main Road, Kuruchi  
Coimbatore District – 641 021
4. VMS M-Sand,  
Rep by its Proprietor,  
Survey No. 80/F1,  
Kalavathottam, Thekani, Pachapalayam Village,  
Sulur Taluk, Coimbatore – 641 201.
5. P.R. M-Sand,  
Rep by its Proprietor,  
Survey No. 91/2D, 95/1A and 95/1B,  
Kalavathottam, Thekani, Pachapalayam Village,  
Sulur Taluk, Coimbatore – 641201

...Respondents

  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

**REPORT FILED ON BEHALF OF THE SECOND AND THIRD RESPONDENTS -  
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R.Sarasavani, D/o. J. Raghavan, Hindu, aged about 58 years, having my office at No.76, Mount Salai, Guindy, Chennai -600032, do hereby solemnly affirm and sincerely state as follows:-

1. I submit that I am working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600032 and I am filing this Report on behalf of the Second and Third Respondents (TNPCB) and as such I am well acquainted with the facts of the case from the office records and authorized to file this report.
2. It is respectfully submitted that the applicant has filed this application with a prayer "to direct the respondents 1 to 3 to take immediate action against the Respondents 4 and 5 for illegally functioning as a crusher unit in the garb of M-Sand unit and consequently direct the closure of the units and disconnection of power supply to the unit and with certain other prayers".
3. It is respectfully submitted that the fourth respondent's unit, M/s. VMS M-Sand is located at survey No.80/1F, Kalavathottam, Thekani Panchapalayam Village, Sulur Taluk, Coimbatore – 641201. The unit has obtained Consent To Establish (CTE) for the production of M-Sand and P-Sand (15000 T/M) vide Proceeding dated 16.08.2022 valid upto 31.03.2027.
4. It is respectfully submitted that a complaint dated 25.08.2023 was received from the applicant on 05.09.2023 against the 4<sup>th</sup> respondent unit stating that the unit had installed the machineries such as Jaw Crusher without consent of the Board and violating the norms and also operating without air pollution control measures.

*Jan 01/4/24*  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

5. It is submitted that based on the complaint, the unit was inspected by the officials of the O/o. DEE, TNPCB, Coimbatore (South) on 20.9.2023 and 06.11.2023 and the following were observed:
- The unit was not in operation. However, it has installed the machineries and carried out production in the premises without consent of the Board.
  - The unit has installed the jaw crusher, Horizontal Shaft Impactor (HSI) crusher without consent of the Board.
  - The unit has provided the collection cum settling tanks for the recycling the trade effluent.
  - The unit has not provided the air pollution control measures for the Jaw Crusher, HSI crusher, vibrator and conveyors.
  - The unit has not obtained Consent to Operate (CTO) from the TNPC Board under Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981.
6. It is respectfully submitted that, as per B.P. No.26, dated: 30.07.2018, "All consented standalone M-Sand units shall be verified and ensured to carry out its activities only with Vertical Shaft Impactor (VSI) crusher machine. No primary crusher like Jaw Crusher, Secondary Crusher and Cone Crusher shall exist in the consented premise. As the unit has installed Horizontal Shaft Impactor (HSI) crusher and Jaw Crusher the unit has violated the B.P Ms. No.26 dated 30.07.2018 and CTE conditions.
7. It is respectfully submitted that, based on the observations made during inspection, a show cause notice was issued to the 4<sup>th</sup> Respondent unit by the 3<sup>rd</sup> Respondent DEE, TNPCB, Coimbatore South vide Proceeding-dated 14.11.2023 under Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 for the violations noticed therein.

*Man*  
01/4/24  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

8. It is respectfully submitted that, the 4<sup>th</sup> respondent unit vide its reply dated nil received by the office of the DEE, TNPCB, Coimbatore South on 27.11.2023 has stated that they have removed all the machineries and assured that it would operate the unit only after obtaining consent to operate from the Board.
9. It is respectfully submitted that, further a personal hearing was also conducted with the 4<sup>th</sup> respondent unit on 14.12.2023 and the unit was instructed to operate the unit only after obtaining the consent of the TNPC Board.
10. It is respectfully submitted that, subsequently the unit was again inspected by the officials of the O/o. DEE, TNPCB, Coimbatore (South) on 07.02.2024 and it was observed that
- The unit was not in operation.
  - The unit has removed the additional machineries except the vibrator and washer.
  - The unit has stopped production in the premises.

Hence no legal action was initiated against the unit. The photograph of the 4<sup>th</sup> respondent's unit is marked as **Annexure-1**.

11. It is respectfully submitted that the 5<sup>th</sup> respondent's unit, M/s. P R M-SAND is located at S.F No.91/2D, 95/1A & 95/1B, Pachapalayam Village, Sulur Taluk, Coimbatore District. The unit has obtained Consent To Establish (CTE) for the production of M-Sand (15000 T/M) vide Proceeding dated 01.12.2018 valid upto 31.03.2023.
12. It is respectfully submitted that a complaint dated 25.08.2023 was received from the applicant on 05.09.2023 against the 5<sup>th</sup> Respondent unit, (M/s. P R M-SAND) stating that the unit had installed the machineries such as Jaw Crusher without consent of the Board and

*Handwritten signature and date: 01/4/24*  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

violating the norms and also operating without air pollution control measures.

13. It is submitted that based on the complaint, the unit was inspected by the officials of the O/o. DEE, TNPCB, Coimbatore (South) on 20.9.2023 and 06.11.2023 and it was observed that

- a. The unit was not in operation. However, the unit has installed the machineries and carried out production in the premises without consent of the Board.
- b. The unit has installed the Jaw Crusher, Horizontal Shaft Impactor (HSI) crusher without consent of the Board.
- c. The unit has provided the collection cum settling tanks for recycling the trade effluent.
- d. The unit has not provided the air pollution control measures for the Jaw Crusher, HSI crusher, vibrator and conveyors.
- e. The unit has not obtained Consent to Operate of the TNPC Board under Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981.

14. It is respectfully submitted that, as per B.P. No.26, dated: 30.07.2018, "All consented standalone M-Sand units shall be verified and ensured to carry out its activities only with Vertical Shaft Impactor (VSI) crusher machine. No primary crusher like Jaw Crusher, Secondary Crusher and Cone Crusher shall exist in the consented premise. As the unit has installed Horizontal Shaft Impactor (HSI) crusher and Jaw Crusher the unit has violated the B.P Ms. No.26 dated 30.07.2018 and CTE conditions.

15. It is respectfully submitted that, based on the observations made during inspection, a show cause notice was issued to the 5<sup>th</sup> respondent unit vide Proceeding dated 14.11.2023 under Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 for the violations noticed therein.

*Ala*  
31/11/24

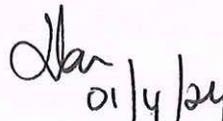
**JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.**

16. It is respectfully submitted that the unit vide its reply dated 24.11.2023, received on 27.11.2023, has stated that they have removed all the machineries and assured that it would operate the unit only after obtaining consent to operate from the Board.
17. It is respectfully submitted that further, a personal hearing was also conducted with the 5<sup>th</sup> respondent's unit on 14.12.2023 and the unit was instructed to operate the unit only after obtaining the consent to operate of the TNPC Board.
18. It is respectfully submitted that, the unit was again inspected by the officials of the O/o. DEE, TNPCB, Coimbatore (South) on 07.02.2024 and it was observed that :
- The unit was not in operation.
  - The unit has removed the additional machineries except the vibrator and washer.
  - The unit has stopped production in the premises.

Hence no legal action was initiated against the unit. The photograph of the 5<sup>th</sup> respondent's unit is marked as **Annexure-2**.

19. It is respectfully submitted that the Hon'ble NGT in its order dated 12.02.2024 observed as follows:-

*"in view of the memo filed by the learned counsel, the applicant may be discharged from this proceedings and converted into suo-motu."*

  
01/4/24  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

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

*Har 01/4/24*  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

**DEPONENT**

**VERIFICATION**

I, R.Sarasavani, D/o. J. Raghavan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.

*Har 01/4/24*  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

**DEPONENT**

**ANNEXURE - I**



No machineries  
installed in the  
premises

**ANNEXURE - II**

No machineries installed in the premises



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

**Original Application No. 159 of 2023**

Edwin Wilson,  
No. 28, Parthasarathy Street,  
Purasaiwalkam, Chennai – 600 084,  
Tamil Nadu, India

...Applicant

**Vs**

1. The District Collector,  
Coimbatore District – 641 018 & 4 ors

...Respondents

**REPORT FILED ON BEHALF OF THE  
SECOND AND THIRD RESPONDENTS  
– TAMIL NADU POLLUTION  
CONTROL BOARD.**

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

**Date: 01.04.2024.**

**Date of hearing on: 02.04.2024**