

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No.44 of 2023 (SZ)

Rajesh Khanna,
S/o. Chandrababu,
No.1/65, South Street,
Kaverirajapuram,
Thiruvallur,
Tamil Nadu – 631 210.

...Applicant

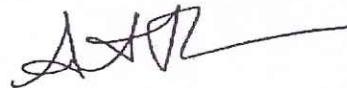
Vs

1. The District Collector,
Thiruvallur District,
Thiruvallur – 602 001 & 5 others.

...Respondents

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

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Thiruvallur, Tamil Nadu – 631 210

...Applicant

Vs

1. The District Collector,
Thiruvallur District,
Thiruvallur – 602 001.
2. Tamil Nadu Pollution Control Board
Rep. by its Chairman
No.76, Mount Salai
Guindy, Chennai – 600 032.
3. The District Environmental Engineer, Tiruvallur District
Rep. by its Environmental Engineer
Tamil Nadu Pollution Control Board,
Master Plan Complex, Tiruvallur-602 001.
4. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu-NadarasanMaaligai
Egmore, Chennai – 600 008.
5. The Block Development Officer
Rep. by its Panchayat Officer
Thiruvallur Panchayat Union
Thiruthani Taluk, Thiruvallur
6. D.Murugavel,
S/o. Dhanapal,
Proprietor J.M.Construction and Contractors
Kaverirajapuram Village,
Tiruttani Taluk,
Tiruvallur District-631 209

...Respondents

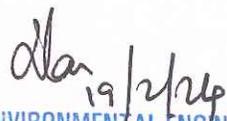
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19/2/24
**JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.**

**ADDITIONAL REPORT FILED ON BEHALF OF THE 2ND AND 3RD
RESPONDENTS -TAMIL NADU POLLUTION CONTROL BOARD.**

I, R.Sarasavani, D/o. J. Raghavan, aged about 58 years, having my office at 76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board (TNPCB), Chennai -600 032, and filing this Report on behalf of the 2nd and 3rd Respondents in Tamil Nadu Pollution Control Board (TNPCB) and as such I am well acquainted with the facts of the case from the records.
2. It is respectfully submitted that as per the order dated 19.9.2023 by the Hon'ble National Green Tribunal, that directed the State Pollution Control Board to file an additional report as to the environmental compensation payable by the 6th respondent and the reason for not collecting the same before issuance of the consent.
3. It is respectfully submitted that the report which is filed on 18.8.2023 may be taken as part and parcel of this report.
4. It is respectfully submitted that as per the "Report of the CPCB In-house Committee on Guidelines for Methodology for Assessing Environmental Compensation" under Chapter 1 - Environment Compensation to be levied on Industrial Units, the following cases are considered for levying Environmental Compensation (EC):
 - a) Discharges in violation of consent conditions, mainly prescribed standards/ consent limits.
 - b) Not complying with the directions issued, such as direction for closure due to non-installation of Online Continuous Effluent Monitoring System (OCEMS), non-adherence to the action plans submitted etc.
 - c) Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.

JOINT CHIEF ENVIRONMENTAL ENGINEER
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- d) Accidental discharges lasting for short durations resulting into damage to the environment.
- e) Intentional discharges to the environment - land, water and air resulting into acute injury or damage to the environment.
- f) Injection of treated/partially treated/ untreated effluents to ground water.

Further, it is submitted that it was noticed that there is no provision / section under the Water (Prevention and Control of Pollution) Act, 1974 as amended and the Air (Prevention and Control of Pollution) Act, 1981 as amended to levy environmental compensation.

5. It is respectfully submitted that as per the B.P.No.15 dated:07.05.2021, "all the units that have not applied so far but are operating without consent to operate (CTO) shall apply for consents under Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 and remit the consent fee as "Lower of, 6 times the consent fee (5 arrear +1 current) as per the GFA on the date of application (OR) the consent fee applicable from the date of commissioning (as ascertained by EB connection or VAT registration or GST registration date or building plan approval date). If no evidence for the date of commissioning is produced then a rate of 6 times fee (5 arrear fee +1 Current) shall be payable".
6. It is respectfully submitted that the unit M/s. J M Constructions Paver Blocks and Hollow Blocks, S.No.377/1B, 378/3A, Kaverirajapuram Village, Tiruttani Taluk, Tiruvallur District was in operation since 2023 and the consent fee is collected for CTE and CTO from March 2023. Also, Show Cause Notice was issued vide Proceeding dated 19.06.2023 under Water & Air Act, as the unit has started its operation without obtaining necessary consent of Tamil Nadu Pollution Control Board. Further, it is also informed that many industries applied for CTO-direct, levying environmental compensation for each industry is not possible since it is a procedure laps and there is no environmental damages caused.

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 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
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7. It is respectfully submitted that a detailed clarification is submitted below as how the consent was issued / renewal granted if violation noticed, without levying environmental compensation is as follows:
- CTO was issued to the unit M/s. J M Constructions Hot Mix Plant located at S.F. No. 378/2, Kaverirajapuram Village, Tiruttani Taluk, Thiruvallur District vide Proc. No.F.1293TLR / OS / DEE / TNPCB / TLR / A /2019, dated: 11/03/2019 with validity up to 31.03.2020 for the manufacture of Hot Mix - 500 T/day and to generate sewage - 0.2 KLD and trade effluent -1.0 KLD.
 - As the unit has not applied for renewal consent of the Board, Show Cause Notice was issued to the unit vide O/o.DEE, TNPCB, Tiruvallur Proc. dated: 24.01.2023. Then the unit has applied for renewal of consent vide Application No.50342418 dated: 08.02.2023 though online and informed that, the plant was operated intermittently based on the road contract works.
 - As per B.P. No.5, dated: 02.08.2016, the Board has instructed to issue consent to the Red/Orange/Green category industries valid for 5, 10 and 14 years respectively on remittance of total consent fee for the entire period in advance.
 - As per B.P. No.19, dated 03.04.2023, Table-A (Power delegation for issue of consent to establish, consent to operate and renewal consent order) (sl.no.7), renewal of consent was issued to the unit vide Proc.No.F.1293TLR/OS/DEE/TNPCB/TLR/A/2023, dated: 29/04/2023 valid up to 31.03.2033.
8. It is respectfully submitted that as the unit has obtained consent to operate of the Board and applied for renewal of consent with consent fee remitted on 09.10.2019 and as there is no environmental damage caused, consent / renewal is considered based on the merits.

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

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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 circumstance of this case and thus render justice.

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

I, R.Sarasavani, D/o. J.Raghavan, working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, No.76, Mount Salai, Guindy, Chennai-600032, do hereby submit that the contents of the above report are true to the best of my knowledge through records.

dlar 19/2/24
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
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TAMIL NADU POLLUTION CONTROL
BOARD.**

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

Date:20.02.2024.

Date of hearing on:19.03.2024.