

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

ORIGINAL APPLICATION NO. 236 of 2021 (SZ)

1. S.Palanisamy,
Salem District.

2. S.Vadivel,
Salem District.

...Applicant(s)

Versus

1. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-600 032 and Others

...Respondent(s)

S. No	Description	Page No.
1.	REPORT FILED ON BEHALF OF THE RESPONDENT - TAMIL NADU POLLUTION CONTROL BOARD	1 - 5

Advocate for the Respondent: TNPCB

Tr. S. Sai Sathya Jith,

Advocate, Chennai.

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Vs

1. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-600 032

2. The District Collector,
Salem District.

3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem-636 004.

4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Kumarapalayam,
Namakkal District.

5. The Assistant Engineer,
TANGEDCO (O&M)
Namakkal District.

6. The Executive Engineer,
TANGEDCO,
Salem District.

7. M/s. Sri Sakthivel Minerals and Chemicals,
Rep. by N.R. Palanisamy,
Sankari taluk, Salem District.

...Respondent(s)


13/1/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

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

I, R. Rajamanickam, Son of E. 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 14.12.2021 has directed as follows :

" Para (4). Though it was mentioned in the report that Consent to Operate was granted on 23.08.2021, they have not mentioned anything about the previous history of the unit as to whether they have started the operation only after obtaining necessary Consent to Operate as well or not, though as per the allegations made in the application that on earlier occasion inspections were done and there was a direction issued to obtain Consent from the Board. Further, though there was an allegation in the application that on account of the operation of the 7th Respondent unit, dust pollution is being caused, they have not mentioned anything about the same in the report.

Para (5) So, The Tamil Nadu Pollution Control Board is directed to conduct Ambient Air Quality test and then submit a report to this Tribunal before the next hearing date. If the unit has started its operation without obtaining Consent to Operate, then they are also directed to file a report regarding those aspects and the nature of action taken by them for such violation as has been observed by this Tribunal in several cases of this nature, applying the Central Pollution Control Board guidelines for imposing compensation, after adhering to the principles of natural justice by giving notice to the 7th Respondent unit in accordance with law."

3. It is respectfully submitted that, the action taken report pertaining to the unit of M/s. Sri Sakthivel Minerals and Chemicals, SF. No. 90/12B, 90/14C, 90/3, Alathur village, Sankagiri Taluk, Salem District as follows:


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

4. It is respectfully submitted that, earlier complaint was received from Thiru. S.Palanisamy, Nallampalayam Village, Alanthur Post, Sankagiri Taluk, Salem District on 31.01.2020, against the above said unit. Based on the complaint the unit was inspected by the officials of the TNPCB, Kumarapalayam on 28.02.2020 and observed that the unit was in operation without obtaining the consent of the Tamil Nadu Pollution Control Board.
5. It is respectfully submitted that, a show cause notice was issued to the unit under the Water (P&CP) Act, 1974 as amended and the Air (P&CP) Act, 1981 as amended vide DEE office proceeding dated 03.03.2020 for operating the unit without consent of the TNPCB and for not operating the air pollution control measures efficiently. The unit in its reply to the show cause notice dated 23.03.2020 has stated that it has stopped its production activity and assured to operate their unit only after obtaining consent to operate from the TNPCB.
6. It is respectfully submitted that, further the unit was not in operation due to COVID pandemic situation. In the meantime, the unit has applied for consent of the TNPCB on 16/08/2021 and obtained Consent to Operate from the TNPCB vide Proc. No. F.0998KMP/OS/DEE/TNPCB/KMP/W&A/2021 Dated 23/08/2021 to manufacture lime stone powder -100 T/M, feldspar powder - 50 T/M and calcite powder - 50 T/M by providing air pollution control measures such as bag filter attached to pulverizer and blower with bag filter attached to the crushing section.
7. It is respectfully submitted that based on orders of this Hon'ble Tribunal dated 14/12/2021, the DEE, TNPCB, Kumarapalayam has addressed the Managing Partner of the unit and the Assistant Director, Advanced Environmental Laboratory, TNPC Board, Salem vide letter dated 20.12.2021 for conducting the Ambient Air Quality survey, so as to submit the report before the Hon'ble NGT.
8. It is respectfully submitted that the Managing Partner of the unit in his letter dated 03.01.2022 addressed to the DEE has stated that he has vacated the premises by removing the process machinery and decided to not in a position to operate his unit permanently due to financial crisis.


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

9. It is respectfully submitted that ,the unit was inspected by the officials of the TNPCB, Kumarapalayam on 05.01.2022 and observed that all the process machinery like crusher, pulveriser have been removed and kept vacant.(The Photographs showing the vacant shed are submitted in Annexure-I).

10. It is respectfully submitted that with respect to environmental compensation for the earlier violations committed by the unit. The DEE, Kumarapalayam has calculated environmental compensation as follows:

Environmental Compensation is calculated from the date of commissioning of the unit to the date of consent to operate obtained from TNPCB.

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

Where,

- EC is Environmental Compensation in Rs.
- PI = Pollution index of industrial sector
- N = Number of days of violation took place
- R = A factor in Rupees for EC
- S = Factor for scale of operation
- LF = Location factor

The unit is a small scale Orange category (Code No. 2026 -Dry coal processing, mineral processing, industries involving ore sintering, pelletisating, grinding & pulverization). Hence, Average Pollution Index (PI) = 50 is considered. Number of days (N) = (From date of commissioning of the unit to the date of issue of CTO issued) 25.05.2018 to 23.08.2021 = **1102** days (Excluding lockdown Period due to Covid-19 from 24/03/2020 to 18/05/2020 = 55 Days & 08.05.2021 to 06.06.2021 = 30, Total = 85 days). A factor in Rupees for EC (R) = 250. Factor for scale of operation (S) = 0.5. Location factor (LF) = 1 (Population less than 1 million).

Environmental Compensation (EC) = $50 \times 1102 \times 250 \times 05 \times 1 = \text{Rs. } 68,87,500/-$

Hence, Environmental Compensation is worked out to Rs. 68,87,500 (Sixty-Eight Lakhs Eighty-Seven Thousand & Five hundred). Based on the DEE's recommendation, the Board vide proceeding No. TNPCB/LAW/LAIII/F.02620/ KMP/2022, dated 13.01.2022 has issued a show cause notice within 15 days time to reply to the unit of M/s. Sri Sakthivel Minerals and Chemicals under Section 5 of the Environment (Protection) Act, 1986 as why should not be imposed environmental compensation of Rs 68,87,500/-


13/1/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

(Sixty-Eight Lakhs Eighty-Seven Thousand & Five hundred) for the violations caused by the unit. Reply is awaited from the unit.

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 13/1/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

BEFORE ME

VERIFICATION

I, R. Rajamanickam, Son of 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 13/1/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

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...Respondent(s)

**REPORT FILED ON BEHALF OF THE 3RD
RESPONDENT – TAMIL NADU POLLUTION
CONTROL BOARD**

Date: 13.01.2022

Date of Hearing:20.01.2022

