

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

Application No. 240 of 2017(SZ)

BETWEEN

S.P. Muthuraman,
S/o S. Ponnusamy,
Sankar Nagar Post – 627 357,
Tirunelveli District.

...Applicant

AND

1. The Secretary,
Environment and Forest Department,
Government of Tamilnadu,
St. George Fort, Chennai – 600 009.
And 4 others

...Respondents

PAPER BOOK – III VOLUME – III

S.No	Description	Page
1.	Objection for the Report	1

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**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ)
CHENNAI**

Application No. **240** of **2017**

BETWEEN

S.P. Muthuraman,
S/o S. Ponnusamy,
No.204, Railway Feeder Road,
Sankar Nagar Post – 627 357,
Tirunelveli District.

...Applicant

AND

1.TheSecretary,
Environment and Forest Department,
Government of Tamilnadu,
St.George Fort, Chennai – 600 009 and 4 Others

... Respondents

OBJECTIONS FILED BY THE APPLICANT

The Applicant above named respectfully submits that he has filed the above OA No.240/2017 against the Respondents especially Respondents 1,2 and 4 to take appropriate legal action against the 5th Respondent for the violation committed by him by operating the unit without valid Consent to Operate (Renewal) from 01.04.2015 onwards both under the Air (Prevention and Control of Pollution) Act 1981 and the Water (Prevention and Control of Pollution) Act 1974.

The Applicant further submits that it is obvious from the report filed by the Joint Committee that the Consent to Operate (Renewal) for the 5th Respondent was issued by the 2nd Respondent on 08.07.2019. It is also very obvious that the 5th respondent unit was operated without a valid consent to operate (Renewal) from 01.04.2015 to 07.07.2019 i.e. for 1648 days. For all those 1648 days, the 5th respondent unit was in operation without a valid consent to operate (Renewal). However, the Joint Committee while arriving at the total number of days of violation at 362 days only because of certain directions issued to the 5th respondent and the compliance report filed by him. The duration for the process is appeared to have left out while calculating the days of violation. But, reducing

the days of violation for the reasons stated in the report is not acceptable against to the prescribed law. The 5th respondent ought to have stopped the manufacturing process when there were some impediments in obtaining the renewal of consent to operate.

The Applicant further submits that he has obtained information under the Right to Information Act 2005, that during an inspection conducted by the 2nd Respondent Board it was found that

- 1) The unit has installed a Carbon-di-oxide Plant without consent of the Board
- 2) The unit has installed a desalination plant without consent to operate
- 3) The unit has not provided the continuous Ambient Air Quality monitoring arrangements for Ammonia and pH, BOD and COD in the effluent

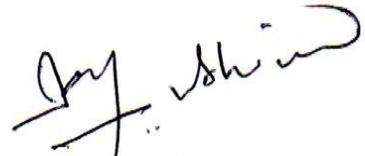
A show cause notice was also issued by the 2nd Respondent to the 5th Respondent unit on the very next day i.e. on 13.07.2018 calling for explanation that why action should not be taken against the 5th Respondent for the violation committed by him.

While the 5th Respondent unit was being operated without consent to operate (Renewal), the 5th Respondent had also desperately committed further violations by installing CO₂ plant and desalination plant without obtaining consent to operate.

All these violations committed by the 5th Respondents during the relevant period have not been mentioned in the report filed by the Joint Committee. It is most pertinent to mention here that the 2nd Respondent who has been appointed as Nodal Agency for this Joint Committee has himself had inspected and detected the further violations committed by the 5th Respondent and further to that a show cause notice has also been served on the 5th Respondent had completely suppressed the facts and allowed the Joint Committee to file a formal report minimizing the responsibilities and liabilities. It is therefore just and necessary to reject the report of the Joint Committee in so far as the period of violation is concerned.

It is therefore prayed that this Hon'ble Tribunal may be pleased to direct the Joint Committee to file a fresh report taking into consideration of the total period of violation for the actual violation period of 1648 days and recalculate the Environment Compensation for the full period and also for the subsequent and additional violations committed by the 5th Respondent and thus render justice.

Dated at Chennai on this the 14th day of August 2021.



Counsel for Applicant

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-Vs-

1.TheSecretary,
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OBJECTIONS FILED BY

THE APPLICANT

**M/s.S.MUTHU VAIRAM
M.RAJABATHAR
Counsel for Applicant**



Objection for the report in OA 240 of 2017



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BETWEEN



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