

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

Original Application No. 162 of 2016 (SZ)

K. Nagappa,
Son of Koneetappa,
3/84, Dasarapalli,
Hosur Taluk,
Krishnagiri District

...Applicant

Vs

The Union of India,
Rep. by its Secretary,
The Ministry of Environment, Forest,
New Delhi – 110 003
& 7 others

...Respondents

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

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1. The Union of India,
Rep. by its Secretary,
The Ministry of Environment, Forest,
New Delhi – 110 003 & 7 ors.

...Respondents

**COMPLIANCE REPORT FILED ON BEHALF OF THE 5TH
RESPONDENT- TAMILNADU POLLUTION CONTROL BOARD.**

I, R. Sarasavani, daughter of Thiru. Raghavan, Hindu, aged about 58 years, having office at No. 76, Mount Salai, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32 and I am filing this Compliance Report on behalf of the 5th respondent and as such I am well acquainted with the facts of the case from the records.

2. It is respectfully submitted that the Hon'ble NGT has passed order dt.18.02.2022 and directed inter alia that:

“ Para 45: So, we feel that major portion of the legacy waste has been processed and removed and most of the grievances raised by the applicant regarding the dumping of waste and non-compliance of the Solid Waste Management Rules, 2016 have been to some extent redressed we feel that keeping the case pending, the application can be disposed of giving following directions:

i. The performance guarantee of Rs. 25 lakh already furnished by the Hosur Municipal Corporation is directed to be

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forfeited as they have, even as on date, not completed the entire process of biomining and removal of the legacy waste which they have undertaken to be completed on or before 31.03.2021 or even by subsequent extension up to 31.08.2021.

ii. The Pollution Control Board is directed to implement the direction issued by the Principal Bench in O.A. No. 606 of 2018 for noncompliance of the directions issued in implementation of the Solid Waste Management Rules, 2016 and take steps to implement those directions and realise the compensation fixed by the Principal Bench for non-compliance on or before 31.03.2020. While assessing the compensation as directed by the Principal Bench, the amount of Rs. 25 lakh now directed to be forfeited be adjusted towards the amount payable.

iii. The Hosur Municipal Corporation is directed to complete the biomining process of the legacy waste and also remediation process, if any, to be suggested to be carried out by the Hosur Municipal Corporation by the Centre for Environmental Studies, Department of Civil Engineer, Anna University has to be carried out by Hosur Municipal Corporation under the supervision of the Tamil Nadu Pollution Control Board within the time frame fixed by them.

iv. The Tamil Nadu Pollution Control Board is directed to monitor the implementation of the Solid Waste Management Rules, 2016 within Hosur Municipal Corporation in its letter and spirit. If there is any violation found in operation of the Bio-gas plant and also the other waste management facilities without obtaining consent and other permissions or violating the conditions and causing pollution, then Pollution Control Board is directed to take appropriate action against the Hosur Municipal Corporation including imposing of the compensation for the violations committed by them as directed by the Principal Bench applying the CPCB guidelines and take steps to recover the amount from Hosur

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Municipal Corporation after giving them proper opportunity of being heard by issuing show-cause notice and obtaining reply etc.

v. The Pollution Control Board and the Hosur Municipal Corporation are directed to file their periodical compliance report and progress report of the remedial measures and further action taken report once in three months till the entire process is completed.”

3. It is respectfully submitted that in order to comply the above said NGT order, the TNPC Board has issued show cause notice under section 5 of the Environment (Protection) Act, 1986 vide Procs No T1/TNPCB/LAW/LA-III/NGT/20354/2022 dated 29.08.2022 to the Commissioner, Hosur Municipal Corporation stating that “as to why the Board shall not levy interim environmental compensation of Rs 56 Lakhs for the period 01/04/2020 to 31/07/2022 for not complying with the provisions of Solid Wastes Management Rules, 2016”. So far no reply has been received from the Hosur Municipal Corporation for the above show cause notice.

4. It is further submitted that, the Hosur Municipal Corporation Bio mining site was inspected by the officials of the O/o. DEE, TNPCB, Hosur on 05.10.2023 and during inspection the following were observed:

- i. The bio-mining of the legacy waste dumped in the Dasapalle village dumpsite was under progress by the Hosur Municipal Corporation (The Site photographs are submitted herewith as **Annexure**).
- ii. The Hosur Municipal Corporation is dumping the fresh Municipal Solid Waste in the legacy waste dumpsite premises which is a violation of the Municipal Solid Waste Management Rules, 2016 and violation of the NGT (SZ), Chennai orders in O.A. No. 162 of 2016.
- iii. The Bio – Methanization Plant was found not in operation

5. It is respectfully submitted that, in view of the said violation, as per the Hon'ble National Green Tribunal (PB), New Delhi in its order dated 28.02.2020 & 14.12.2020, para 4 (41 a) in OA No. 606 of 2018, the TNPCB calculated the

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interim compensation of Rs 84 lakhs to the Hosur Municipal Corporation for non compliance of Solid Waste Management Rules, 2016 and for not completing Biomining of the legacy waste within the time prescribed.

6. It is submitted that, the Board vide Proceeding dated 11.10.2023 has issued directions to the Commissioner, Hosur Municipal Corporation to remit Interim Environmental Compensation of Rs.84 Lakhs for the period from 01.04.2020 to 30.09.2023 for not complying with the provisions of Solid Waste Management Rules, 2016 and for not completing Bio-mining of legacy waste at the dumpsite within the prescribed time.

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.

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VERIFICATION

I, R. Sarasavani, D/o Thiru. Raghavan, 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.

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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
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M/s. Hosur Municipal Corporation, Dasepalle dumpsite

Hon'ble NGT order dated 18.02.2022 in OA No. 162 of 2016

Photographs taken during inspection on 05.10.2023



Part of the legacy wastes has been bio-mined and disposed



Part of the legacy wastes is yet to processed.



Fresh wastes is being dumped in the dasapalledumpsite.

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**COMPLIANCE REPORT FILED ON
BEHALF OF THE 5TH RESPONDENT -
TAMIL NADU POLLUTION CONTROL
BOARD.**

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

Date: 30.10.2023.

Date of hearing on:03.11.2023