

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

Original Application No. 186 of 2020 (SZ)

IN THE MATTER OF:

Tribunal on its own motion - SUO MOTU Based on the News item in The New Sunday Express Newspaper Dated: 20.07.2020, "Ranipet Residents health at risk due to Pollution; Chromium waste killing agriculture in Ranipet Poses long-term health risks."

...Applicant(s)

Vs

Union of India and others.

...Respondents(s)

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Place: Chennai
Date: 09.12.2021



H.D. Varalaxmi
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CENTRAL POLLUTION CONTROL BOARD
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**Interim Report of the Joint Committee in the matter of OA No.
186/2020**

***(As per Hon'ble National Green Tribunal, Southern Zone, Chennai
Order dated 08.11.2021)***

1. Background

The Hon'ble National Green Tribunal, Southern Zone, Chennai has taken Suo Motu case on the basis of the newspaper report published in "The New Sunday Express Newspaper Edition dated: 20.07.2020 under the captions "Ranipet residents health at risk due to pollution; Chromium waste killing agriculture in Ranipet, poses long-term health risks". In the matter of OA no. 186 of 2020 constituted a joint committee and given certain directions vide its order dated 21.01.2021 and 03.02.2021. Accordingly, joint committee submitted the report in the month of April 2021. The recommendations/suggestions given in the joint committee report is as follows;

Recommendations for industries:

Tamilnadu Pollution Control Board may be directed to issue notice to the following industries and take appropriate action accordingly.

M/s Malladi Drugs & Pharmaceuticals Ltd., (Unit I)

- *The unit shall obtain proper consent for disposal of bio yeast sludge by mixing with TEE concentrate, which is sent for co-processing.*
- *Characteristics of the sludge generated from clarifier after FICCO treatment shall be carried and accordingly consent/ authorisation shall be obtained from TNPCB for generation, storage & disposal.*
- *The unit shall obtain HW Authorisation for generation, storage & disposal of spent solvent residue generated in the process, off specification products & chemical drums/barrels/containers/ bags. Accordingly, waste shall be disposed to authorised recycler or pre- processor or co-processor or TSDF.*
- *Since the industry is operating both the boilers 3.5 TPH & 6 TPH regularly, OCEMS shall installed in the stack attached to 6 TPH boiler also for the parameter PM.*
- *Since the industry is claiming ZLD system and not using the treated effluent for gardening, online analyser for the parameters pH, COD, BOD & TSS may be*

removed. To ensure that no effluent used for gardening, the unit shall install flow meter for the treated effluent reuse.

- *To verify the ZLD system, flow meters in the RO reject, FICCO inlet and treated effluent reuse shall be installed & connected to CPCB and TNPCB server as well as the flow meters RO feed, MEES feed & TEES feed connected to TNPCB shall also be connected to CPCB server.*
- *The unit shall provide proper shed for the storage of spent solvent residue as well as for reprocessing materials/ solvents.*
- *The unit shall take necessary steps to remove the compost placed in the open yard. The compost shall be bagged & stored properly. The sludge in the collection lagoon shall also be removed, stored & disposed properly.*
- *EC calculated by the committee for violation of HW Rules is Rs 40,95,000/- (Rupees forty lakhs ninety-five thousand) and same shall be remitted to CPCB*

M/s. Malladi Drugs and Pharmaceuticals Ltd., (Unit-III)

- *The unit shall install RO system for treatment of low TDS effluent before sending to MEE.*
- *The unit shall obtain consent from TNPCB for the production of Acetic Acid as by-product.*
- *The unit shall obtain HW Authorisation for generation, storage & disposal of spent solvent residue generated in the process, off specification products & chemical drums/barrels/containers/ bags. Accordingly, waste shall be disposed to authorised recycler or pre- processor or co-processor or TSDF.*
- *The unit shall stop sending the concentrate FCE wastewater to any of recycler or industries without obtaining consent/approval from TNPCB.*
- *The unit shall provide proper shed for the storage of spent solvent residue as well as for reprocessing materials/ solvents.*
- *EC calculated by the committee for violation of HW Rules is 93,60,000/- (Rupees Ninety-three lakhs sixty thousand) and same shall be remitted to CPCB*

M/s Sviss Labss Pvt Ltd.

- *The unit shall obtain consent for the production of by-products Aluminium Chloride Liquid & HCl.*
- *The unit shall obtain authorisation for generation, storage & disposal of off specification/ contaminated product under hazardous waste rules.*
- *The unit shall upgrade RO as well as evaporator system for achieving proper treatment.*
- *The unit shall upgrade the ETP for the consented quantity and also provide proper physiochemical treatment for the effluent generated from lab & floor washing followed by RO. The RO reject shall be treated in MEE to achieve ZLD. The unit shall install ATFD to remove the salt rather than disposing to elevated solar evaporation pond.*
- *The unit shall ensure no effluent is discharged to the ground level solar evaporation pond and this pond shall be dismantled.*
- *The unit shall provide proper treatment system for the effluent generated from softener, cooling tower & blow down before taking to the RO system directly.*
- *As the unit claims no effluent generation from process, so TNPCB shall carry out detail study of the process to estimate exact quantity of waste water generation from process and moreover stream wise waste water generation shall be specified in the consent.*
- *The unit shall install flow meters at inlet of individual streams, RO inlet, RO reject, RO permeate, MEE inlet & MEE condensate and connect to CPCB/ TNPCB server to verify the ZLD system.*
- *EC calculated by the committee for violation of HW Rules is Rs 2,65,00,000/- (Rupees Two Crores Sixty-five Lakhs) and same shall be remitted to CPCB.*

M/s Ultramarine & Pigments Ltd.

- *The unit shall maintain ETP properly and also to take necessary steps to improve the performance of RO system.*
- *The unit shall arrest the leaks in kiln area as well as provide proper suction system in order to control the fugitive emission.*
- *The waste generated from kiln upgradation shall be stored in a closed shed and dispose properly with consent from TNPCB.*

- *The unit shall install flow meters at inlet of ETP, RO (Inlet, permeate & reject) and MEE (inlet & condensate) and same shall be connected to CPCB/TNPCB server to assess the ZLD system.*

M/s Arjun Chemicals Pvt Ltd.,

- *The unit shall install online TDS meter in the RO reject discharge as per consented condition.*

M/s P A Footwear P Ltd., Unit-II

- *The unit shall replace existing salzberg mechanical dryer system and upgrade to MEE system*
- *The unit shall provide proper drying area for the sludge & semi solid and dried solid shall be packed & stored in the closed shed.*
- *The unit shall connect all online flow meters to CPCB server also.*

M/s. Ranipet SIDCO Finished Leather Effluent Treatment Company Ltd., (Phase 1)

- *The CETP shall stop its construction activities, until identifying the sources of pollution.*
- *On identification of sources of pollution, remediation action shall be initiated and TNPCB shall impose the environmental compensation on the defaulter.*
- *The unit shall install ATFD system as per direction of TNPCB.*
- *The unit shall obtain valid HW Authorisation from TNPCB and also to incorporate for storage & disposal of chemical drums/barrels/containers/ bags.*
- *EC calculated by the committee for violation of HW Rules is Rs 2,25,000/- (Rupees two lakhs twenty five thousand) and same shall be remitted to CPCB.*

M/s. SIPCOT & SIDCO Phase 2 Entrepreneur Finished Leather Effluent Company (P) Ltd.,

- *The CETP shall expedite the upgradation of treatment system.*
- *CETP shall submit the action plan for removal & disposal of sludge to TSDF present in the SLF facility.*

- *CETP shall obtain valid HW Authorisation from TNPCB and also to incorporate for storage & disposal of chemical drums/barrels/containers/ bags.*
- *CETP shall connect all online flow meters to CPCB server.*
- *EC calculated by the committee for violation of HW Rules is Rs 1,68,750/- (Rupees One lakh sixty-eight thousand seven hundred fifty) and same shall be remitted to CPCB.*

Consolidated Table (Environmental Compensation to be paid by the violating industries to CPCB):

S.No.	Name of Industry	Environmental Compensation
1	<i>M/S. Malladi Drugs And Pharmaceuticals Ltd Unit-I</i>	<i>Rs.40,95,000</i>
2	<i>M/S. Malladi Drugs And Pharmaceuticals Ltd Unit-3</i>	<i>Rs.93,60,000</i>
3	<i>M/S. Sviss Labss Private Limited</i>	<i>Rs.2,65,00,000</i>
4	<i>M/S. Ranipet SIDCO Finished Leathers Effluent Treatment Co. Ltd,</i>	<i>Rs.2,25,000</i>
5	<i>M/S. SIPCOT - SIDCO Phase II Entrepreneur , Finished Leather Effluent Treatment Co. Pvt.Ltd.</i>	<i>Rs.1,68,750</i>
6	<i>M/S. Snap Natural And Alginate Products P Lt</i>	<i>Rs.10,00,000</i>
7	<i>M/S. Prestige International,</i>	<i>Rs.1,00,000</i>
8	<i>M/S. Standard Chemicals And Leathers,</i>	<i>Rs.1,18,000</i>
9	<i>M/S. Titan Leather Exports Unit Ii</i>	<i>Rs.1,00,000</i>
10	<i>M/S. Pioneer Leder Tex P Ltd</i>	<i>Rs.1,00,000</i>
11	<i>M/S. Vinyork Leather Works</i>	<i>Rs.1,00,000</i>
12	<i>M/S. Sri Thirumalai Leathers</i>	<i>Rs.1,00,000</i>
13	<i>M/S. Mahalakshmi International</i>	<i>Rs.1,00,000</i>

Conclusions on Remediation of Chromium Contaminated Site at Ranipet, Tamil Nadu:

As per the terms of NCEF project scheme, Central funding for assessment and remediation of contaminated area was limited to 40% of the total project cost. The remaining 60% is to be met from State Government through Polluter Pays Principle/Public-Private Partnership/State support, etc. Government of Tamil Nadu State had given in-principle approval for funding

State's share of 60%. The project for preparation of DPRs including TCCL contaminated area at Ranipet, Tamil Nadu was initiated in the year 2014. However, NCEF Project of MoEF&CC has been discontinued by Government of India. CPCB has completed DPR for remediation of chromium contaminated area at Ranipet, Tamil Nadu based on detailed site investigation including human health risk assessment studies. The DPR along with templates of bid document was forwarded to Government of Tamil Nadu and TNPCB for execution of remediation works.

Since the TCCL was operated by State government department and also by few private entities, funds for remediation may be apportioned to both TN State as well as the other responsible parties, who operated the plant.

As the current scenario in ground level remains same and pollution is being continued as the seepage from the chromium sludge dump yard is flowing to the surface as well as ground water bodies. Hon'ble Tribunal may direct the Govt. of Tamil Nadu to start up remediation work. Since the financial matter is involved, this issue may be taken up in the level of Chief Secretary, Government of Tamil Nadu constituting the monitoring committee for effective progress in the remediation work.

Since no progress made on implementation of remediation work even after finalisation of DPR, Hon'ble NGT shall directed the Govt. of Tamilnadu to implement the following;

- i) Chief Secretary to review the matter periodically by constituting the State Level Monitoring Committee for effective monitoring & supervision of remediation work. The remediation work may be executed as per the DPR prepared by CPCB.*
- ii) Government of Tamilnadu shall recover a portion of the cost from the responsible parties/ owner of M/s TCCL. Until the recovery of the cost, the remediation work shall be initiated by utilising the environmental compensation available with TNPCB.*
- iii) TNPCB shall prepare & submit PERT chart on execution of the work in consultation of the Chief Secretary.*

- iv) *Remediation work may be executed as per authorization and supervision of TNPCB. TNPCB may also engage any competent consultant to monitor and verify the works.*
- v) *CPCB may provide technical assistance and also verify the remediation works as and when required.*

Further, Hon'ble Tribunal in its order dated 08.11.2021 directed the joint committee as follows and to submit the report on or before 14.12.2021;

"... The Joint Committee is also directed to conduct a further inspection of the units in question which were responsible for causing such pollution in river Palar and also responsible for the deposit of Chromium and disposal of the same and what are the effective steps that have been taken after their earlier inspection..."

In compliance to the order dated 08.11.2021, a joint committee meeting was conducted on 01.12.2021 and detailly discussed about the plan of action to carry out the inspection of industries as well as status of implementation of Action Plan w.r.t Chromium contaminated site remediation work.

2. Status of further Inspection of the units in question which were responsible for causing such pollution in river Palar

During the committee meeting, it is decided to carry out the inspection of major water polluting industries in the SIPCOT as well as Ranipet area. In this regard, TNPCB has identified 41 nos. of industries and provided the list to the joint committee. Due to the current prevailing climatic condition, joint committee not able to carry out the inspection of industries.

Accordingly, the joint committee tentatively planned to carry out the inspection of industries during third week of December 2021 by having the committee in two or three teams including the other officials of CPCB & TNPCB.

3. Responsible for the deposit of Chromium and disposal of the same and what are the effective steps that have been taken after their earlier inspection

M/s TCCL, is a TIDCO joint venture company promoted during 1972 in association with Sh. K. K. Mohiadeen for implanting the project for the manufacture of Basic Chromium Sulphate. The promoters agreement was terminated due to equity contribution failure. Thereafter, the company was managed by TIDCO through its nominee directors till Jan 1989 except for initial two years period of operation. During 1988, TIDCO disinvested its shareholding in favour of Sh. C. V. Sridhar, who was appointed as CMD of TCC to Sh. Ashok Balasubramanian. The plant was not operated after 1995-96 as TNPCB issued notice to stop production until the solid waste is disposed off.

TNPCB in its letter to Industries Department stated that 1.52 lakhs tonnes (out of 2.27 lakhs tonnes of chrome sludge) was generated during 1975 to 1988 when the management was with TIDCO and the balance 0.75 lakhs tonnes was generated during management of Sh. C. V. Sridhar and Sh. Ashok Balasubramaniam. Major 67% of waste generated during TIDCO tenure.

A brief history obtained from SIPCOT, Ranipet about the M/s TCCL ownership is enclosed as **Annexure III**.

During the committee meeting, it is requested TNPCB to provide the present status of progress w.r.t remediation of contaminated site. The committee member representing TNPCB informed that *“A letter has been addressed by JCEE (M), TNPCB, Vellore to the Corporate office, TNPCB, Guindy, Chennai vide T.O letter Dt. 3.12.2021 requesting the present status of progress on implementation of remediation measures to be taken at Chromium contaminated site in the unit of M/s Tamilnadu Chromates & Chemicals Limited, Ranipet. The further decision and report awaiting from the Board.”*

4. Status of Action Taken against the Violating industries on the Earlier inspection carried out by the joint committee;

In the earlier inspection of industries by the joint committee, violations were noticed and submitted the report to the Hon'ble Tribunal. The joint committee report was communicated vide email dt. 30.06.2021 to TNPCB. In the meeting officer representing TNPCB informed that *“JCEE(M), TNPCB, Vellore has addressed to Corporate office, TNPCB, Guindy,*

Chennai vide T.O letter Dt. 19.04.2021 & 16.11.2021 to issue the show cause notice under section 5 of E(P)A Act to the units as suggested by joint committee to impose Environmental Compensation and the show cause notice to the units in this regard are yet to be issued by the Board”.

Hence the joint committee decided to carry out the compliance verification of industries which are inspected earlier as per Hon’ble Tribunal order dated 21.01.2021 and 03.02.2021.

Request for seeking Time for submission of Committee Report:

Due to the current prevailing climatic condition, joint committee not able to carry out the inspection of industries. *Considering the situation, joint committee please the Hon’ble Tribunal to grant further two months time for submission of the industries inspection report.*

R. Sridhar
Scientist D
MoEF&CC, RO - Chennai

R. Rajkumar
Scientist D
CPCB, RD – Chennai

S. Rajan
Joint Chief Environmental
Engineer (M)
TNPCB Vellore

M. A Mohamed Ghani
Joint Director of Industrial
Safety & Health I Division
Vellore

V. Mohan
Executive Engineer
Ground Water Department
Vellore

G. Kalai Selvi
Project Officer
SIPCOT, Ranipet

Er. Muthaiya
SE, WRD
Pennaiyar Basin Circle
Tiruvanammalai

R. Poongodi
RDO
Ranipet

TCCL LIMITED, RANIPET.

Tamilnadu Chromates & Chemicals Limited (TCC) is a TIDCO Joint Sector Company promoted during 1972 in association with Thiru K.K. Mohiadeen for implementing the project for the manufacture of Basic Chromium Sulphate, etc. at Ranipet. Subsequently, the Promoters Agreement with Thiru K.K. Mohiadeen was terminated as he could not bring his equity contribution for project implementation. Thereafter, the Company was being managed by TIDCO through its nominee directors till Jan. 1989 except for initial two years period of operation. During 1988, TIDCO had disinvested its entire shareholding in TCC in favour of Thiru C.V. Sridhar, who was appointed as CMD of TCC with effect from 26.01.1989. Subsequently, Thiru Sridhar sold TCC to Thiru Ashok Balasubramanian son of Thiru Balasubramanian (Reliance). It is learnt that the plant could not be operated after 1995-96 as TNPCB issued notice to stop production until the solid wastage is disposed of.

- 2) During 1996, based on the petition filed by TCC and Ashok Balasubramanian, High Court directed TNPCB to submit a report on clearing the Solid Waste, in response to the criminal prosecution initiated by the TNPCB against the management of TCC.
- 3) As per the Report submitted by TNPCB, the solid waste was dumped in an area of 3.25 hectares with the height of about 3.5 Metre. The huge solid waste has affected the ground water.
- 4) After having heard the views of the then management of TCC and TNPCB, the High Court passed orders on 17.11.2003 interalia that TNPCB has to issue notice to all the managements, right from the inception and then hold an enquiry and fix the extent of liability, having regard to the period of manufacturing process and the solid waste accumulated during the said period and the total amount needed for treating the said solid waste and apportioning

the said liability according to the period of working by the respective managements and the solid waste generated out of the said work.

5) This exercise should be made within a period of six months from the date of receipt of this order. It is seen that the TNPCB received the orders on 16.04.2004.

6) TNPCB provided a copy of the High Court order dated 17.11.2003 to TIDCO during December. Based on the orders of the High Court, TNPCB informed TIDCO in their letter dated 8.10.2004 that as per provision of Section 9(3) of the Environment (Protection) Act 1986. TIDCO shall share the proportionate cost of the study and the cost involved for implementing the short term measures for containment of contamination due to ~~leachate~~^{leachate} arising from the dump as well as the long term measure for remedying the contaminated site and its surroundings. The proportionate cost would be worked out by TNPCB based on the quantity of waste disposed by TCC when it functioned as a joint sector unit between October 1975 to 1989 and TIDCO shall remit its proportionate share accordingly. The estimate of TIDCO's liability is likely to be in a few crores of rupees for permanent measures suggested by TNPCB.

7) TNPCB in its proceedings dated 19.09.2005 issued Show-cause Notice directing TIDCO to explain why penal action under Section 5 of the Environment (Protection) Act, 1986 as amended should not be initiated against TIDCO as previous operator of TCC for the damage being caused to be environment due to the storage of Chromium containing solid waste in an unscientific manner and thereby contravening the provisions of Hazardous Waste (M&H) rules 1989 as amended and also as to why levying of fine should not be imposed. TNPCB also directed TIDCO to comply the direction of Supreme Court Monitoring

Committee to cover the waste pile containing chromium within the premises of TCC with Polythene sheets of required thickness before monsoon to avoid rain water entry into the waste pile/ leachate generation. TNPCB directed TIDCO to cap waste pile immediately and report within 15 days.

8) The Chairman incharge of TNPCB also sent a letter to Secretary to Government, Industries Department stating that 1.52 lakhs tonnes (out of 2.27 lakhs tonnes of Chrome sludge) was generated during 1975 to 1988 when the management was with TIDCO and the balance 0.75 lakhs tonnes was generated when the management was with others namely Thiru C.V. Sridhar and Thiru Ashok Balasubramaniam. As major portion of the wastage was generated (67%) during TIDCO's tenure, the Chairman, TNPCB requested Govt. to initiate necessary action in this regard. It is learnt that TNPCB has engaged NEERI to carry out the study and to furnish the rehabilitation and remediation of chrome contaminated site. NEERI had suggested that the dump site needs to be immediately covered with a temporary impervious liner. The future course of action include covering the waste dump with HDPE sheets, constructions of slurry wall all around the dump site upto the depth of 20 M (app.) from ground level and construction of storm water drain and leachate collection wells, providing full fledged treatment plant of adequate capacity for treating the leachate, selection of appropriate remediation technology among chemical treatment, solidification & stabilization, developing secured landfill and bio-remediation based on the treatment cost and efficiency of the system and finally remediation of chromium waste, soil and surface/ ground water with the selected technology.

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9) In this connection, Chairman i/c., TNPCB has suggested that the matter may be referred to Chief Secretary by the Secretary to Govt., Industries Department for resolving the issue by convening a joint meeting with Industries Department, Environment and Forest Department, TNPCB, SIPCOT and TIDCO. It was learnt that in the file circulated from Environment and Forest Department, the then Chief Secretary suggested to settle the issue among the concerned Departments.

10) Subsequently TNPCB went ahead to initiate proceedings to pass orders against TIDCO and others to take immediate arrangements. The Environment (Protection) Act 1986 was enacted in 1986 and came into effect from 1989. During the period of operation of the said enactment, TIDCO was not in the management of the company. This apart, in the proceedings before High Court, TIDCO was not a party. TIDCO was not put to Notice of the said proceedings. TIDCO came to know of the aforesaid facts and orders of High Court in W.P. No. 7299 of 1995 dated 17.11.2003 only on receipt of references from TNPCB. The above position was informed to TNPCB and the TNPCB informed their inability to help TIDCO and informally advised to move the High Court to get any relief if TIDCO chooses. The above position was placed before the Board of Directors of TIDCO for taking decision as to further action to be taken by TIDCO and based on the advice, TIDCO filed a petition before the High Court. The First Bench after hearing the views of TIDCO and TNPCB passed interim order restraining TNPCB from taking any further action against TIDCO until further orders.

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- 11) Supreme Court Monitoring Committee in their recent visit to Tamilnadu on 5.9.2005, has emphasized that chromium contaminated site warrants immediate action and since the Polluter is a State Government entity, an action plan has to be evolved by TIDCO and the matter be referred to the Chief Secretary for resolving the issue by convening a joint meeting of Industries Department, Environment & Forests Department, Tamilnadu Pollution Control Board, SIPCOT and TIDCO.
- 12) A meeting has been arranged by Chief Secretary and Secretaries, Finance, Industries and Environment and Forest Department, CMD TIDCO and SIPCOT, Chairman, TNPCB on 9.11.2006 in connection with the pollution problem due to solid waste dumped at the site of TCCL. The Chairman, TNPCB informed that NEERI had suggested short term measures to cover the dump site with a temporary impervious liner and also suggested the procedure for covering the waste dump. NEERI is also preparing report on the appropriate long term remediation measures. As the cost of long term measures is likely to be substantial, TNPCB is exploring the possibilities of getting assistance from multilateral institutions like World Bank. The Chief Engineer, TNPCB informed that NEERI had given proposal as a part of short term measures, for construction of slurry wall all around the dump site upto a depth of 20M ground level and also for covering the dump site with temporary impervious liners. The estimate for undertaking the temporary measure is expected around Rs.80.00 lakhs and the cost for long term measures is expected to be around Rs.100-200 crores.

13) It was noted that the plant has been closed for last 10 years. The Secretary, Industries pointed out the urgency of implementing remedial measures.

14) After detailed discussion, the Chief Secretary felt that pending NEERI report and also pending decision in the case before High Court, possibilities of adopting economical measures including construction of concrete platform covered with walls on all sides with suitable height for a suitable area in the unaffected area of the land within the premises of TCCL to accommodate the entire waste dump, may be explored. Agencies/experts in construction may be requested to give suitable options/specifications with cost estimate.

15) It was also decided that on behalf of Government, TIDCO may identify agencies to give detailed engineering report including cost estimate for taking appropriate short term remedial measures as suggested by the Chief Secretary without further delay. Simultaneously, TIDCO may also get expert advice for alternate use of the Chromium Waste. TIDCO may send proposals to Government and such assistance could be considered as a special case. TIDCO was requested to send a report to the Government in 2 to 3 weeks.

16) TNPCB may issue notice to Thiru Ashok Balsubramaniam, the present promoter to take necessary action for removal/covering the waste dump within 30 days from the date of notice.

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17) Simultaneously SIPCOT may also take action to issue a notice to remove the building which is in a dilapidated condition and dangerous to the public. If the owner does not come forward to demolish the building within a period of one month, SIPCOT may examine the possibility of removing the building at the cost and risk of the owner.

18) Based on the above, SIPCOT has issued notice on 30.12.2006 to the Directors of the companies as the company was closed for more than ten years. In the notice SIPCOT has informed that their factory building is in a dilapidated condition and dangerous to the public. Demolition is the only alternative available to protect public interest and properties./ Therefore, they are advised to demolish and remove the debris within two weeks from the date of receipt of this notice failing which SIPCOT is at liberty to proceed with the demolition work at their cost and at their risk and further informed that the matter is most urgent. A report on the compliance should be immediately submitted to SIPCOT.

19) The notices were returned. The undelivered notices were affixed in the premises of Tamilnadu Chromates and Chemicals Ltd. Thiru S.Subramaniam Balaji, (the authorized representative of the company Directors viz., Mr.Sanjay Shah, Hirala, Mr. Y.S.Rawat and Mr. R.Baskar) has requested not to take any action and wait for the court orders. They are sure that programme for cleaning of the site will automatically emerge as a result of the court's orders. Further requested not to take any action till the issue of pollution control measures are settled.

20) Subsequently, the meeting was held at Chief Secretary's Conference Hall on 23.3.2007 on the presentation of Mahindra Acres consulting Engineers Limited on the containment facility at the site of Tamilnadu Chromates and Chemicals Ltd, SIPCOT Industrial Complex, Ranipet.

21) The representatives of MACEL made a presentation on two options for building the containment facility. Specifications for Option -A include walls on four sides and without for Option-B. Though Option B is of lower cost, the representatives of MACEL preferred Option - A as it has several additional safeguards.

22) Chief Secretary felt that if the chromium sludge stored in an unutilized area of about 12 acres upto the height of 4 meters from the ground level, the open space could not be used and therefore suggested a modification of Option -A (i.e) Confinement of the entire sludge below the ground level. This may be called as Option-C. After discussion, it was agreed that the unused area of 12 acres could be excavated upto a depth of 4 meters from the ground level and the chromium sludge could be dumped after building concrete base as per Option 'A' Specification. The top layer can be properly covered so that the top portion could be used either as park, playground, parking area etc., The representatives of MACEL informed that this method of containment is internationally accepted and

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estimated additional expenditure to the extent of about Rs.2 crores for excavation to the level of 4 meter depth and partial recovery of this cost by selling the excavated soil. The total cost for the entire containment process is estimated at Rs.16 Crores.

After discussion it was decided as follows :

- i) The proposed specification for containment facilities may be referred to an Institution like Centre for Environment studies, Anna University, for their report, as NEERI may take a long time to give their report. TNPCB may arrange to get the new specification (Option-C) vetted by Anna University and then (in view of the pending case) file an affidavit before Madras High Court for orders before implementation.
- ii) TIDCO may send necessary proposals to Government for sanctioning financial assistance for implementation of the proposed containment facilities under Option 'C'.
- iii) After getting the sanction from the Government and after High Court orders, tender be invited by TIDCO for building the containment facilities and also for engaging owner's engineers for monitoring the execution and certification for payment of bills.
- iv) MACEL may be engaged for preparing the tender documents including bill of quantities.

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v) The action proposed above is without prejudice to the rights of the Agencies (i.e TIDCO/SIPCOT) involved in the case pending before the High Court.

vi) SIPCOT may also initiate necessary action for demolishing the building by canceling the lease deed given to Tamilnadu Chromates and Chemicals Ltd (TCCL) after giving a legal notice to TCCL.

vii) TNPCB and TIDCO may continue to take further action with the private promoters of TCCL for recovering the expenses based on the orders of the High Court.

As per the direction of Government, the cancellation order was issued on 24.07.2007 to the Directors of the company viz., Mr.Sanjay Shah Hiralal, Mr.R.Bhaskar, Mr.Y.S Rawat and Mr.S.Subramanian Balaji (Authorized representative of Mr. Sanjay Shah Hiralal, Mr.R.Bhaskar, Mr.Y.S Rawat) on the ground that the company has failed to observe the conditions of the allotment order/lease deed. which amounts to non-observance and breach of the conditions of lease deed. Hence, they were requested to rectify the above defaults within 90 days from the date of receipt of this letter failing which SIPCOT will cancel the allotment and then proceed to resume the plot under TNPPE Act.

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Now one of the directors of the company Thiru R. Bhaskar filed a writ petition (WP. No. 31626/07) at High Court Madras stating that the cancellation order has been issued only to the Director and not to the company. Since, the company is aggrieved person, is filing the writ petition. SIPCOT has filed counter petition on 16.07.11. The company is having arrears of Rs.33.35 Lakhs as on 31.10.08. It is noted that the possession of the company has been taken by Indian Bank, ARM Branch, Chennai 8 under SURFEASI Act. We have informed our dues position to Indian Bank on 07.11.08.