

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

Original Application No.17 of 2017 (SZ)

Dhenupri Housing Colony, Kannadasan
Avenue, Seethalakshmi Nagar
Welfare Association, a Registered Society,
Rep. by its President D. Ravi,
No.5, Kannasadasan Avenue,
Madambakkam, Chennai – 600126.

... Applicant

Vs

The Secretary,
State Urban Development Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600009 & 8 others.

... Respondents

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**Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

BEFORE THE NATIONAL GREEN TRIBUNAL
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Seethalakshmi Nagar Welfare Association,
a Registered Society,
Rep. by its President D. Ravi,
No.5, Kannasadasan Avenue,
Madambakkam, Chennai – 600126.

... Applicant

Vs

1. The Secretary,
State Urban Development Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600009.
2. The Commissioner,
Municipal Administration & Water Supply Department,
Chepauk, Chennai – 600009.
3. The Director of Town Panchayat,
Chepauk, Chennai – 600005.
4. The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
76, Mount Salai, Guindy,
Chennai – 32.
5. The Superintending Engineer,
Kancheepuram, Thiruvallur Circle,
TWAD Board, "A"Block, No.1, Second Floor,
Alandur Municipality Super Bazar Complex,
New Street, Alandur,
Chennai – 600016.
6. The District Collector,
Kancheepuram District,
Kancheepuram – 631201.
7. The District Environmental Engineer,
Kancheepuram District,
Kancheepuram – 631501.
8. The Revenue Divisional Officer,
Tambaram, Chennai – 600045.


20/9/2017

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

9. Madambakkam Town Panchyat,
Rep. by its Executive Officer,
Madambakkam,
Chennai – 600126.

...Respondents

REPORT FILED ON BEHALF OF THE 4TH & 7TH RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD.

I, J. Josephine Sahayarani , Daughter of Jesu Rajan , Christian, aged about 56 years, having my office at 76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer (i/c), Tamil Nadu Pollution Control Board (TNPCB), Chennai – 32, and filing this Report on behalf of the Respondent Tamil Nadu Pollution Control Board (TNPCB) 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 dated 03.03.2021 and directed inter alia as follows:

"....Para 6. The TNPCB is also expected to file an independent report as a regulator to implement the Solid Waste Management Rules, 2016 in the respective areas and also compliance of the directions issued by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.606 of 2018 in its letter and spirit. But no such independent reports are forthcoming from the regulator as well.

Para 7. When this was pointed out, the learned counsel appearing for the state departments as well as the TNPCB submitted that if some time is granted, they will come with a detailed status report regarding the

J. for answer 8/20/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
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2.	The said local body shall identify and provide decentralized community soak pit arrangement at vulnerable locations within the three months time to prevent the entry of sewage/sullage to the Thangal Eri through storm water drain.	Not complied.
3.	The said local body shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal of the same by complying with the provisions of the Solid Waste Management Rules, 2016 within three months and shall ensure that no dumping of solid waste happens in the Thangal Eri by deploying security guards.	Not complied. The local body collects the solid waste by doing door to door collection and the collected biodegradable waste is composted in the MCC and the non biodegradable waste was found dumped in the dump site located near the Thangal Eri.
4.	The said local body shall levy fine on the violators found dumping solid waste and disposing sewage into the water body under Local Body Acts.	Ensured to comply with.
5.	The said local body shall create awareness among the public with the help of associations in the local body area for proper segregation of solid waste.	Ensured to comply with.
6.	The said local body with the help of Revenue Authority shall make fresh survey to identify the exact details of encroachment and to evict them within six months"	Ensured to comply with.

4. It is respectfully submitted that as per the Hon'ble National Green Tribunal (Principal Bench) in its order dated. 28.02.2020 in O.A.No.606 of 2018 TNPCB has assessed an the Interim Environmental Compensation to the Madambakkam Town Panchayat (population 31,681) as follows:

J. J. Anwar J.S.
21/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
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For not properly carrying out the implementation of the Solid Waste Managmenet Rules, 2016

- April, 2020 to June, 2021 – Rs.1 Lakh x 15 Months = Rs.15 lakhs till 30th June 2021.

For not commencing the work of legacy waste remediation process

- April, 2020 to June, 2021 – Rs.1 Lakh x 15 Months = Rs.15 lakhs till 30th June 2021.

5. It is respectfully submitted that an amount of Rs.30 lakhs has been assessed as an interim environmental compensation for a period of 15 months (from April 2020 to June 2021) to the Madambakkam Town Panchayat for not properly carrying out the implementation of the Solid Waste Managmenet Rules, 2016 and for not commencing the work of legacy waste remediation process.

6. It is submitted that in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, the TNPC Board has issued Show Cause Notice to the Executive Officer, Madambakkam Town Panchayat vide Board's Proceeding dated 03.08.2021 as to why the Board shall not levy Interim Environmental Compensation Rs.30 Lakhs (from April 2020 to June 2021) for not properly carrying out the implementation of the Solid Waste Managmenet Rules, 2016 and for not commencing the work of legacy waste remediation process.

7. It is further submitted that, the TNPCB has issued directions under section 5 of the Environment (Protection) Act, 1986 as amended vide proceeding dated 18.06.2021 to M/s. Madambakkam Special Grade Town Panchayat to comply with the following conditions within three

J. Prasad
20/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
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months, , among other things:

i. The Town Panchayat shall complete the underground sewerage system for the unsewered area and to ensure that the untreated sewage presently let into nearby land and water bodies shall be stopped and to ensure 100 % treatment of sewage.

ii. The Town Panchayat shall expedite the process of sewer connection, construction, completion and commissioning of under construction STPs so as to bring them into operation.

iii. The Town Panchayat shall furnish time bound plan of action and show the progress made in the construction of proposed STPs so as to bring them into operation.

iv. The Town Panchayat shall comply with the above directions within the time period specified therein. Otherwise Board shall impose Environmental Compensation

Further the TNPC Board has issued show cause notice under Section 25 of the Water (P&CP) Act, 1974 as amended vide Board proceeding dated 23.08.2021 to the Executive Officer, Madambakkam Special Grade Town Panchayat, Madambakkam Town Panchayat - Sewage Treatment Plant as to why penal action for offenses punishable under Section 44 of the Water Act should not be initiated against the Madambakkam Town Panchayat as occupier for failing to comply with the provisions of Section 25 of the Water (P&CP) Act, 1974 as amended.

J. S. Kumar
20/9/2021

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

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

J. Josephine Sahayarani
21/7/2021

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.
BEFORE ME

VERIFICATION

I, J. Josephine Sahayarani, Daughter of Jesu Rajan, working as Joint Chief Environmental Engineer, having office at No. 76, Anna Salai, Guindy, Chennai – 32, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

Verified at Chennai on this day of September, 2021.

J. Josephine Sahayarani
21/9/2021

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

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& 7TH RESPONDENTS - TAMIL NADU
POLLUTION CONTROL BOARD.**

**Advocate for Respondent : 4TH & 7th
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date:17.09.2021

Date of hearing on:23.09.2021