

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE AT
CHENNAI
(UNDER S.14 R/W S.18 OF THE NATIONAL GREEN TRIBUNAL ACT)
APPLICATION. NO. 84 OF 2023

In the matter of:

Shri. S.P. SurendranathKarthik,
S/o. K.R.Subramanian,
No-9, Lake View Street,
Iyappa Nagar, Madipakkam,
Chennai - 600091.

...Applicant

-Vs-

1. The Managing Director,
Tamilnadu Co-operative Milk Producer's Federation Ltd.,
AavinIllam,
Madhavaram Milk Colony,
Chennai - 600 051.

2. District Environment Engineer,
Tamilnadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai - 600 032.

... Respondents

REPORT(COUNTER) FILED BY THE 1STRESPONDENT

I, Dr.S.Vineeth, S/o.K.SukumaraPillai, aged 40 years, holding the post of Managing Director, Tamil Nadu Co-Operative Milk Producers' Federation Limited., having Office now at Tamil Nadu Co-Operative Milk Producers' Federation Limited, AavinIllam, No.3, Chamiers Road, Nandanam, Chennai-600 035, do hereby solemnly affirm and sincerely state as follows:-

1. I submit that I am the 1stRespondent herein and as such I am well acquainted with the facts and circumstances of the case from the available records in our Office. I have read the Affidavit filed by the

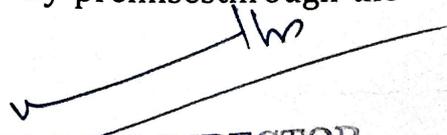

MANAGING DIRECTOR
TCMPF Ltd, Aavin Illam,
No. 3 A, Pasumpon Muthuramalingam Salai,
Nandanam, Chennai-600 035.

Applicant in support of the above Application and I deny all the allegations contained therein except those that are specially admitted herein.

2. I humbly submit that The Tamilnadu Co-operative Milk Producers' Federation Limited (TCMPF Ltd.) is a co-operative institution registered under the Tamilnadu Co-operative Act and functioning similar to Anand pattern i.e. three tier system. The objective of the Federation is to promote the economic development of the farming community by procurement of milk from villages, processing of milk and manufacturing of milk products.
3. I submit that the major activities are transporting, receiving, processing, packing and marketing of milk from Dairies situated at Madhavaram, Ambattur and Sholinganallur.
4. I submit that from the above said three Milk Metro Dairies, 14 lakhs Liters of milk (average per day) is processed, packed and supplied to Metro Marketing for sales around the Chennai City.
5. I submit that since, it is an essential service sector and we are running the plant for twenty four hours per day. Due to continuous process the accumulation of the plastic scrap percentage is very high.
6. I submit that during 2018, the Managing Director, Aavin illam, Madhavaram has shifted to Nandanam due to some administrative reasons. Now the Applicant has sent a representation dated:05.04.2023 addressed to Madhavaram milk colony. However after receiving private notice from the Applicant we tried to trace that representation, but No such letter has been received by the management to our Knowledge. Further the management has no intention to avoid or neglect any representation of the Applicant.
7. I submit that based on the direction of the National Green Tribunal, Southern Zone, the District Environmental Engineer, Tamilnadu Pollution Control Board, Ambattur has inspected on 17.07.2023.


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8. I submit that as per the instruction of the M/s. TNPCB, the EPR registration for Ambattur Dairy will be carryout within the 60 days.
9. I submit that we wish to inform that, the Hon'ble National Green Tribunal has directed the 1st respondent ie the Managing Director, TCMPF Ltd., to adhere the undertaking and various orders of the tribunal in Application No.172 of 2015, dated: 10.02.2016 and the successful bidder M/s.Chitra Plastics, Salem has lifted the entire plastic waste scraps on 18.02.2016 from the Metro Dairies.
- 10.I submit that each Dairy unit maintains closed scrap yard shed and the Ambattur Dairy had closed scrap yard size of 4500 sq.ft. and each type of scraps like poly films, Plastic waste, metal waste etc., are segregated and stored separately inside the scrap yard. Due to certain reasons after reaching the maximum capacity of the closed shed we stored the film wastes in outside of the shed (inside of our factories premises only).
11. I humbly submit that as per the Plastic Waste Management Rules, 2016, the TCMPF Ltd., has passed a proceedings Ref.No:Na.Ka.No.1160/N3/Mkg./2019, dated:14.03.2019, for collecting back the empty milk plastic sachet from the customers by paying 10 paisa for each empty covers. And the same was collected from the Zonal officers offering 10 paisa for each empty covers.
- 12.I submit that as per the Plastic Waste Management Rules, 2016, the TCMPF Ltd., has disposed the scrap and used poly sachets, film scraps, etc., through M/s. Metal steel trade corporation Ltd., and M/s. National Co-operative Dairy Federation of India Ltd., (NCDF) by the way of e-auction sales portal.
13. I submit that as per the instruction of the Managing Director a special committee was constituted to assess and dispose the dumped plastic waste and other waste material inside the Ambattur Dairy premises through the MSTC and NCDFI.


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- 14.I submit that the internal committee has inspected the waste dumping area and analyzed the certain factors and approved to dispose the available used poly sachet and other scraps through the MSTC and NCDFI. The same was communicated to through the Deputy General Manager (Dg.), Ambattur Dairy on 27.07.2023 and 18.08.2023 along with the scrap details.
15. I submit that the MSTC and NCDFI will not compliance e-auction in short notice, because vendors came from all over India, hence they will give minimum 15 days time to schedule the e-auction as per their norms.
- 16.I submit that The Deputy General Manager (Engg) who is the responsible person to conduct the e-auction has sent a separate letters to both MSTC and NCDFI on 09.08.2023 and 18.08.2023 requesting to conduct the e-auction for the scraps which is available in Ambattur Dairy premises.
- 17.I submit that based on our request, the NCDFI has processed the e-auction procedures and conducted the e-auction on 25.08.2023 and 28.08.2023 through their website.
- 18.I submit that further, the MSTC is also processed the e-auction procedures and conducted the e-auction on 25.08.2023 and 30.08.2023 through their website.
- 19.I submit that after obtaining the H1(Highest) rates from the both MSTC and NCDFI the file will be processed to get the approval from the competent authority based on the orders the DGM(Engg.) will issue the delivery orders to H1 bidders.
- 20.I submit that this is the prompt action facilitated for disposal of the above said scraps accumulated at Ambattur Dairy premises and shall ensure strict compliance of the above process which will avoid/eliminate piling of scraps.
21. I submit that further we enclose herewith copy of the statement of scrap sales details through M/s.MSTC/NCDFI at Ambattur Dairy from 09.08.20123 to 18.08.2023.


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22. I submit that after the above process, the TCMPF Ltd., will try to store all the plastic and film waste inside the closed scrap yard.
23. It is further submitted that, the TCMPF Ltd., has the tender condition that, the successful bidder has to give an undertaking in INR.100/- non judicial stamp paper that the materials are disposed off in such a way that the waste poly film covers removed are recycled for further use without causing any danger to the environment. Participant should be authorized plastic waste recycler the kind of plastic which is being generated by TCMPF Ltd., such participating tenderer must have sufficient capacity for recycling the quantum of used poly sachets-LDPE.
24. I humbly submitted that, no wastes are dumped outside of the factory. All the wastes are strictly dumping only inside the factory premises.
25. I submit that it is also assured that, hereafter; we will never dump the plastic waste in open area of the Dairy premises.
26. I submit that the plastic waste accumulated inside the Dairy campus will be disposed within 45 days. The disposals are carryout through the government portals of MSTC and NCDFI. Hereafter, it is ensured that the accumulated plastic waste will be disposed by every 15 days to avoid huge accumulation in future.
27. I submit that, this Respondent is in compliance of all the environmental norms for waste disposal and if there has been any infraction thereof, it has been unintentional and this Respondent had responded to all the queries raised by the 2nd Respondent which had also filed it's earlier Inspection Report.


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28.This Respondent had submitted its Action taken Report as under :

S.No	Type of plastic Waste	Place of utilization and waste generation	Present accumulated quantity in Kgs	Last disposed quantity with date	Waste disposer name, Registration.No. and Consent Order	Area of Accumulation	Action plan for disposal
1	Used Poly Sachet	Pouch filling Section	48210Kg	14.06.2023 -5060kg	M/s. 3 Son Enterprises, Villupuram, CCO No.W-315349	Scrap Yard in front of General Stores	Tender file under process. It will be dispatched within 45days
2	Butter Carton and SMP Poly Laminated Paper Bags	Pouch filling Section & Milk reconstitution	3000 kg	20.09.2022 -1580 kg	M/s. Source Enterprises, Chennai	Scrap Yard in front of General Stores	Tender file under process. It will be dispatched within 45days
3	Used tanker broken metal seal	Milk tanker doors	178 kg	21.09.2022 -230 kg	M/s. Sakthi Scraps, Chennai	Scrap Yard in front of General Stores	Tender file under process. It will be dispatched within 45days
4	Broken Tubs	Pouch filling Section	10000 kg	21.07.2023 -4000 kg	M/s. Benny Plastics, Chennai	Scrap Yard in front of General Stores	Tender file under process. It will be dispatched within 45days
5	Slushy garbage, Semi composed poly films, Semi composed	Mixed waste from all sections	90530 kg	22.06.2023 - 5160 kg	M/s. Waste Pro recycling, Hapur, Uttar	Scrap Yard in front of General Stores	Already order issued for 40,000 kg, it will be


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SMP bags mixed with mud, Leach mixed poly film dairy garbage deteriorated condition mud and sand, etc.,				Pradesh, CCO.No. 106572 94 /Water		dispatched within 15 days
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29. The details of present status of the above Tender process, is the tenderers have paid 25% of the value on 25.08.2023 and the remaining payment of 75% of the value is due, after payment of the same the delivery order will be issued to them, following which the tenderers would remove the stored waste materials within 30 days from the date of delivery order.

30. I submit that we will assure that the plastic waste deposited in open area of the factory premises will be removed by the way of e-auction on or before 27.10.2023.

31. This Respondent seeks liberty to file a more detailed Counter Affidavit, if necessary so that the above matter can be more effectively disposed off.

For all the above reasons it is humbly prayed that this Hon`ble High Court may be pleased to Complete/Dispose this proceedings and thus render justice.

Solemnly affirmed at Chennai }
this the 25th day of September, 2023 }
and signed his name in my presence. }


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BEFORE ME


MS 1168/08
(G. SUBRAMANI)
ADVOCATE: CHENNAI Advocate,
338, New Addl Law -
- chambers.
CH-104.

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Another

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**REPORT (COUNTER) FILED BY
THE 1ST RESPONDENT**

**M/s. I.JOHN AROCKIADAS
COUNSEL FOR 1ST RESPONDENT**