

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

Original Application No. 183 of 2021

Meenavathanthai K.R.Selvaraj Kumar,
Meenavar Nala Sangam,
m.R.Thiyagarajan,
S/o. Late C. Rajalingam,
Office at No.48, East Madha Church,
Royapuram, Chennai – 600 013.

...Applicant

Versus

The State of Tamil Nadu
Through the Chief Secretary,
Govt. of Tamil Nadu,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009 & 5 others.

...Respondents

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

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**REPORT FILED ON BEHALF OF THE 3RD RESPONDENT
TAMILNADU POLLUTION CONTROL BOARD.**

I, R. Rajamanickam, S/o P.M. Ramasamy , Hindu, aged about 57 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 and I am filing this Report on behalf of the 2nd Respondent Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the Hon'ble NGT in its order dated 15.11.2021 has directed the Tamil Nadu Pollution Control Board to file further action taken report. In this regard, it is submitted that in continuation to the show cause notice issued to the unit vide proceeding dated 07.09.2021 and units's reply dated 15.09.2021, the unit was further inspected by the District Environmental Engineer,

R. Rajamanickam 13/12/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD

Tiruvallur on 8.11.2021 and during inspection the following were observed:

i. The said Fish market was functioning without obtaining Consent to Operate (CTO) from the Board.

ii. The STP provided was in operation and treated sewage was stored in the treated sewage collection tank. Also, the Effluent Treatment Plant (ETP) provided for the treatment of trade effluent generated from the Fish container washing, Floor washing and Vehicle washings was in operation and the treated trade effluent was stored in the collection tank of ETP.

iii. The unit has reported that the treated sewage/trade effluent is disposed to the nearby CMWSSB pumping station through private tanker lorry. The unit has furnished the copy of the CMWSSB receipt dated 26.10.2021, for the disposal of treated Sewage/trade effluent into CMWSSB pumping station which is violation against the CTE issued to the unit under the Water Act, vide Proc. dated 13.2.2020 .

iv. The unit has not developed adequate green belt to utilize the treated Sewage and treated trade effluent on unit's land for gardening purpose as stipulated in the CTE issued to the unit under the Water Act, vide Proc. dated 13.2.2020 .

v. Further the unit has not furnished the authenticated documents/ receipts for the daily disposal of treated Sewage/trade effluent into CMWSSB pumping station.

4. It is respectfully submitted that, in view of the above, the 6th respondent unit of M/s. The Chennai Fish, S.F.No. 98/12, 98/5A1B, Noombal Village, Poonamallee Taluk, Tiruvallur District was issued closure direction and disconnection of power supply under Section Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 as amended vide Board Proceeing dated 27.11.2021.


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

5 . It is respectfully submitted that, the Hon'ble National Green Tribunal (SZ) in its order dated 15.11.2021 directed inter alia that:

"Para7: if there is any violation of the conditions imposed in the consent to establish by the Tamil Nadu Pollution Control Board (TNPCB) even if they are complying with other permissions, they are expected to assess the environmental damages for the violation committed. When this was pointed the learned counsel appearing for the Tamil Nadu Pollution Control Board submitted that they will also come with a detailed report regarding this aspect on the next hearing date. The said case is posted on 14.12.2021."

6. It is respectfully submitted that in order to comply the said NGT order, the the DEE has calculated the Environmental Compensation for operating the unit without obtaining consent to operate of the Board and also for non compliance of conditions stipulated in the CTE issued to the unit under the Water & Air Acts vide Proc. dated 13.02.2020 is calculated as below:

Calculation of Environmental Compensation as per the CPCB Guidelines based on the Environmental Compensation formula:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC is Environmental Compensation in Rupees

PI – Pollution Index for Orange category as per CPCB guidelines - 50

N – Number of days of violation took place – 83 (Between the date of issue of Show cause notice on 07.09.2021 to power disconnection on 30.11.2021)

R – A factor in Rupees (Rs.) - 250/-

S – Factor for scale of operation - 1.5 (Orange/ Large)

LF – Location factor - 1.0 (less than one million population)


The calculated Environmental compensation (EC)= $PI \times N \times R \times S \times LF$

R. Jayaram 13/12/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD

Environmental Compensation (EC) - Rs. 15,56,250/- (Rupees Fifteen Lakhs Fifty Six Thousnad Two Hundered and Fifty only)


7. It is respectfully submitted that, in view of the above, the 6th respondent unit of M/s. The Chennai Fish, S.F.No. 98/12, 98/5A1B, Noombal Village, Poonamallee Taluk, Tiruvallur District was issued show case notice under Section 5 of the Environment (Protection) Act, 1986 as amended vide Board Proceeding No.T2/TNPCB/F.24759/TLR/OI/2021dated 13.12.2021 why the Board shall not levy the environmental compensation for operating the unit without obtaining consent to operate of the Board and also for non compliance of conditions stipulated in the CTE issued to the unit under the Water & Air Acts vide Proc. dated 13.02.2020.

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.


13/12/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032
BEFORE ME

VERIFICATION

I, R. Rajamanickam, Son of Thiru. Ramasamy, 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.


13/12/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

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Chennai, Tamil Nadu – 600 009 &
ors.**

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**REPORT FILED ON BEHALF OF THE 3RD
RESPONDENT -TAMILNADU POLLUTION
CONTROL BOARD.**

**Advocate for Respondent: -
TNPCBThiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date: 13.12.2021

Next date of hearing on: 13-12-2021

