

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

Original Application No. 234 of 2017 (SZ)

Meenava Thanthai K.R. Selvaraj Kumar
Meenavar Nala Sangam

...Applicant

Versus

Ministry of Environment, Forests
And Climate Change and Ors.

...Respondent

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**Filed by
Thiru. C. Kasirajan,
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 NGT has issued the following directions in the order dated: 10.06.2021

Para 9 "We direct the Committee appointed by this Tribunal to re-visit the question of environmental compensation on the basis of the directions mentioned above and also direct the regulators to take appropriate action against the 9th respondent for committing violations of statutory provisions in making the construction and also causing damage to the environment for continuing with the activities in that area by resorting legal steps in accordance with law and submit

R. Rajamanickam 28/7/2021

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TAMIL NADU POLLUTION CONTROL BOARD
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a report to that effect as well. If the directions of this Tribunal are not complied with by the Authorities, then the officer responsible for executing or complying with the directions, will be made liable to face the consequences for noncompliance with the directions given by this Tribunal as contemplated under Section 25 and 28 of the National Green Tribunal Act, 2010. The Committee is also directed to ascertain as to whether the submission made by the Learned Counsel for the applicant that the unit is still functioning in the downstairs level of the building which was also a part [8] of the construction made in violation to the provisions of the CRZ Notification, 2011 and if so, what is the nature of action taken by the authorities against such violations as well”.

3. It is respectfully submitted that the Hon'ble NGT (SZ), Chennai has issued the direction to the Joint Committee as well as to the official respondents to file their respective report to the Tribunal on or before 29.07.2021 in the order dated 10/06/2021 in O.A.No 234 of 2017.

4. It is respectfully submitted that Thiru.R.Rajkumar, Scientist D, Central Pollution Control Board, Regional Directorate, Chennai is also a member of the Joint Committee and the Environmental compensation of Rs.12, 00,000 was assessed by the CPCB member of the Joint committee for violating the provisions of the Environment (Protection) Act, 1986 based on the guidelines issued by CPCB for calculating the Environmental compensation

5. It is respectfully submitted that as per the said CPCB direction in the methodology for Assessing the Environmental Compensation the value N, number of days the violation took place is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by CPCB/SPCB/PCC. Hence the total number of days of violation took place was taken as 320 days considering the date of


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violation observed from 28/09/2017 to date of power supply disconnection on 14/08/2018.

6. It is respectfully submitted that the unit was again inspected on 19.07.2021 and 25.07.2021 and observed as follows:

- i. No activity was carried out in the site (Ground floor) as the power supply to the unit was already disconnected based on the TNPCB order dated 06.07.2018.
- ii. The 1st and 2nd floors are provided with rooms and are in use by their employees.
- iii. No activity such as sea food processing, etc., is carried out in the premises of the unit.

7. It is respectfully submitted that "as per the para 6(a) of CRZ Notification 2011 stipulates that for the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated there under, the powers either original or delegated are available under Environment (Protection) Act, 1986 with the MoEF, State Government or the Union territory Administration NCZMA and SCZMAs. The notification in Para 6(C) further stipulates that the State Government or the Union Territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, State Government and the Union territory shall constitute district Level Committees under the Chairmanship of the District Magistrate concerned.

8. It is respectfully submitted that the TNSCZMA vide Proc.No P1/443/2011 dated 16/02/2012 has issued certain delegation of powers to the local planning authorities such as to Greater Chennai Corporation/


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Chennai Metropolitan development Authority to issue planning permission for the constructions which are falling in CRZ II areas as stated as follows;

a) Chennai Metropolitan Development Areas

i) Corporation of Chennai

The Corporation of Chennai is permitted to grant approval under CRZ Notification 2011, for the construction of ordinary buildings and other small buildings, falling in CRZ II areas, in their Jurisdiction, depending on the powers vested with them after examining and ensuring that the proposed developments conform to the CRZ Notification 2011 and as per the approval CZMPs.

ii) Chennai Metropolitan Development Authority (CMDA)

The CMDA is permitted to grant approval under CRZ Notification 2011, in their jurisdiction, for the construction projects of equal to or less than 20,000 sq.mts built up area, wholly or partly falling in CRZ-II, after examining and ensuring that the proposed developments conform to the CRZ Notification 2011 and as per the approved CZMPs.

9. It is respectfully submitted that the Hon'ble NGT (SZ) may kindly direct the Greater Chennai Corporation/Chennai Metropolitan Development Authority to take necessary action to demolish the building constructed by M/s. St Peter & Paul Sea Food Exports Pvt.Ltd, No.11A, New Thiruvalluvar Nagar, Royapuram, Chennai- 600013 if it is constructed without obtaining


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permission from the Competent Authority such as Greater Chennai Corporation/Chennai Metropolitan Development Authority.

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.

R. Rajamanickam
28/7/2021

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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.

Verified at Chennai on this day of July, 2021.

R. Rajamanickam
28/7/2021

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
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**REPORT FILED ON BEHALF OF THE
RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD**

Advocate for Respondent: TNPCB
Thiru. Kasirajan
Advocate, Chennai.

Date: 03.08.2021

Date of Hearing: 20.08.2021