

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

Original Application No.224 of 2021 (SZ)

1. Meenava Thanthai,
K.R Selvaraj kumar,
Meenavar Nala Sangam.

...Applicant

Versus

The State of Tamil Nadu,
Through the Chief Secretary,
Chennai and Others.

...Respondents

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Advocate for the Respondent: TNPCB

Tr. S. Sai Sathya Jith,

Advocate, Chennai

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**REPORT FILED ON BEHALF OF THE RESPONDENT –
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:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this report on behalf of the Respondent 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 Hon'ble National Green Tribunal (Southern Zone) in its order dated 15.11.2021, has directed ineralia as follows:


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Para 7: The Hon'ble NGT (SZ) has passed an order dated 15.11.2021 in O.A.No.224 of 2021 (SZ) appointing a joint committee consisting of (1) The District Collector, Chennai District, (2) a Senior Officer from State Environment Impact Assessment Authority, Tamilnadu,(SEIAA,TN), (3) a Senior officer from Tamilnadu State Coastal Zone Management Authority (TNSCZMA), Chennai, (4) a senior Officer from Ministry of Environment, Forest and Climate Change (MoEF &CC), Integrated Regional Office, Chennai, and (5) The District Environmental Engineer (DEE), Tamilnadu Pollution Control Board, Chennai District to inspect the area in question and to ascertain the following:

- i. Whether the 5th respondent unit is having necessary Environmental Clearance (EC) or the permissions including for the area in dispute where allegedly, manufacturing activities were extended in a clandestine manner as alleged by the applicant,
- ii. Whether any construction has been made in CRZ- Zone without obtaining any necessary permission under the CRZ Notification,2011 or 2019 whichever is applicable,
- iii. Whether there was any illegal extraction of water by drilling bore wells in the alleged CRZ-Zone without obtaining necessary permission, if the unit is an unauthorized user, then, what is the nature of action taken by them in this regard.


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- iv. *If there is any violation found, what is the nature of action taken by the regulators in respect of the same,*
- v. *Whether any damage has been caused to environment on account of any alleged illegal activities and if so, assess the environmental compensation as directed by this Tribunal including the cost or restoration required for restoring the environment to its original state, apart from assessing compensation for the violations of conditions and environmental laws,*
- vi. *Whether the Hazardous Waste Management Rules, 2016, Hazardous and other wastes (Management and Transboundary Movement) Rules, 2016 which are applicable to that unit are being strictly complied with, if not what is the deficiency found and the action taken on this regard including recommending the methods by which the deficiency can be set right.*

3. It is respectfully submitted that the Hon'ble NGT in its order dated 15.11.2021 has stated that the Tamil Nadu Pollution Control Board (TNPCB) will be the nodal agency for co-ordination and for providing necessary logistics for this purpose. The committee is also directed to submit the report to this Tribunal on or before 17.12.2021.

4. It is respectfully submitted that as per the Hon'ble NGT(SZ) order dt:15.11.2021, letters dated 01.12.2021 have been sent to the above said departments so as to nominate a senior official to form a Joint Committee and to carry out the joint inspection of the unit M/s. M.R.F


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Limited - Tyre Testing Facility and warehouse, Tiruvottiyur so as to submit the report before the Hon'ble NGT (SZ), Chennai. The nomination process is under progress.

5. It is respectfully submitted that, the unit of M/s. MRF Limited, which is a tyre manufacturing unit at S.F.No. 171 pt, 174, 175, ERNAVOOR village, Thiruvottiyur Taluk, Chennai District is in existence since 1946 and obtained consent of the Board and subsequently renewed upto 31.03.2022 for the following :

Product

1. Tyres 4200 MT/Month
2. Flaps & Other rubber products 50 MT/Month
3. Semi finished rubber for supply to other rubber units 300 Mt/Month.

Disposal of

1. Sewage – 220KLD – Onland for gardening, utilization for toilet flushing and recycling to process.
2. Trade Effluent – 110KLD – RO permeate recycled and RO reject disposed in evaporation pans with steam heating coil (ZLD system)
3. Emission through 13 stacks with APC measures.

6. It is respectfully submitted that ,during 2017 the unit had proposed to construct the warehouse for storing raw materials and finished goods at S.F.No.175(part) of Ernavoor Village, S.No.6/1A1 of Tiruvottiyur Village in T.S.No.3,5/1A,5/2A, of Thiruvottiyur, Thiruvottiyur Taluk, Chennai District and obtained planning permission from CMDA vide permit No.11342, letter No.P3/10471/2015, dated 03.04.2017 and


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applied to State Level Environment Impact Assessment Authority(SEIAA)- Tamilnadu for Environmental Clearance(EC) as per EIA Notification 2006.

7. It is respectfully submitted the SEIAA vide Letter No.SEIAA-TN/F.No.6227/2017, dated 21.07.2017 had stated that "as per MoEF Notification No.S.O.3252 (E) dated 22.12.2014, the construction of industrial shed, school, college, hostel for educational institution has been exempted for obtaining EC". As per Notification "The word 'industrial shed' implies building (whether RCC or otherwise) which is being used for housing plant and machinery of industrial units and shall include godowns and buildings connected with production related and other associated activities of the units in the same premises". Since the project is an industrial shed which involves housing of raw materials and finished products, the proposed project is exempted from getting prior Environmental Clearance and it was inferred from the proponent's presentation that the project might attract CRZ regulation and hence directed the proponent to submit the application for seeking CRZ Clearance.

8. It is respectfully submitted that the CMDA vide Letter No.B3/10471/2015, dated 17.11.2017 has revoked the planning permission and requested the project Proponent not to proceed with construction as the project proponent has not obtained Clearance under EIA Notification 2006. However the project proponent has informed that vide Notification S.O No.3252 (E) dated 22nd December 2014, the


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Industrial shed (including go-downs) has been exempted for obtaining Clearance under EIA Notification 2006, and hence they commenced the construction and informed to the DCZMA for CMDA areas accordingly. The CMDA has also informed that the construction is in various stages and has not indicated any violation by the Project Proponent in respect of the construction, except non getting of the EC under EIA Notification 2006, but the same is not required as per the Notification S.O.No.3252 (E) dated 22nd December 2014.

9. It is respectfully submitted that later the unit had applied to Tamilnadu State Coastal Zone management Authority (TNSCZMA) & Director of Environment, Chennai for clearance under CRZ Notification 2011 for the proposed project of "Construction of industrial shed, for raw material and finished products with allied facilities, which consisting of one block of ground floor plus first floor ware house, one block of ground Floor plus first floor office and 9 blocks of Ground floor Amenity buildings. The total Plot Area is 48,206.59 Sqm and the total Built up Area is 29515.80 Sqm. Total project cost is Rs.116.13Crores".

10. It is respectfully submitted that, the TNSCZMA vide letter Proc.No.P1/2327/2017, dated 12.02.2018 has stated that the project area is falling on the landward side of the existing road at Thiruvottiyur and the project site is falling in CRZ-II and Buildings shall be permitted on the landward side of the existing and proposed roads or existing authorized structures subject to the existing local town and country planning regulations as modified from time to time, except the Floor

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Space Index or Floor Area Ratio, which shall be as per 1991 level; By considering these, the DCZMA for CMDA areas resolved to recommend the above project for clearance under CRZ Notification 2011 to TNSCZMA subject to certain conditions. Accordingly, the TNSCZMA issued clearance under para 8(i) II CRZ II (ii) of CRZ Notification 2011 for the above project subject to certain conditions.

11. It is respectfully submitted that thereafter the project proponent has obtained reclassification from CMDA by changing the project area as special and Hazardous industrial use zone [from primary residential use zone] and again applied for amendment in the above said clearance dated 12.02.2018 to include tyre testing activity in addition to the warehousing.

12. It is respectfully submitted that the TNSCZMA vide Proc. No.P1/1721/2019, dated 31.07.2019 has stated as per the CRZ Notification, 2011 vide Para1, the restrictions apply on the settling up and expansion of industries, operations or process and the like in the CRZ. Further vide Para 3(i), settling up of "Tyre Testing Unit" may be allowed, only if it is considered as R&D activity and if the said "Tyre testing Unit" is considered as a part of operations, process or expansion activity, then the said unit shall not be allowed. In this connection the unit has informed in the meeting held on 25.07.2019 that the " Tyre testing Activity" is purely meant for Research and Development activity and the said activity is not under the part of any process/ operations/expansion activities. Accordingly, the Tamil Nadu State Coastal Zone Management


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Authority issued Clearance under para 8(i)II, CRZ II(i),(ii) &(iii) of CRZ Notification 2011 for the above project subject to certain conditions.

13. It is respectfully submitted that, based on the above CRZ clearance, the Project proponent applied for Consent to Establish of the Tamilnadu Pollution Control Board in the name of M/s. MRF Limited - Tyre testing facility and warehouse S. No. 175 (part) of Ernavoor Village, S.No. 6/1A1 of Tiruvottiyur Village in T.S. No. 3, 5/1A, 5/2A Block No. 1, Ward No. I of Tiruvottiyur, THIRUVOTTIYUR Village, Thiruvottiyur Taluk, Chennai District and Consent to establish has been issued vide PROCEEDINGS NO.F.1849AMB/ OL/DEE/ TNPCB/AMB/ A/2019 DATED: 17/09/2019 with valid upto 31.03.2024 for the following:

Products:

- Construction of Group Development of 1 Block of Ground floor + 1st floor Warehouse Building, 1 Block of Ground floor + 1st floor Research & Development (Tyre testing unit) and Office Building and 9 Blocks of Ground floor Amenity building blocks, Totally 11 Blocks with the builtup Area of 29542.16 Sqm for storing of raw materials and Tyres/Tubes and Flaps.

Disposal

- Sewage - 5.7KLD – Gardening
 - DG set 300KVA – Acoustic enclosure with stack – 4m ht and subject to the conditions inter alia that
- i. The unit shall start the construction activity only after obtaining Planning permission from CMDA for the revised builtup area.


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- ii. The unit shall obtain and submit the amendment in the CRZ clearance including the difference in built up area over the already obtained CRZ clearance as reported.
- iii. The unit shall comply with the conditions stipulated in the Clearance of CRZ Notification 2011, dated 12.02.2018 and Amendment dated 31.07.2019.

14. It is respectfully submitted that the unit has obtained CRZ clearance under CRZ Notification, 2011 to make constructions to the extent of 29542.16Sqm instead of 29515.80Sq.mt vide TNSCZMA Proc.No.P1/1721/2019, dated 03.10.2019 subject to the existing specific conditions issued in the clearance vide Proc.No.P1/2327/2017, dated 12.02.2018 and vide Proceedings No.P1//1721/2019, dated 31.07.2019 and also obtained planning permission from CMDA vide Permit No.C/13103/50-A to J/2019, File no.C2/3718/2018, dated 18.12.2019 for the construction of Industrial Building comprising Block-1:Ground Floor + First Floor Warehouse for storing Whell Rims, Block-2:Security Cabin(Ground Floor), Block - 3: Time Office(Ground Floor), Blocok-4: Security Control room(Ground Floor), Block-5:Workers Toilet(Ground Floor), Block-6: Driver's Rest Room(Ground Floor), Block-7:Electrical Room(Ground Floor), Block-8:Pump Room (Ground Floor), Block-9: Ground Floor + First Floor Research development and office building, Block-10: Compressor room, Block-11: Fire Hydrant pump room, Block-12:Store Room with an installation of 2917KW (3910HP) for Tyre testing activity and research development activity at S.No.6/1A1(part) of


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Thriuvottiyur Village and S.No.175 part of Ernavoor Village, T.S.No.3,5/1A,5/2A, Block No.1, Ward- "I" of Thiruvotriyur, Wimco Nagar, Ennore Express Road, Chennai. Further the unit has also obtained completion certificate from CMDA vide Letter No.CMDA/CC/NHRB/N/307/2021, dated 07.12.2021 stating that the building has been completed as per approved plan.

15. It is respectfully submitted that as per the order dated 15.11.2021 of Hon'ble NGT and to submit status report, the unit was inspected on 15.12.2021 and found that,

- i. All the construction works were completed in the ware house and Tyre Testing facility. The warehouse and tyre testing facility are located within the said premises and separated by compound wall. The unit authority has informed that the Tyre testing facility is purely meant for research and development purpose. This tyre testing facility is no way connected with the existing tyre manufacturing unit located at of S.F.No. 171 pt, 174, 175, ERNAVOOR village, Thiruvottiyur Taluk, Chennai District. The ware house and Tyre testing facility are located adjacent to the existing tyre manufacturing unit and the facility is proposed to be utilized for storage and R&D purpose by the MRF Tyre companies located in various locations.
- ii. In the Tyre and testing facility, machinery was under erection and trial run for vibration checking is under progress.


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- iii. The unit has provided 12KLD Sewage treatment plant for treatment of sewage generated from their unit. However the unit has obtained water commitment letter No. CMWSSB/Area-I/AE-5/Spl/2017, dated 21.04.2017 informing that the requirement of water is 6KLD and to be supplied through mobile water lorry and the disposal of sewage is to be done by sewer lorry by making respective payment in their Area Office In Tiruvottiyur.
- iv. The unit has provided automatic fire hydrant system, sprinkler arrangement and smoke detectors in the warehouse.
- v. EB power supply is yet to be issued.
- vi. Further it was informed that the unit has applied for CRZ clearance for further expansion of warehouse tyre testing facility (R&D) for establishing aerobic chamber for testing aircraft tyres.

16. Therefore it is concluded that the unit of M/s. MRF Limited - Tyre Testing facility and Warehouse, S. No. 175 (part) of Ernavoor Village, S.No. 6/1A1 of Tiruvottiyur Village in T.S. No. 3, 5/1A, 5/2A Block No. 1, Ward No. I of Tiruvottiyur, THIRUVOTTIYUR Village, Thiruvottiyur Taluk, Chennai District has obtained CRZ Clearances, Consent to Establish, Planning permission, completion certificate and now in the process of submission of application for consent to operate from TNPCB.


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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.

R. Rajamanickam 16/12/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
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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.

R. Rajamanickam 16/12/2024
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RESPONDENT – TAMIL NADU POLLUTION
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Advocate for Respondent: TNPCB
Thiru:S.Sai Sathya Jith
Advocate, Chennai

Date: 16.12.2021

Next date of hearing: 17.12.2021

