

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

Application No. 224 of 2017 Suo Motu (SZ)

Suo Motu Proceedings

Based on the News Paper Report published in

“Dinakaran” Tamil Daily dated 10.10.2017

Dumping of Biomedical waste at Puzhal Lake.

Vs

The Tamil Nadu Pollution Control Board,
No/.76, Mount Salai, Guidy,
Chennai- 600032 & others

... Respondents

INDEX

S.No	Description	Page No.
1.	REPORT FILED ON BEHALF OF THE RESPONDENT - TAMIL NADU POLLUTION CONTROL BOARD	1 - 7

**Filed by
Thiru.C. Kasirajan,
Advocate, Chennai.**

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

Application No. 224 of 2017 Suo Motu (SZ)

Suo Motu Proceedings
Based on the News Paper Report published in
"Dinakaran" Tamil Daily dated 10.10.2017
Dumping of Biomedical waste at Puzhal Lake.

Vs

The Tamil Nadu Pollution Control Board,
No./76, Mount Salai, Guindy,
Chennai- 600032 & others

... Respondents

**REPORT FILED ON BEHALF OF THE RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R.Kannan, son of V. Raghavan, Hindu, aged about 58 years, having office at No.76, Mount Salai, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board and I am filing this Status Report on behalf of the 1st & 2nd Respondents Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the Hon'ble NGT has passed order dated 29.10.2020 and directed inter alia that:

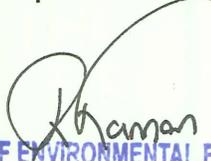
"Para 4:- Though in the report, it was mentioned that an amount of Rs.17, 71,875/- was imposed as environmental compensation against the unit for illegal dumping of medical waste in Puzhal lake against M/s.Rikenbik Pharma, New No.113, (Old No.204), SIDCO Industrial Estate, Ambattur,


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

Chennai, they have not mentioned as to whether any show cause notice has been issued earlier except stating that the letter has been sent on 22.9.2020, directing the unit to remit the environmental compensation. It is also mentioned in the report that in the meeting they have considered the representation of Pharma Industries and directed them to comply with the directions but they have not mentioned as to how many pharma units are there in the industrial area and whether they are having necessary requisite permission and authorisation as required under Bio Medical Waste Management Rules, 2016 and other environmental laws and how they came to understand that M/s. Rikenbik Pharma is responsible for dumping the waste etc in their report.

Para 5:- So the Pollution Control Board is directed to submit a detailed report envisaging these aspects as well showing the number of units and violation if any and what is the proposed action to be taken against those persons for non compliance.”

3. It is respectfully submitted that a news was flashed in the Sun news TV channel on 9.10.2017 evening, regarding illegal dumping of Bio medical waste (discarded medicine) in the Puzhal lake an important drinking water source in Chennai city. The said site was inspected on 9.10.2017 at 9.00 PM and observed that the said waste was removed by the Avadi Municipality on the same day and dumped the same in the Municipality dump site. Meanwhile, News item published in Tamil Daily Newspaper “Dinakaran”, Chennai - city supplement dt. 10.10.2017. under the caption matter of

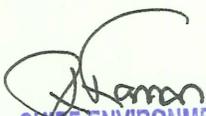

ADDL. CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

"Dumping of Medical Wastes In Puzhal Lake". Subsequently the said area was inspected on 10.10.2017 during the time of inspection one more such dumping was observed. It was also ascertained that discarded medicine of M/s Rikenbik Pharma was largely found in the said heap.

4. It is respectfully submitted that the said unit of M/s Rikenbik Pharma, located at No. 113, SIDCO Industrial Estate, Ambattur, Chennai 600098 was inspected on 10.10.2017. During inspection it was noticed that the unit has established and was in operation without obtaining necessary Consent from the Board under the provisions of the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981. The said unit is a pharmaceutical formulation unit, carrying out manufacturing of tablets, supplying the same to the Tamilnadu Government.

5. It is respectfully submitted that, the Hon'ble NGT in application No 268 of 2016(52) filed by the Korattur Peoples welfare & Awareness Trust directed the Board to take appropriate legal action against the unauthorized units including disconnection of power supply and removal of the units functioning without consent. The above said unit is one among them functioning without valid consent of the Board.

6. It is respectfully submitted that accordingly, Board has issued directions under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 and under section 31A of the Air (P & CP) Act 1981 as amended in 1987 for closure of the industry and stoppage of power supply video Board Proc. No. T4/TNPCB/F


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

026011/AMB/W&A/2017 Dated 13.10.2017. Power supply was disconnected TANGEDCO on 21.10.2017.

7. It is respectfully submitted that, the unit has applied consent from the Board to manufacture Tablets -10,00,000 Nos./Day through online. The said Subject was placed before DLCCC and consent was issued to the unit under the Water (P & 7CP) Act, 1974 and Air (P & CP) Act, 1981 on 11.11.2017 valid up to 31.03.2019.

8. It is further submitted that, in meanwhile the said unit has approached the Avadi Municipality and recovered the said discarded medicine stored in the earmarked place. The Avadi Municipality had also confirmed the same. The unit has then stored the same within the premises. Further the unit has applied and obtained authorization for handling Hazardous waste through online vide Proc dated 17.11.2017. After obtaining authorization, the unit has disposed the solid waste through Common Hazardous waste Treatment, Storage and Disposal Facility M/s. Tamilnadu Waste Management Ltd., at Gummudipoondi on 18.11.2017 in the presence of the officials of the TNPCB.

Meanwhile the unit has requested the Board to revoke the closure direction and to restore the power supply vide letter dt. 20.11.2017. Based on the unit's requests Suspension of closure direction was issued to the unit vide proceeding dated 14.12.2017 up to 31.03.2018.

9. It is respectfully submitted that the unit again requested for revocation of closure direction and restoration of power supply vide its letter dated 15.02.2018 stating that the unit has complied the all the non-


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

compliances noticed in the closure Direction. Subsequently, the revocation of closure order and restoration of power supply was issued to the unit vide Proc dated 20.12.2018 subject to the certain condition conditions

10. It is further submitted that, the Hon'ble NGT (SZ) in its order dated 20.01.2020 has directed the following in Page No. 4 of said order:

'So the Pollution Control Board is directed to submit the present status report, including action taken, which should include the imposition of compensation against violators in accordance with law. That must be done within a period of two months. Pollution Control Board is also directed to ascertain as to whether pharma companies are strictly following the disposal of bio medical waste in accordance with the respective Rules and whether they are having necessary "consent" under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981. If they are not having such "consent", then as directed by this Tribunal, they are at liberty to take action against those persons who are running such units without necessary "consent" and violating the "consent" norms and conditions and submit a report immediately regarding the same to this Tribunal within the above period. Pollution Control Board is at liberty to constitute any expert committee for assessing the compensation, if it has resulted in deterioration of soil and water and also remedial measures to be taken by them to restore the same to its original position. Pollution Control Board shall also mention in the report regarding the present status of the prosecution launched'.


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

11. It is respectfully submitted that, in pursuance to the said Hon'ble NGT order dt.20.01.2020. an Environmental compensation of Rs.17,71,875/- has been levied to the unit of M/s. Rikenbik Pharma, New No.113,Old No.204,SIDCO Industrial Estate, Ambattur, Chennai for the violations caused by the unit vide Proc. dt. 22.09.2020.

12. It is also submitted that there are 5 Nos of Pharmaceutical formulation units operating in and around Ambattur Industrial Estate. All these units have obtained consent of the Board. Out of 5 formulation units 3 have obtained Authorization under Biomedical waste management Rules, 2016 / Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 for disposal of their wastes to authorized Biomedical / Hazardous waste common facility. The remaining 2 units have applied for Authorization under Biomedical waste management Rules, 2016 and applications are under process.

13. It is further submitted that all these Pharmaceutical formulation units have been strictly instructed not to dispose any Bio Medical waste such as discarded medicines and date expired medicines outside premises under any circumstances and to dispose the same only through Common Bio Medical waste treatment facility.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to take this Report on record and pass such further or other orders as this Hon'ble Tribunal may


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

deem fit and proper in the facts and circumstances of this case and thus render justice.


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

VERIFICATION

I, R. Kannan, son of V. Raghavan, working as Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai - 600032, do hereby submit that the contents of the above report are true to the best of my knowledge through records.

Verified at Chennai on this 19th day of March, 2021.


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

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

**Application No. 224 of 2017 Suo Motu
(SZ)**

Suo Motu Proceedings
Based on the News Paper Report
published in "Dinakaran" Tamil Daily dated
10.10.2017 "Dumping of Biomedical waste
at Puzhal Lake".

Vs

The Tamil Nadu Pollution Control Board,
No/.76, Mount Salai, Guidy,
Chennai- 600032 & others

... Respondents

**REPORT FILED ON BEHALF OF THE
RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD**

**Advocate for Respondents:TNPCB
Thiru.C. Kasirajan,
Advocate, Chennai.**

Dated:23.03.2021.

Date of hearing on 22.04.2021.