

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH CHENNAI**

ORIGINAL APPLICATION NO. 184 OF 2023 (SZ)

IN THE MATTER OF:

Dr. P. Nagarajan & 02 Ors

.... Applicant (s)

Versus

The Secretary to Government, Chennai & 03 Ors.

.... Respondent(s)

REPLY AFFIDAVIT FILED ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD (CPCB), IMPEDED AS RESPONDENT NO. 5

MOST RESPECTFULLY SHOWETH:

I, H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 55years and having office at the Regional Directorate–Chennai, Central Pollution Control Board, 2 Floor, 77-A, Ambattur Industrial Estate, Chennai–600058, solemnly affirm, declare on oath and sincerely state as under: -

1. That, it is humbly submitted, I am presently working as Scientist 'E' & holding charge of Regional Director, Regional Directorate (Chennai), Central Pollution Control Board (hereafter referred to as "CPCB"), have made myself acquainted with the facts and circumstances of the instant case due to the official capacity as mentioned above and on the basis of available records, I am well versed with the facts and circumstances of the matter and as such competent & authorised to submit this reply on behalf of Respondent No.5.



H.D. Varalaxmi
H.D. VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
(MoEF & CC. Govt of India)
Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai - 600 058

2. It is humbly stated that the petitioners have filed above application against the impugned notification dated 10.10.2023 issued by Respondents 2 (Chairperson, TNPCB) and 3 (MS, TNPCB) for recategorizing the Coir Industry and also to direct the Respondents 2 and 3 to maintain same classification of categorization as per the Board proceedings dated 10.11.2021. The petitioners have further submitted that the coir industries have severely affected the villagers causing pollution of lands & wells and coir industries are extracting ground water without obtaining requisite NOC from State Ground Water Authority. The Petitioners have prayed to direct Respondents to quash the impugned notification dated 10.10.2023, for inspection of all coir industries in State of Tamilnadu and to take appropriate action including imposition of Environmental Compensation (hereafter referred to as “EC”) for environmental damage and extraction of ground water without NOC.

3. The Hon’ble National Green Tribunal (Southern Zone) (hereafter referred to as “NGT”) in its order dated January 09, 2024 impleaded CPCB as Respondent No. 5. The NGT in its order dated March 15, 2024 has stated that “The challenge in this Original Application is to the letter dated 10.10.2023 of the Tamil Nadu Pollution Control Board (TNPCB) which was issued based on the draft notification issued by the Central Pollution Control Board (CPCB) in July 2023 regarding the classification of industrial sectors” and directed CPCB as below:

“We had impleaded the CPCB Suo Motu, as the notification was issued by the TNPCB based on the CPCB’s draft notification. As the draft notification was issued in the month of July 2023, we direct the CPCB to consider the same and issue the final notification within a period of four weeks. Any such notification issued by the CPCB would resolve the issue in this application.”

In reply, it is most humbly submitted that CPCB prepared a draft report on “Classification of Industrial sectors into Red, Orange, Green and White categories: A Tool for Progressive Environmental Management” and placed the same on its website in July 2023, for comments /feedback of the stakeholders. In draft report, about 400 sectors/sub-sectors were classified including Coir Industry.



H.D. Varalaxmi

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Regional Director
CENTRAL POLLUTION CONTROL BOARD
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Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai - 600 058

On the above mentioned draft report, CPCB received about 160 representations, comprising more than 700 comments from different stakeholders which includes State Pollution Control Boards, Technical Institutions, Industrial Associations, NGOs, individual industries and the public, till 31.03.2024 including comments related to coir manufacturing industries.

Further, it is submitted that, CPCB has constituted a Committee to critically analyse the comments/recommendations for suitable incorporation in the final methodology and classification. A copy of CPCB office order no. CP-18/1/2023-IPC-VI-HO-CPCB-HO dated 13.03.2024 is attached as Annexure 1. The deliberations of the Committee are in progress for finalisation of classification. Hence, it is humbly submitted that an extension of three months' time period may be granted for finalization of report on classification of Industrial Sectors including Coir industry.

PRAYER

In view of above, it is respectfully prayed that this Answering Respondent No. 5, the Central Pollution Control Board, shall be abide by any order/direction passed by this Hon'ble Tribunal.

H.D. Varalaxmi

DEPONENT

VERIFICATION

It is verified that the content of this reply statement which is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on this May 01, 2024 at Chennai.

H.D. Varalaxmi

DEPONENT

H.D. VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
(MoEF & CC, Govt of India)
Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road,
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R. Thirunavukarasu

R. Thirunavukarasu
Counsel for R-5



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

OFFICE ORDER

CP-18/1/2023-IPC-VI-HO-CPCB-HO

13.03.2024

Sub: Constitution of the Committee on classification of industrial and other sectors into red, orange, green & white categories.

The Central Pollution Control Board classifies industrial and other sector as Red, Orange, Green and White, based on their pollution potential. The primary objective of classification is to facilitate uniformity and objectivity in streamlining enforcement activities.

In order to finalize the Draft Revised Methodology for Classification of Industrial Sectors (July 2023) and to review any further issues related to classification of sectors, a Committee comprising the following members is constituted:

1. Shri B. Vinod Babu, : Chairman
Scientist 'F' and Div. Head, WM-II & IT,
CPCB, Delhi
2. Shri V. P. Yadav : Member
Scientist 'F' and Div. Head, WM-I,
CPCB, Delhi
3. Shri Dinabandhu Gauda, : Member
Scientist 'F' and Div. Head, IPC-I,
CPCB, Delhi
4. Shri Nazimuddin, : Member
Scientist 'F' and Div. Head, IPC-II,
CPCB, Delhi
5. Shri Kamlesh Singh, : Member
Scientist 'E' and Div. Head, IPC-III,
CPCB, Delhi
6. Smt. Anamika Sagar, : Member
Scientist 'E' and Div. Head, IPC-IV & V,
CPCB, Delhi
7. Shri P. K. Gupta, : Member
Scientist 'F' and Div. Head, IPC- VI & VII,
CPCB, Delhi
8. Shri Amit Thakkar, : Member
Scientist 'E', IPC-VI Division,
CPCB, Delhi
Convenor

Page 1 of 2

‘परिवेश भवन’ पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

Terms of Reference

The Terms of Reference for the Working Group are as follow:

- i. To review the comments/suggestions received on the draft classification and incorporate the suitable changes in methodology as well as in classification of sectors.
- ii. To devise the incentive mechanism for industries/activities adopting cleaner technology/measures for better environmental performance.
- iii. To suggest the administrative and regulatory regime for implementation of the revised classification.
- iv. To review National Industrial Classification (NIC) and try to harmonize with CPCB classification.
- v. To submit the modified methodology and classification of industrial sectors.
- vi. To classify any new/left-out sector and review other classification related matters, after finalization of revised methodology.
- vii. Additionally, the Committee may classify sectors/resolve anomalies based on the 2016 methodology, till the revised methodology comes into effect.
- viii. To meet as often as necessary.
- ix. The tenure of the Committee shall be three years or further order whichever is later.
- x. May co-opt expert members, industrial associations, SPCBs/PCCs, etc., if required.
- xi. The non-official members would be paid a sum of ₹5,000/- as sitting fee per meeting.
- xii. TA/DA to the non-official members will be provided as per rules.
- xiii. The expenditure in this regard will be met from the Budget Head: P-III (b).


(Bharat Kumar Sharma)
 Member Secretary

To:

The Members of the Committee

Copy to:

- | | | |
|--------------|---|---------------------------------|
| 1. PS to MS | : | for records, please. |
| 2. PS to CCB | : | for information of CCB, please. |



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

कार्यालय आदेश

सीपी-18/1/2023-आ.ई.पी.सी-VI-एच.ओ-सी.पी.सी.बी-एच.ओ

13.03.2024

विषय: औद्योगिक एवं अन्य क्षेत्रों को लाल, नारंगी, हरा और सफेद श्रेणियों में वर्गीकरण हेतु समिति का गठन।

केन्द्रीय प्रदूषण नियंत्रण बोर्ड औद्योगिक और अन्य क्षेत्रों को उनकी प्रदूषण क्षमता के आधार पर लाल, नारंगी, हरा और सफेद श्रेणियों के रूप में वर्गीकृत करता है। वर्गीकरण का मुख्य उद्देश्य प्रवर्तन गतिविधियों को सुव्यवस्थित करने हेतु एकरूपता और निष्पक्षता की सुविधा प्रदान करना है।

औद्योगिक क्षेत्रों के वर्गीकरण (जुलाई 2023) के लिए संशोधित पद्धति के मसौदे को अंतिम रूप देने और क्षेत्रों के वर्गीकरण से संबंधित किसी भी अन्य मुद्दे की समीक्षा करने के लिए, निम्नलिखित सदस्यों वाली एक समिति का गठन किया जाता है।

- | | | | |
|---|---|---|-----------------|
| 1 | श्री बी विनोद बाबू,
वैज्ञानिक 'एफ' और प्रभाग प्रमुख, डब्ल्यू.एम-II एवं
आई.टी. सी.पी.सी.बी, दिल्ली | : | अध्यक्ष |
| 2 | श्री वी.पी.यादव
वैज्ञानिक 'एफ' और प्रभाग प्रमुख, डब्ल्यू.एम -I,
सी.पी.सी.बी, दिल्ली | : | सदस्य |
| 3 | श्री दीनबंधु गौड़ा,
वैज्ञानिक 'एफ' और प्रभाग. प्रमुख, आई.पी.सी-I,
सी.पी.सी.बी, दिल्ली | : | सदस्य |
| 4 | श्री नाजिमुद्दीन,
वैज्ञानिक 'एफ' और प्रभाग. प्रमुख, आई.पी.सी-II,
सी.पी.सी.बी, दिल्ली | : | सदस्य |
| 5 | श्री कमलेश सिंह,
वैज्ञानिक 'ई' एवं प्रभाग प्रमुख, आई.पी.सी-III,
सी.पी.सी.बी, दिल्ली | : | सदस्य |
| 6 | श्रीमती अनामिका सागर,
वैज्ञानिक 'ई' एवं प्रभाग प्रमुख, आई.पी.सी-IV एवं V,
सी.पी.सी.बी, दिल्ली | : | सदस्य |
| 7 | श्री पी.के.गुप्ता,
वैज्ञानिक 'एफ' और प्रभाग प्रमुख, आई.पी.सी- VI और VII,
सी.पी.सी.बी, दिल्ली | : | सदस्य |
| 8 | श्री अमित ठक्कर,
वैज्ञानिक 'ई', आई.पी.सी-VI प्रभाग,
सी.पी.सी.बी, दिल्ली | : | सदस्य
संयोजक |

समिति की शर्तें संलग्न है।


(भरत कुमार शर्मा)
सदस्य सचिव

'परिवेश भवन' पर्वी अर्जुन नगर, दिल्ली-110032

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SOUTHERN BENCH CHENNAI**

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.... Applicant (s)

Versus

The Secretary to Government, Chennai & 03 Ors.

.... Respondent(s)

**REPLY AFFIDAVIT FILED ON BEHALF OF CENTRAL POLLUTION CONTROL
BOARD (CPCB), IMPEDED AS RESPONDENT NO. 5**

**M/s. R. Thirunavukarasu
Counsel for R-5
M-9444012986**