

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

Original Application No. 234 of 2017 (SZ)

Meenava Thanthai K.R. Selvarajkumar
Meenavar Nala Sangam,
Represented by its president
M.R.Thiyagarajan,
S/o. Late C. Rajalingam,
Office at No.15/8, A.J. Colony,
Royapuram, Chennai- 600 013.

...Applicant

Vs

The Director,
Ministry of Environment and
Forests and Climate Change
Indira Paravaran Bhawan,
Jorbagh Road,
New Delhi- 110 003 & 10 others

...Respondents

INDEX

S.No	Description	Page No.
1.	Report on Reassessment of an Environment Compensation for the violation committed by M/s. St. Peter & Paul Sea Food Exports Pvt. Ltd., as per the NGT order dt.10.06.2021 in NGT OA No.234 of 2017(SZ)	1 - 4

**Filed by
Thiru.Sai Sathyajith,
Advocate, Chennai.**

REPORT ON REASSESSMENT OF AN ENVIRONMENTAL COMPENSATION FOR THE VIOLATION COMMITTED BY M/S. ST PETER & PAUL SEA FOOD EXPORTS PVT.LTD, NO.11A, NEW THIRUVALLUVAR NAGAR, ROYAPURAM, CHENNAI-600013, TAMIL NADU AS PER HON'BLE NGT IN THE ORDER DATED:10.06.2021 IN O.A.NO.234 OF 2017 (SZ).

1.0 Background:

It is respectfully submitted that based on the Hon'ble NGT (SZ), Chennai order dated:12.09.2020 in O.A.No.234 of 2017 (SZ), the joint committee was constituted comprises of members from RDO -Chennai North, the Director-IRS, Anna University (Member of TNSCZA) and Member from CPCB, Chennai.

The committee assessed the environmental compensation of Rs.12,00,000/- for violating the provisions of Environmental Protection Act considering the CPCB in-house calculation methodology.

Whereas now, the the Hon'ble NGT (SZ), Chennai in its order dated: 10.06.2021 has ordered as follows in O.A.No.234 of 2017 (SZ),

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 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".

Further, the Hon'ble NGT (SZ), Chennai has ordered that the Joint Committee as well as the official respondents to file their respective report to the Tribunal on or before 29.07.2021 (Case posted on 14.09.2021) in the order dated 10/06/2021 in O.A. No 234 of 2017.

2.0 Compliance of the Hon'ble NGT direction dt. 10.06.2021

2.1 Revisit of the Environmental Compensation

Further as per the direction of the Hon'ble NGT (SZ), Chennai, the committee members reassessed the Environmental Compensation for the unit of M/s. St Peter & Paul Sea Food Exports Pvt. Ltd., located at No 11A, New Thiruvalluvar Nagar, Royapuram, Chennai 600013 for violating the provisions of Environmental Protection Act considering the CPCB in-house calculation methodology as follows;

Environmental Compensation Formula $EC = PI \times N \times R \times S \times LF$

Where

EC – Environmental Compensation

PI – Pollution Index of Industry Sector

N – Number days of Violation took place

R – A factor in Rs for EC

S – Factor for scale of operation

LF – Location factor

- i. As per the CPCB methodology, the pollution index PI is taken as 50, as this is a sea food processing unit categorized as Orange –small (category (2031 – Fish processing and packing)).
- ii. As per the CPCB methodology, N, number of days for which 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

For calculating the no of days, the Hon'ble NGT (SZ), Chennai has ordered as follows;

If the construction was found prior to 2017 and activities of the unit is functional and going on in violations of the CRZ Notification, 2011, then the period of violation should have to be taken from the date of violations started and not from the date it was observed. Further going by the Polluter Pays Principle the amount imposed should be in consonance with the damage caused to the environment and the nature of violation and the amount of compensation must be detriment in nature even to the extent of preventing profits being earned by the polluter on account of those violations. Such an approach and principle is not taken by the Pollution Control Board while fixing the amount of environmental compensation as well. Further, since the construction itself was made against the CRZ Notification, 2011 for doing certain activity which is not permissible in that area, then damage caused on such activity should also have been taken into account while fixing the amount of compensation apart from taking the number of days for violations of conditions. Further, if any damage has been caused to environment on account of illegal construction against the CRZ Notification, 2011, then the amount required for restoring the same should also have been taken into consideration by the Authority while fixing compensation. All these

crucial things were not considered by the Pollution Control Board while fixing the amount of environmental compensation.

From the above context it is submitted that as per the available records the complaint was received in the year 2017 and from the information obtained from the CMDA & TNSCZMA which is furnished by the complainant reveals that no planning permission /CRZ clearance was issued to the unit. Hence the details of commissioning of the building was not known and as per the CPCB methodology The, N is taken from Date of violation observed to Date of power supply disconnection/activity stopped. Hence

Date of violation observed : 28/09/2017

Date of power supply disconnection : 14/08/2018

Total No of days : 320 days

- iii. As per the CPCB methodology, R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the Environmental Compensation in cases of violation

Earlier the value R is taken as 100 as the unit is a small scale industry. Since, Hon'ble NGT (SZ), Chennai has ordered vide order dated 10.06.2021 to revisit the Environmental Compensation part considering the aspect of profit earned by the unit etc., so the committee considered Rupees factor as 250, as per the CPCB methodology.

- iv. S could be based on small/medium/large industries categorization which may be 0.5 for micro or small, 1 for medium and 1.5 for large units.

This unit is being a small scale, hence S value is taken as 0.5.

- v. *For this project LF value is taken as 1.5, as the population of the locality is between 5 and less than 10 million (Within Chennai Corporation).*

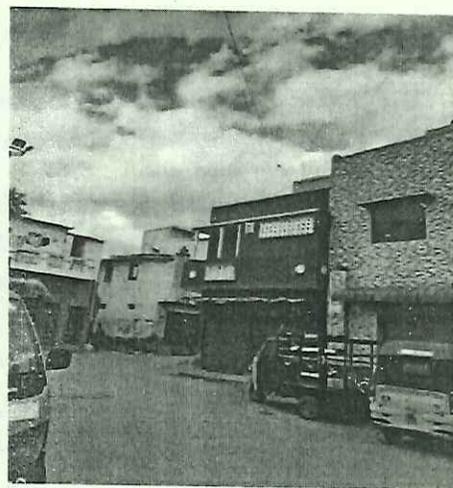
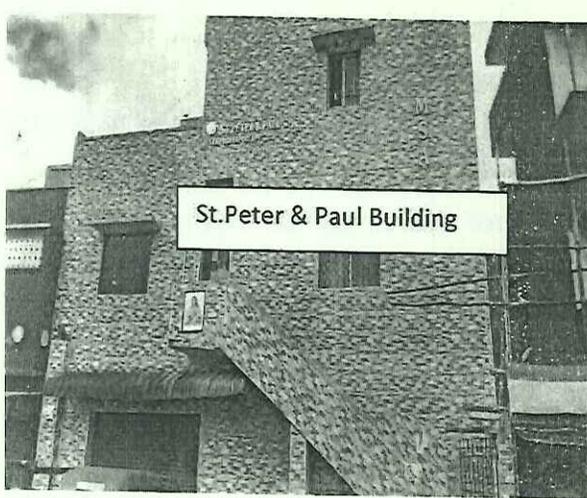
Hence, Environmental Compensation (EC) is recalculated as

$$\begin{aligned} &= PI \times N \times R \times S \times LF \\ &= 50 \times 320 \times 250 \times 0.5 \times 1.5 \\ &= 30,00,000/- \text{ (Rupees Thirty Lakhs only)} \end{aligned}$$

The environmental compensation calculated by the committee as per the formula is Rs. 30,00,000/- (Rupees Thirty Lakhs) and same shall be imposed on the industry.

2.2 Operational status of the unit

The unit is located & surrounded by the thick population and residential buildings. Earlier, the said unit was carrying out the Sea food processing activity in the residential building. At present, it is verified that no industrial activity is being carried out and the first & second floor of the said building is being occupied/utilized for staying/ residing purpose. Photographs of the unit area is shown below;

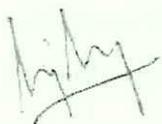


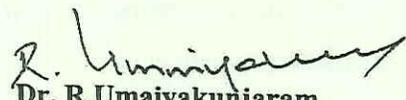
The environmental compensation calculated by the committee as per the formula is Rs. 30, 00,000/- (Rupees Thirty Lakhs) and same shall be imposed on the industry.

Hence, the Hon'ble NGT (SZ) may kindly issue suitable order may deem fit.


Revenue Divisional Officer,
Chennai North,
Chennai District.


Director, Anna university
Institute of Remote sensing
Chennai- 25


Thiru . R. Rajkumar,
Scientist D,
Central Pollution Control Board,
Regional Directorate, Chennai


Dr. R.Umaiyakunjam,
District Environmental Engineer,
TNPCB, Chennai

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

Original Application No. 234 of 2017 (SZ)

Meenava Thanthai K.R. Selvarajkumar
Meenavar Nala Sangam,
Represented by its president
M.R.Thiyagarajan,
Royapuram, Chennai- 600 013.

...Applicant

Vs

The Director,
Ministry of Environment and
Forests and Climate Change
New Delhi- 110 003 & 10 others

...Respondents

**Report on Reassessment of an
Environment Compensation for the
violation committed by M/s. St.
Peter & Paul Sea Food Exports Pvt.
Ltd., as per the NGT order
dt.10.06.2021 in NGT OA No.234 of
2017(SZ)**

**Advocate for Respondents:TNPCB
Thiru. Sai Sathyajith,
Advocate, Chennai.**

Dated:14.09.2021.

Date of hearing on 14.09.2021.

