

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

Original Application No.209 of 2021 (SZ)

S. Lathika,
W/o. Vijilal,
Devicode, Kuracode,
Vilavancode Taluk, Cheruvallur Post,
Kanyakumari District – 629152.

...Applicant

Vs

The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
No. 76, Mount Road, Guindy,
Chennai, Tamil Nadu - 600 032 & 3 others.

...Respondents

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

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

Original Application No.209 of 2021 (SZ)

S. Lathika,
W/o. Vijilal,
Arsha Bhavan, Thazhmana Vilagam,
Devicode, Kuracode, Vilavancode Taluk,
Cheruvallur Post,
Kanyakumari District – 629152.

...Applicant

Vs

1. The Chairman,
Tamil Nadu Pollution Control Board,
No. 76, Mount Road, Guindy,
Chennai- 600 032.
2. The District Collector,
Kanyakumari District,
Nagercoil – 629 001.
3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board
No.318/46A, Water Tank Road,
Nagercoil – 629 001.
4. M/s. S.S. Cashewnut Factory,
Rep. by its proprietor N. Siddique,
Thazhmana Vilagam, Devicode,
Kuracode, Vilavancode Taluk,
Cheruvallur Post,
Kanyakumari District – 629152.

...Respondents

REPORT FILED ON BEHALF OF THE 1ST & 3RD RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD

I, R. Rajamanickam , S/o. P.M. Ramasamy, Hindu, aged about 57 years, having my office at No. 76, Mount Salai, Guindy, Chennai - 600032, do hereby solemnly affirm and sincerely state as follows:-


27/11/2024

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI 600 032

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 1st & 3rd Respondents Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the applicant Tmt. S.Lathika, had filed this application before the Hon'ble NGT (SZ), Chennai with a prayer to grant permanent injunction restraining the respondent from running an illegal unauthorized highly polluting cashew nut factory in the name and style of M/s. S.S. Cashew nut factory at Old Survey No. 4126 in R.S. No. 26/6, Devicode Village, Thazhmana Vilagam, Karacode, Cheruvallloor Post, Vilavancode Taluk, Kanyakumari District and to direct the respondents to initiate appropriate action against the unit for violating the provisions of the Environmental Protection Act, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

3. It is respectfully submitted that Consent to Operate was issued to the unit of M/s. S.S.Cashews, S.F. NO. 26/6 (P), Devicode Village, Vilavancode Taluk, Kanyakumari district vide Proc. No. F.0794NGL/ OS/ DEE/ TNPCB / NGL / W / 2017 Dated 13/12/2017 under the Water (Prevention and Control of Pollution) Act, 1974 and vide Proc. No. F.0794NGL/ OS/ DEE/ TNPCB / NGL / A / 2017 Dated 13/12/2017 under Air (Prevention and Control of Pollution) Act, 1981 valid upto 31.03.2022 subject to the conditions as stated therein for the following:

Product: Cashew Kernals – 4 T/M

Effluent Discharge: Sewage – 1.0 KLD (On industry's own land)


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Trade Effluent – 0.02 (Solar Evaporation Pan)

Emission: 1. Boiler – Stack with height of 18 m from ground level

2. Borma – Stack with height of 18 m from ground level

4. It is respectfully submitted that earlier a complaint petition dated 30.09.2019 was received from the applicant Tmt. Lathika.S, Kanyakumari District stating that the smoke emanating from the unit causes health issues to them. In this regard, the complainant was addressed vide DEE, TNPCB, Nagercoil Letter No. F.NGL – 06 (239) / 2019 dated 10.02.2020 stating that the unit was inspected on 06.02.2020 and it was noticed that the boiled cashews were brought from Kerala and the cashew nut shells were cut and then heated using electrical bormah to remove the testa. Finally, the cashew kernals were sent back to Kerala. Also the unit was instructed not to utilize cashew nut shell as fuel and to comply with the conditions imposed in the CTO order dated 13.12.2017.

Also, a complaint petition dated 04.11.2020 was received from Tmt. Lathika.S, Kanyakumari District stating that the smoke emanating from the unit causes health issues to them and the complainant was addressed vide DEE, TNPCB, Nagercoil Letter No. F.NGL – 06 (239) / 2019 dated 26.03.2021.

5. It is respectfully submitted that the Hon'ble NGT (SZ), Chennai vide its order dated 28.09.2021 had directed as follows:

"Para 8: We had direct the District Collector, Kanyakumari

District or his nominee not below the rank of Assistant Collector


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and also the District Environmental Engineer (DEE), Tamilnadu Pollution Control Board, Kanyakumari District to inspect the unit in question and to file their independent factual as well as action taken report if there is any violation found.

Para 9: They are directed to ascertain as to:

- i) Whether such type of factories are permissible in a residential area,
- ii) Whether the 6th respondent had obtained necessary clearance / permission, if any, required under the environmental laws,
- iii) If they had obtained necessary permission / clearance, then, whether they have committed any violations of the conditions imposed and if so, the nature of violations and the remedial measures to be taken for rectifying the same,
- iv) Whether the pollution control mechanism provided by the 6th respondent are sufficient to avoid pollution being caused, and if not, what are the further up-gradations will have to be provided by them to make this an environment compliant unit to avoid compliant of pollution being caused,
- v) Whether the 6th respondent is operating their unit day and night causing hardships to the people in that locality.
- vi) The Pollution Control Board is directed to ascertain the sound pollution that is said to have been caused, on account of the operation of the 6th respondent unit and if it exceeds the limit provided, then, what is the remedial measures to be taken by the 6th respondent to abate the sound pollution that is likely to be caused on account of their operation.
- vii) If there is any violation committed, the Pollution Control Board is directed to ascertain the damage caused to the environment and assess the environment compensation,

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on the basis of the guidelines given by the Central Pollution Control Board (CPCB) in this regard and as directed by the Principal Bench of National Green Tribunal as well this Tribunal in matters of the similar nature.”

In view of the above, the DEE, TNPCB, Nagercoil vide letter dated 29.10.2021 has requested the Deputy Chief Scientific Officer, Advanced Environmental Laboratory, Tirunelveli to carry out an Ambient Air Quality and Ambient Noise Level Survey at M/s S & S Cashews, S.F. No. 26/6 (P), Devicode Village, Vilavancode Taluk, Kanniyakumari District and furnish the Report of Analysis at the earliest so as assess the dust pollution due to operation of the unit. The survey will be carried out soon.

6. It is further submitted that the respondent unit was inspected by the Assistant Environmental Engineer, TNPCB, Nagercoil on 26.10.2021. During inspection he following were observed:

- i. The unit was in operation.
- ii. The unit is engaged in the manufacture of Cashew Kernals by boiling of raw cashew nuts. The manufacturing process involves boiling, cutting, bormah, peeling, grading and packing of cashew nuts.
- iii. The unit has installed 1 No. of boiler with 2 cookers and has provided stack to the boiler.
- iv. The unit has provided the compound wall on all its sides. Also, the unit has provided tin sheet of height 10 ft above the compound wall along the petitioner's residence.
- v. The unit has provided 12 nos. of cutting machines which are operated manually, 1 no. of peeling machine and 1 no. of fully electrical bormah.


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vi. The petitioner's residence is located adjacent to the unit.

vii. The unit was utilising firewood as fuel in the boiler.

viii. The unit informed that the cashew nut shell is sent to M/s Annai Traders, Unnamalaikadai, Eraviputhoorkadai, Kanniyakumari District for further beneficial use such as for extraction of cashew nut shell oil. The unit has maintained necessary records for the same.

ix. The unit also informed that boiling activity is being carried out for 2 hours in the early morning from 4 am to 6 am and the other activities such as cutting, bormah, peeling etc. were being carried out manually from 6.30 am to 6.30 pm.

Based on the observations, the following are concluded:

- i. No citing criteria exists in respect of establishment of cashew nut industries. Further, the unit's S.F.No.26/6 is under non-planned area as per DTCP letter dated 26.08.2013. However, cashew nut industries engaged in processing of raw cashew nut by roasting method only emanates dense smoke around for which wet scrubber system is being adopted as pollution control mechanism to avoid air pollution and to mitigate public complaint. Moreover, all roasting process cashew nut units in Kanyakumari District are being insisted either to provide wet scrubber or to switch over to Boiling (Cooking) process to curtail smoky emission. Whereas, this unit involves only cooking process. So dust emission from the unit is not significant.
- ii. The unit has obtained consent to Operate was issued to the unit of M/s. S & S Cashews, S.F. NO. 26/6 (P),


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Devicode Village, Vilavancode Taluk, Kanyakumari District vide Proc.dated 13/12/2017 under Water (Prevention and Control of Pollution) Act, 1974 and under Air (Prevention and Control of Pollution) Act, 1981 valid upto 31.03.2022 subject to the conditions as stated therein.

- iii. The unit is in operation with valid consent of the board.
- iv. No violation is noticed on the compliance of consent of Board issued to the unit.
- v. The unit has provided stack of adequate height to vent out emission from boiler & heating (Bormah) process. Also, the unit has used only firewood as fuel.
- vi. The unit is being run from 06.30 AM to 06.30 PM.
- vii. No violation with respect to the compliance of consent condition is committed by the unit.

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 circumstances of this case and thus render justice.


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

BEFORE ME

VERIFICATION

I, R.Rajamanickam, S/o P.M.Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
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CONTROL BOARD**

**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date: 27.11.2021.

Date of hearing on:29.112021

