

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 164 of 2023 (SZ)

In the matter of:

Tribunal on its own motion SUO MOTU

Based on the news item published in 'The

New Indian Express' E-Paper, Chennai Edition

Dated 09.10.2023, "Tamil Nadu village roads turn

Kerala's dump yard, 10-tonne waste dropped in one night"

With

The Chief Secretary to Govt. of Tamil Nadu,

Chennai and Ors.

...Respondent(s)

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Through

Dr. D. Shanmuganathan

Standing Counsel of Tamil Nadu

National Green Tribunal, Southern Zone, Chennai.

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

Original Application No. 164 of 2023 (SZ)

Tribunal on its own motionSUO MOTU
based on the news item published in 'The
New Indian Express' E-Paper, Chennai
Edition dated 09.10.2023, "Tamil Nadu
Village roads turn Kerala's dump yard,
10-tonne waste dropped in one night"

..... Applicant

-Vs-

The Chief Secretary to Government of
TamilNadu, Chennai and Ors

.....Respondent (s)

REPORT FILED BY THE 13th RESPONDENT

I, Dr. K.P. Karthikeyan, S/o. Thiru.K.K. Palaniswamy, presently the District Collector, Tirunelveli District having office at Collectorate, Kokirakulam, Palayamkottai do hereby solemnly affirms and sincerely state as follows.

1. I am the 13th Respondent herein and as such I am conversant with the facts and circumstances of this case.

2. It is respectfully submitted that this Hon'ble Tribunal took SUO MOTU cognizance of the issue based on the news item published in the 'The New India Express' E-paper, Chennai Edition dated 09.10.2023 under the caption "Tamil Nadu Village Roads turn Kerala's dumpyard, 10-tonne waste dropped in one night" and issued notice to all the Respondents to file their respective responses in respect of the alleged incident.
3. It is respectfully submitted that wastes dumped in the service road of Nanguneri Bypass and Nanguneri - Moolaikaraipatti road were removed by Nanguneri Town Panchayat on 07.10.2023 itself and taken to Solid Waste Management Facility of Nanguneri Town Panchayat for further disposal. Further, it was found that the wastes are illegally transported inside Tamilnadu from the neighbouring state and are being dumped indiscriminately at remote place during night time and most of such incidents are reported at Tirunelveli and Tenkasi districts. On the incident that was published complaint was preferred by the Executive Officer, Nanguneri Town Panchayat on 07.10.2023 before Nanguneri Police Station and based on the complaint case was registered in Cr. No.: 336/2023 for offences U/S 269,271 of IPC on 09.10.2023 and the case is under investigation.
4. It is respectfully submitted that Executive Officer, Nanguneri Town Panchayat vide his letter dated 04.12.2023 has informed that the quantity of unauthorized solid waste dumped in the said site is 965kg, in which domestic bio medical waste segregated is 20kg. Further, he has stated that Rs. 69,576/- was spent for the collection and segregation of municipal solid wastes dumped in the complaint site with attaching the Invoice (Copy of EO letter dated 04.12.2023 and the Invoice of M/s. Aseptic Systems Bio Medical Waste Management Company are submitted).

5. It is respectfully submitted after bifurcation of Tirunelveli district into Tirunelveli and Tenkasi, Tirunelveli district is not sharing any border with Kerala state. There are no entry points at Kerala border in Tirunelveli District since there is no direct road connectivity between Tirunelveli District and the State of Kerala. Entry from Kerala into Tirunelveli District can generally be through Kanyakumari or Tenkasi Districts.
6. It is respectfully submitted that biomedical waste arising in this district are properly segregated, collected, transported and disposed of through the Common Treatment Facilitator namely, M/s. Aseptic Systems Bio Medical Waste Management Company located at S.F.No. 1024, 1025/1,3 1026/1,3 1027/2 & 1028/1, Paapankulam Village, Nanguneri Taluk, Tirunelveli District.
7. It is respectfully submitted that a special monitoring team has been formed with the Joint Director of Health Services, Tirunelveli District as Secretary with eight other members consisting of Sub Collector, Cheranmahadevi, Superintendent of Police, Deputy Director of Health Services, Regional Transport Officer, District Environmental Engineer, Regional Director of Municipal Administration, Assistant Director of Town Panchayats and Assistant Director of Panchayats, Tirunelveli district on 13.01.2023.
8. It is respectfully submitted that on regular patrolling by the police officials vehicles trying to dump their wastes from Kerala has been seized and cases were filed. A case was registered in Cr. No. 153/2022 before Radhapuram Police Station for the offences U/S 269,278 of IPC dated 15.09.2022 for illegal transportation of wastes in Ashok Leyland vehicle with registration number KL 19 L 3400. Another case was registered in Cr. No. 500/2022 before

Koodankulam Police Station for the offences U/S 269,278 of IPC dated 19.12.2022 for illegal transportation in TATA ACE vehicle with registration number TN 72 AZ 7687. On 25.12.2022, a case was registered before Radhapuram Police Station in Cr.No 216/2022 for the offences U/S 279,269,278 of IPC for illegal transportation of wastes in Mahindra Bolero Pickup vehicle with registration number KL 19 K 8984 and Ashok Leyland Bada Dost vehicle with registration number TN 74 AZ 6786. For illegal dumping of wastes in Tirunelveli District, a case was registered in Cr.No. 154/2022 before Radhapuram Police Station for the offences U/S 269,278 of IPC dated 18.09.2022. In addendum, awareness is being created by the Police officials situated across the districts bordering Kerala State and the DIG of Police has issued stern warning against the perpetrators of illegal acts not to indulge in dumping any wastes from Kerala inside TamilNadu failing which strict criminal action against the violators and has also released contact numbers for people of the four districts to report incidents of waste dumping.

9. It is respectfully submitted that in a recent incident, a vehicle carrying wastes including food wastes wrapped in plastic covers, used plastic bottles etc. with the registration number KL 41 M 4557 was seized within the limits of Nanguneri and a case was registered in Cr. No.: 342/2023 for offences U/s 269,271 of IPC on 12.10.2023 and the perpetrators namely Mr.Shaji, S/o. Mr.Manoharan and Mr.Udaiyar, S/o. Mr.Pitchaikannu alias Thiraviam, were arrested by Nanguneri Police. It is respectfully submitted that the district administration along with the police officials are being vigilant in curtailing any kind of waste dumping and has completely obviated from dumping any wastes in the recent past.
10. It is respectfully submitted that in appendage to the above actions it was informed that the Member Secretary and Chairperson of Tamil

Nadu Pollution Control Board by way of separate Proceedings vide Lr.No.T1/TNPCB/BMW/F.31777/2022-1 dated 27.08.2022 and Lr.No.T3/TNPCB/BMW/F.20576/2023-1 dated 25.09.2023 respectively addressed to the Member Secretary, Kerala State Pollution Control Board, requesting to take appropriate measures to stop illegal transportation of the wastes from Kerala and dumping in Tamil Nadu by strict vigilance of the vehicles at the check posts of the borders of Tamil Nadu and TNPCB requested the KSPCB on the following: (Copy of these letters are submitted).

- i) The KSPCB shall assess the generation of Bio-medical waste from each HCF and the CBMWTFs capacity to find out the gaps between the generation and disposal of BMW.
- ii) The KSPCB shall ensure implementation of the barcoding system for liner bags in all the HCF so as to track and avoid the indiscriminate disposal of the same.
- iii) The KSPCB shall identify the violators and to take stringent action, so as to avoid illegal dumping in future.
- iv) The KSPCB shall ensure the implementation of GPS tracking system for the trucks and smaller vehicles crossing the border of Kerala and Tamil Nadu for proper monitoring by the Kerala State Transport Department.

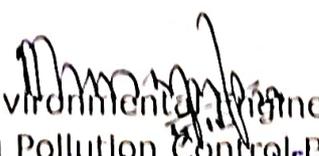
As per the directions issued by the Hon'ble National Green Tribunal (SZ), the Tirunelveli District Administration is closely monitoring and continuously taking stringent steps to ensure that no such illegal transportation and dumping of solid/biomedical waste from Kerala to Tirunelveli District.

Therefore, under the above circumstances, it is prayed that this Hon'ble Tribunal may be pleased to accept the report as

part and parcel of O.A.No. 164 of 2023 and thus render justice.

VERIFICATION

I, Dr. K.P. Karthikeyan, S/o. Thiru.K.K. Palaniswamy, presently the District Collector, Tirunelveli District do hereby verify that the contents of above report are true to the best of my knowledge through records.


District Environmental Engineer,
Tamilnadu Pollution Control Board,
Tirunelveli.
District Environmental Engineer
Tamilnadu Pollution Control Board
Tirunelveli.


5.12.2023
District Collector,
Tirunelveli.
COLLECTOR
TIRUNELVELI.



TAMIL NADU POLLUTION CONTROL BOARD

From

Thiru. R. Kannan. M.Tech.,
The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai – 600059.

To

The Member Secretary,
Kerala State Pollution Control Board
Pattom P.O.,
Thiruvananthapuram - 695 004

Lr No.T1/TNPCB/BMW/F.31777/2022-1 Dated: 27.08.2022

Sir,

Sub: Tamil Nadu Pollution Control Board – Illegal transport of Biomedical Waste/Solid waste from Kerala to Tamil Nadu - To take necessary action to stop transportation and dumping of bio-medical wastes/Solid Wastes into Tamil Nadu – Reg.

- Ref:**
1. Lr. No.T4/TNPCB/BMW/31777/2018-1 Dt:31.12.2019
 2. Orders of the Hon'ble NGT dated 24.12.2021 in O.A. No. 100 of 2021
 3. Virtual meeting convened by the CPCB with the TNPCB & KSPCB on 08.07.2022
 4. Minutes of meeting conducted on 20.07.2022 with the DME, DMRHS, DPH&PM and IMA

I am to invite kind attention to the reference 2nd cited, wherein the Hon'ble National Green Tribunal (Southern Zone) in its order dated 24.12.2021 in O.A. No. 100 of 2021 has directed as follows:

"Para 11: In the meantime, the Kerala Pollution Control Board and Tamil Nadu Pollution Control Board are directed to consider the question as to whether any continuous online monitoring system can be developed to monitor the total input of raw materials procured, produced and how it is being used and disposed of. If this system is evolved, any mischief committed by the Health care units can be detected and if it is linked online to the Tamil Nadu Pollution Control Board, then they can find out whether there is any gap between the actual generation and disposal by the Health care units. The practicability and feasibility of this will have to be examined by the regulators, namely the respective State Pollution Control Boards and Central Pollution Control Board and if it is feasible and practical, then necessary directions will have to be issued to develop this system in order to protect environment against misuse of the provisions by the violators".

Subsequently, the CPCB convened a meeting on 08.07.2022 with the KSPCB & TNPCB to comply with the orders of the Hon'ble NGT in O.A. No. 100 of 2021 dated 24.12.2021.

In view of the above, the TNPCB convened a meeting on 20.07.2022 with the Directorate of Medical Education (DME), Directorate of Medical and Rural Health Services (DMRHS), Directorate of Public Health And Preventive Medicine (DPH & PM) of Tamil Nadu State and the State President, Indian Medical Association (IMA), Tamil Nadu and discussed on the practicability & feasibility for developing a continuous online monitoring system to monitor the total input of raw materials procured, produced and how it is being used and disposed of by the HCFs. In this regard, the TNPCB requests that:

- 1) The KSPCB shall assess the generation of Bio-medical waste from each HCF and the CBMWTFs capacity to find out the gaps between the generation and disposal of BMW.
- 2) The KSPCB shall ensure implementation of the bar coding system for liner bags in all the HCFs so as to track and avoid the indiscriminate disposal of the same.
- 3) The KSPCB shall identify the violators and to take stringent action, so as to avoid illegal dumping in future.
- 4) The KSPCB shall ensure the implementation of GPS tracking system for the trucks and smaller vehicles crossing the border of Kerala and Tamil Nadu for proper monitoring by the Kerala State Transport Department.

The action taken on the above may please be intimated and the receipt of the letter may be acknowledged


For Member Secretary

Copy to:

1. The Member Secretary,
Central Pollution Control Board,
Parivesh Bhawan, CBD-cum-Office Complex,
East Arjun Nagar,
Delhi - 110 032.
2. The Regional Director,
Regional Directorate,
Central Pollution Control Board
Nisarga Bhawan, A Block, 1st & 2nd Floors,
Thimmaiah Road, 7th D – Main,
Shivanagar, Bengaluru – 560 079.
3. The Regional Director,
Regional Directorate,
Central Pollution Control Board
77-A, 2nd Floor, South Avenue Road,
Ambattur Industrial Estate,
Ambattur Taluk, Thiruvallur District,
Chennai - 600 058.

Copy submitted to:

The Additional Chief Secretary to the Government,
Environment, Climate Change & Forests Department,
Secretariat, Chennai.





TAMIL NADU POLLUTION CONTROL BOARD



From

Dr. Jayanthi. M. I.F.S.,
Chairperson
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai – 600059.

To

The Member Secretary,
Kerala State Pollution Control Board
Pattom P.O.,
Thiruvananthapuram - 695 004

Lr. No.T3/TNPCB/BMW/F.20576/2023-1 Dated: 25.09.2023

Sir,

Sub: Tamil Nadu Pollution Control Board – Illegal transport of Biomedical Waste/Solid waste from Kerala to Tamil Nadu through lorry- To take stringent action to stop unauthorized movement/dumping of the solid waste including bio-medical wastes into Tamil Nadu – Reg.

Ref: 1. Lr. No.T4/TNPCB/BMW/31777/2018-1 Dt:31.12.2019
2. Lr No.T1/TNPCB/BMW/F.31777/2022-1 Dt: 27.08.2022
3. Letter No: DEE/TNPCB/TNV F – TECH- 60/ 2023 Dated: 11.09.2023

I invite kind attention to the reference 1st cited, wherein the TNPCB addressed the Kerala State Pollution Control Board (KSPCB) regarding the illegal transport of biomedical waste from Kerala to Tamilnadu, to take the issue seriously and take appropriate measures to curtail the unauthorised movement of the Biomedical waste and further dumping inside the Tamilnadu besides taking up to the Kerala State Government so as to intensify the checking at the borders of Kerala and to prevent transportation and dumping of biomedical waste or any solid wastes to the state of Tamil Nadu.

Further, the TNPCB has requested the KSPCB to furnish the action taken report on the following vide reference 2nd cited:

- The KSPCB shall assess the generation of Bio-medical waste from each HCF and the CBMWTFs capacity to find out the gaps between the generation, treatment and disposal of BMW.
- The KSPCB shall ensure implementation of the bar coding system for liner bags in all the HCFs so as to track and avoid the indiscriminate disposal of the same.
- The KSPCB shall identify the violators and to take stringent action, so as to avoid illegal dumping in future.
- The KSPCB shall ensure the implementation of GPS tracking system for the trucks and smaller vehicles crossing the border of Kerala and Tamil Nadu for proper monitoring by the Kerala State Transport Department.

Now, another incident of illegal transportation of solid waste including Bio-Medical waste from Kerala into Tamil Nadu border districts through Ashok Leyland Toras Lorry has been reported inspite of continuous vigilance and action taken by the TNPCB.

In this regard, it is brought to your notice that the Hon'ble Judicial Magistrate, JM Court, Alangulam vide letter dated 16.08.2023 has informed that the Inspector of Police, Alangulam Police Station vide letter dated:01.08.2023 has requested for necessary action regarding the disposal of solid wastes such as Bakery wastes, used medicine bottles, plastic seat cover etc transported from Kerala State through Ashok Leyland Toras Lorry Registration No. TN 52 A 2275. The said vehicle was seized and detained at Alangulam Police Station after filing a criminal case in C.C.No. 234/2023 against the offender.

In spite of continuous efforts and action taken, the incident of illegal transport of wastes from the Kerala is still continuing..

In this circumstance, it is inferred that the KSPCB has neither taken any stringent action to stop continuous illegal transportation of several wastes from Kerala into Tamil Nadu, nor informed about the details of action taken for the same. Due to this the TNPCB is held responsible by various courts and answerable for the issue, facing various difficulties at all times.

Hence, it is requested to take the issue seriously and to take appropriate measures to stop the unauthorised transportation of the wastes from the Kerala and further dumping into Tamilnadu by having vigil monitoring of the vehicles in the check post of the borders adjoining Tamilnadu and to take a policy decision in co-ordination with the Kerala State Govt. for initiating strict action against the violators involved in transportation of wastes in the vehicles from Kerala into Tamilnadu.

The action taken on the above may please be intimated and the receipt of the letter shall be acknowledged.

S. S. S. S.
29/8/23
For Chairperson
dm
25/8/23

Copy submitted to:

The Additional Chief Secretary to the Government,
Environment, Climate Change & Forests Department,
Secretariat, Chennai.

Copy to:

1. The Member Secretary,
Central Pollution Control Board,
Parivesh Bhawan, CBD-cum-Office Complex,
East Arjun Nagar,
Delhi - 110 032.
2. The Regional Director,
Regional Directorate (South),
Central Pollution Control Board
Nisarga Bhawan, A Block, 1st & 2nd Floors,
Thimmaiah Road, 7th D – Main,
Shivanagar, Bengaluru – 560 079.
3. The Regional Director,
Regional Directorate,
Central Pollution Control Board
77-A, 2nd Floor, South Avenue Road,
Ambattur Industrial Estate,
Ambattur Taluk, Thiruvallur District,
Chennai - 600 058.

அனுப்புநர்:

திரு.டி.எம்.சாஜன் மேத்யூ,
செயல் அலுவலர்,
நான்குநேரி பேரூராட்சி,
திருநெல்வேலி மாவட்டம்.

பெறுநர்:

மாவட்ட சுற்றுச்சூழல் பொறியாளர் அவர்கள்,
தமிழ்நாடு மாசுக்கட்டுப்பாட்டு வாரியம்,
பேட்டை, திருநெல்வேலி.

ந.க.எண். 02/2023, நாள். 04.12.2023

அய்யா,

பொருள்: பொது சுகாதாரம் - திருநெல்வேலி மாவட்டம் - நான்குநேரி பேரூராட்சி இடங்களில் - கேரளா மாநிலம் - திருவனந்தபுரம் மாநகராட்சிக்குட்பட்ட இடங்களிலிருந்து வீட்டு உபயோக கழிவு பொருட்கள் மற்றும் மருத்துவ உபயோக பொருட்கள் மூட்டைகளில் நான்குநேரி பேரூராட்சி பகுதியில் கொட்டியது - நடவடிக்கை விபரம் தெரிவித்தல் - தொடர்பாக.

- பார்வை:**
1. மாவட்ட சுற்றுச்சூழல் பொறியாளர், தமிழ்நாடு மாசுக்கட்டுப்பாட்டு வாரியம், திருநெல்வேலி அவர்களின் கடிதம் ந.க.எண்.60/2023, நாள். 09.10.2023 மற்றும் 26.10.2023.
 2. இவ்வலுவலக கடித ந.க.எண். 02/2023, நாள். 30.10.2023 மற்றும் 17.11.2023.
 3. தொடர்புடைய ஆவணங்கள்.

திருநெல்வேலி மாவட்டம், நான்குநேரி பேரூராட்சிக்குட்பட்ட 3 வது வார்டு தென்னிமலை மற்றும் 8 வது வார்டு தேசிய நெடுஞ்சாலை (Service Road) மேல்நிலை நீர்த்தேக்கத் தொட்டி அருகிலும் 07.10.2023 அன்று கேரளா மாநிலம், திருவனந்தபுரம் மாநகராட்சிக்குட்பட்ட இடங்களில் இருந்து வீட்டு உபயோக கழிவுகள் அடங்கிய 120 மூட்டைகள் கொண்ட 965 கிலோ வீட்டு உபயோக கழிவு பொருட்கள் கண்டறியப்பட்டு, அதில் 20 கிலோ வீட்டு உபயோக உயிர் மருத்துவக் கழிவுப் பொருட்கள் கண்டறியப்பட்டுள்ளது.

பார்வையில் 1 ல் கண்ட மாவட்ட சுற்றுச்சூழல் பொறியாளர், தமிழ்நாடு மாசுக்கட்டுப்பாட்டு வாரியம், திருநெல்வேலி அவர்களின் கடிதத்தின்படி, மேற்படி குப்பைகளை

பேரூராட்சி குழுப் பணியாளர்களை கொண்டு தரம் பிரிக்கப்பட்டு வந்த நிலையில் தற்போது 7 நபர்கள் 20 நாட்கள் பிரித்தெடுத்ததில், 1 நபருக்கு 1 நாளைக்கு ரூ.435/- வீதம் 7 நபருக்கு 20 நாட்களுக்கு ரூ.60,900/- ம் மேற்கண்ட குப்பைகளை தரம்பிரிக்க வளம் மீட்பு பூங்காவிற்கு ஜேசிபி மற்றும் டிராக்டர் மூலம் கொண்டு வந்து அகற்றியதற்கு வாடகை ரூ.7000/- ம் மற்றும் அசெப்டிக் சிஸ்டெம்ஸ் பயோ மெடிக் கல் வேஸ்ட் மேனேஜ்மெண்ட் கம்பேனிக்கு ஆய்வுக்கு அனுப்பியதற்கு ரூ.1676/- ம் ஆக மொத்தம் ரூ.69576/- செலவாகியுள்ளது. என்ற விபரம் பணிந்து சமர்ப்பிக்கப்படுகிறது.

[Handwritten Signature]
 செயல் அலுவலர்
 நாண்குநேரி பேரூராட்சி
 திருநெல்வேலி மாவட்டம்

இணைப்பு: 1 அசெப்டிக் சிஸ்டெம்ஸ் பயோ மெடிக் கல்

வேஸ்ட் மேனேஜ்மெண்ட் கம்பேனி பட்டியல் நகல்.

திருநெல்வேலி மாவட்டம்

நகல்:

1. மாவட்ட ஆட்சித் தலைவர் திருநெல்வேலி, அவர்களுக்கு தகவலுக்காக பணிந்து சமர்ப்பிக்கப்படுகிறது.
2. பேரூராட்சிகளின் உதவி இயக்குநர், திருநெல்வேலி மண்டலம் அவர்களுக்கு பணிந்து சமர்ப்பிக்கப்படுகிறது.



Aseptic Systems Bio Medical Waste Management Company

(Biomedical Waste Management & Handling Service)

B1, C-Colony, Perumalpuram, Tirunelveli-627 007.

Ph : 0462-2533268, E-mail : nellaictf@gmail.com

Website : www.asepticsystem.in

TAX INVOICE

Customer Details / Recipient Details		Invoice Details
Customer ID: 10048		Date: 30/11/2023
EO, NANGUNERI TOWN PACHAYATH (10048) - NANGUNERI - NANGUNERI		Inv No: ASB/659/MI
TIRUNELVELI DISTRICT,		Collection Exe: KINGSTON.V
Contact Person:		Email: nellaictf@gmail.com Cell: 7373715167
Email:		Customer Care Details : nellaictf1@gmail.com
Phone:		Service Incharge Details : NA +91-7373715165
Cell:		Category of Customer: Service / SAC : 999421

SI No	Description	Amount
1	Domestic Bio-Medical Waste Transportation, Treatment and Safe Disposal charges for the period (17-11-23) 17/11/2023 to 17/11/2023 (Weight 20.00 x Rate Per KG 71.00)	1420.00
	Net Amount	1420.00
	CGST @9%	127.80
	SGST @9%	127.80
	Round Off	0.40
E.&O.E	Total	1676.00
Rupee In Words: ONE THOUSAND SIX HUNDRED SEVENTY SIX ONLY		

Invoice Remarks: None

PO Reference : N/A

Other Reference :

Payment Remarks: Kindly send the payment advice to asepticnellal@gmail.com

Beneficiary Name : ASEPTIC SYSTEMS BMW MANAGEMENT COMPANY

Bank Details : Bank : INDIAN BANK | NGO COLONY, TIRUNELVELI

A/C No : 709411268 | IFSC Code : IDIB000N114

GSTIN : 33AAOFA0044Q1ZC | PAN : AAOFA0044Q | CIN NO : NA

UPI : NA

For ASEPTIC SYSTEMS BMW MGMT CO



Authorised Signatory