

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Appeal No. 24 of 2020 (SZ)

Michael Lambert Jehan
S/o. James,
No.12, Duraisamy reddy Street,
West Tambaram,
Chennai-600045.

...Applicant

Vs

The Chairman
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-600 032 & 2 others.

...Respondents

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Filed by
Thiru. C. Kasirajan,
Advocate, Chennai.

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE**

Appeal No.24 of 2020

Michael Lambert Jehan
S/o. James,
No.12, Duraisamy reddy Street,
West Tambaram,
Chennai-600045.

...Applicant

Vs

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

2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maramalai Adigalar Street,
Maramalai Nagar,
Chengalpattu District – 603 209.

3. The Partner
M/s. Letraco Kid Leather Company,
S.F.No.148/1-4, Vandalur - KelamRep. by its Proprietor,
Vandalur-Kelambakkam Road,
Melakottaiyur, Chennai-600 127.

....Respondents

**STATUS REPORT FILED ON BEHALF OF THE 1ST & 2ND
RESPONDENTS - TAMIL NADU POLLUTION CONTROL BOARD.**

I, R. Kannan. S/o. V. Raghavan, Hindu, aged about 58 years, having my office at No. 76, Mount Salai, Guindy, Chennai – 600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Status Report on behalf of the 1st & 2nd Respondents Board and as such I am well acquainted with the facts of the case as per records.


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2. It is respectfully submitted that the appellant had filed this appeal with the prayer to set aside the order dated 25.02.2020 in Appeal No.80 of 2019 passed by the Appellate Authority and consequently direct the TNPCB to enforce its closure and disconnection of electricity order dated 06.12.2019.

3. It is respectfully submitted that, the Hon'ble NGT (SZ), Chennai has passed order dated 21.09.2020 inter alia as follows:-

"The Tamil Nadu Pollution Control Board is also directed to come with a fresh status report regarding the functioning of the re-arrayed 3rd respondent unit and also mention as to why show cause notice was not issued to the 3rd respondent unit before imposing environmental compensation and on the basis of the observations made by the appellate authority, any further action has been taken by the Tamil Nadu Pollution Control Board in this regard.

4. It is respectfully submitted that the appellant unit M/s. Letraco Kid Leather is located at R.S.No. 148/1,2,3 and 4, Melakottaiyur Village, Vandalur Taluk, Chengalpattu District. The unit is functioning since December 1995. The unit was previously owned by M/s. Meenakshi & Co. Consent had been issued to the unit of M/s. Meenakshi & co to carry out semi finished leather to finished leather 25 Tonnes Per month and to discharge 1.5 KLD of Sewage and 20 KLD of Trade Effluent vide Board's Proceedings dated 11.12.1996 and the same was renewed upto 30.06.2000. Subsequently the unit was taken over by M/s. Letraco Kid Leather and necessary amendment for name change and


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management change has been issued to the unit vide proceeding dated 17.02.2003 and the same has been renewed upto 31.03.2020.

5. It is respectfully submitted that the respondent unit of M/s. Letraco Kid Leather carries out 25 Tonnes per month of processing of semi finished leather to finished leather. The manufacturing process involves samming, shaving, wetting, drumming, hooking, setting, hooking (drying), buffing, colouring, dry drum, measuring and packing. The unit generates 1.5 KLD of sewage and 20 KLD of trade effluent from its tanning operation. The effluent generated from tanning operation is treated in the effluent treatment plant and the 15 KLD of RO Permeate is recycled in the process and the RO Reject of 5 KLD is evaporated through solar evaporation pan. The unit has provided electromagnetic flow meter at the inlet of ETP, RO Feed, RO Permeate Outlet and RO Reject Outlet with computer recording arrangements. The unit has provided 4 nos. of auto spray machines for which individual stacks of height 6 meters have been provided. The unit has provided 2 nos. of thermic fluid heater along with the stacks of height 9 meters. The unit generates 6 tonnes per year of hazardous waste from the effluent treatment plant and the same is being disposed into the TSDF, Gummidipoondi. The unit has obtained Hazardous waste authorization vide Proc.No. JCEE-M/CHZ/TNPCB/F.1205MMN/HWA/RS/MMN/2017 dated 04/10/2017 valid up to 03/10/2022.



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6. It is respectfully submitted that, in Original Application No. 6 of 2018 (SZ), Michael Lambert Jehan Vs Tamil Nadu Pollution Control Board and others, the National Green Tribunal (NGT), Principal Bench vide its order dated February 25, 2019 has directed Respondent No. 1, TNPCB, Respondent No. 2, CPCB, and Respondent No. 6, Superintending Archaeological Survey of India to Jointly inspect M/s. Letraco Kid Leather, S.F. No. 148/1-4, Vandalur-Kelambakkam Road, Melakottaiyur Village, Thiruporur Taluk, Chengalpattu District to verify the factual aspect and submit a report.

In this connection, joint inspection was made by the officials of TNPCB, CPCB and Archaeological Survey of India, Chennai on 06.03.2019 and the detailed report on factual aspects of the unit has been submitted to the Hon'ble NGT as follows.

- The unit comes under Red-small category and yet to install PTZ (Pan Tilt and Zoom) camera at ETP area and EMFM (Electro Magnetic Flow Meter) with Totalizer provided in the inlet and outlet of ETP shall be connected to the CPCB and TNPCB Portal as per the mandatory requirement of CPCB.
- As per TNPCB consent condition, the unit has to completely dismantle solar evaporation pan and install mechanical evaporation followed by ATFD by 30.04.2019. But the unit has not made any progress in this regard.
- The housekeeping and maintenance of ETP is in poor condition. The unit has not developed any green belt around the industry.
- The utilization of re-chromed effluent in the process is not streamlined. The unit has not made any provisions in the ETP for treatment of effluent generated from re-chroming.


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- The ETP chemical sludge (Hazardous waste) is stored within the unit premises for more than 180 days against the authorized period of 90 days.
- There was no odour nuisance or smoke emanating from the industry on the day of inspection.
- On the day of inspection, the effluent from the industry was not discharged into lakes or to any drains. The pH in lake water is 9.22 above the permissible range of 6.5-8.5.

During inspection on 06.03.2019, it was observed that the compound wall and only a portion of solar evaporation pan is falling under regulated area. In spite of receiving notices from ASI during August, 2018 the unit has not taken measures to dismantle the solar evaporation pan and has continued to operate which attracts the provision of section 30 B of Ancient Monuments and Archaeological Sites and Remains (Amendment & Validation) Act 2010.

Subsequently, the Hon'ble National Green Tribunal in its order dated: 28.08.2019 has specifically directed the TNPCB to file additional report regarding the action taken on the basis of the violation noted by the Board on the next date of hearing without fail.

In this regard, the unit was inspected on 28/09/2019 and it was observed that the unit was found in operation. The compliance of the violations noted and submitted as factual aspects in detailed report submitted to the Hon'ble NGT (SZ) is as follows:


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Sl.No	Violations noted and submitted as factual aspects	Compliance of the same
1	The unit comes under Red-small category and yet to install PTZ (Pan Tilt and Zoom) camera at ETP area and EMFM (Electro Magnetic Flow Meter) with Totalizer provided in the inlet and outlet of ETP shall be connected to the CPCB and TNPCB Portal as per the mandatory requirement of CPCB.	The unit has yet to install PTZ (Pan Tilt and Zoom) camera at ETP area and not connected EMFM (Electro Magnetic Flow Meter) with Totalizer provided in the inlet and outlet of ETP shall be connected to the CPCB and TNPCB Portal.
2	As per TNPCB consent condition, the unit has to completely dismantle solar evaporation pan and install mechanical evaporation followed by ATFD by 30.04.2019. But the unit has not made any progress in this regard.	The unit operates with solar evaporation pan only and yet to install mechanical evaporation followed by ATFD.
3	The housekeeping and maintenance of ETP is in poor condition. The unit has not developed any green belt around the industry.	The unit has to improve the housekeeping and the hazardous waste storage area as it is not properly maintained. The unit has provided tree saplings in pots as there is no land provided for green belt development.
4	The utilization of re-chromed effluent in the process is not streamlined. The unit has not made any provisions in the ETP for treatment of effluent generated from re-chroming.	The unit has not made any improvements for treatment of re-chromed effluent in ETP. The unit stores the effluent in the storage tanks and only portion of effluent is reused in the process.
5	The ETP chemical sludge (hazardous waste) is stored within the unit premises for more than 180 days against the authorized period of 90 days.	The unit has disposed ETP sludge (10.98 T) on 04/04/2019 as per HW manifest and the remaining stored in the Hazardous waste storage area.
6	There was no odour nuisance or smoke emanating from the industry on the day of inspection.	The same observed during inspection.


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7	On the day of inspection, the effluent from the industry was not discharged into lakes or to any drains. The pH in lake water is 9.22 above the permissible range of 6.5-8.5.	No effluent discharge noticed outside the unit premises.
8	During inspection it was observed that the compound wall and only a portion of solar evaporation pan is falling under regulated area. In spite of receiving notices from ASI during August,2018 the unit has not taken measures to dismantle the solar evaporation pan and has continued to operate which attracts the provision of section 30 B of Ancient Monuments and Archaeological Sites and Remains (Amendment & Validation) Act 2010.	The unit has not dismantled the solar evaporation pan and the treated RO reject continues to be discharged into Solar evaporation pan only.

In view of the above, the unit of M/s. Letraco Kid Leather, S.F. No. 148/1-4, Vandalur-Kelambakkam Road, Melakottaiyur Village, Thiruporur Taluk, Chengalpattu District was issued directions under section 33A of Water (Prevention and Control of Pollution) Act, 1974 as amended and under section 31 A of the Air (Prevention and Control of Pollution) Act, 1981as amended vide Proc.No.T1/TNPCB/F.005500/CPCB/Tannery/W&A/2019 dated 04.10.2019 to comply within a period of 15 days.

- i. The unit shall install PTZ (Pan Tilt and Zoom) camera at ETP area and EMFM (Electro Magnetic Flow Meter) with Totalizer provided in the inlet and outlet of ETP shall be connected to the CPCB and TNPCB Portal as per the mandatory requirement of CPCB.
- ii. The unit shall completely dismantle the solar evaporation pan and install mechanical evaporation followed by ATFD.


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- iii. The unit shall improve housekeeping in the process and in ETP area.
- iv. The unit shall develop green belt within the premises.
- v. The unit shall streamline the utilization of re-chromed effluent in the process and shall increase the capacity of the ETP for the treatment of effluent generated from re-chroming sections and shall avoid storing the same in the storage tanks.
- vi. The unit shall store the sludge for a period not exceeding ninety days and shall maintain a record of sale, transfer, storage, co-processing and make these records available for inspection as per Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

7. It is further submitted that, subsequently, the Hon'ble NGT in its order dated 11/10/2019 has passed order that "The Central Pollution Control Board and the State Pollution Control Board is directed to undertake a study as to whether on account of this violation any damage has been caused to the soil and if there is any possibility of water in the lake is being affected on account of the same as contented by the learned counsel for the applicant, if any remediation is required what is the nature of the remediation to be taken and submit a report in this regard within the period of one month by e mail. They also directed to assess environmental compensation for the violation as per the Central Pollution Control Board norms in this regard and submit a further report in this regard. The State Pollution Control Board is directed to complete the process of taking action pursuant to notice issued and submit further action taken report in this regard within one month from hence".


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In this regard, in compliance to said order, the said unit of M/s Letraco Kid Leather was inspected by Central Pollution Control Board (CPCB) official and Tamil Nadu Pollution Control Board (TNPCB) officials on October 25, 2019 to carry out the following:

- i. To study whether any damage is caused to the soil and melakottaiyur lake on account of violations by the operations of the tannery.
- ii If any damage is caused to the soil and lake, what is the nature of remediation required.
- iii. To ascertain the present status of the unit in respect of compliance to previous committee report and to assess environmental compensation for the violation as per the Central Pollution Control Board norms.

The Joint inspection report was submitted by the CPCB to Hon'ble National Green Tribunal and the present status of the tannery ascertained and the nature & seriousness of violation as stated in the report are tabulated below.

S. No	Observations made in the tannery during March 6, 2019 inspection	Compliance Status as on 25-10-2019	Remarks	Action desired
1	The Tannery falls under Red small category and yet to install PTZ (Pan Tilt and Zoom) camera at ETP area. EMFM (Electro Magnetic Flow Meter) with Totalizer provided in the inlet and outlet of ETP but yet to establish connectivity with CPCB and TNPCB Portal as per the	Not complying. The unit is yet to install PTZ camera and establish connectivity of camera and flow meters with CPCB & TNPCB portals.	Serious violation w.r.t not complying with mandatory requirement of CPCB & TNPCB. The tannery has placed purchase order for procurement of camera.	The Tannery shall be directed to immediately close down and resume the operation only after installing camera and establishing connectivity of camera & EMFM to

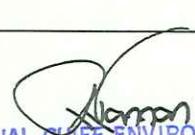

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	mandatory requirement of CPCB.			CPCB & TNPCB servers
2	As per TNPCB consent condition, the unit has to Completely dismantle solar evaporation pan and install mechanical evaporation followed by ATFD by 30.04.2019. But the unit has not made any progress in this regard.	Not complying Presently, the tannery is fully operational and has continued to operate accelerated solar evaporation pan.	The tannery has established communication with ROchem and seeking quotation for installation of mechanical evaporation followed by ATFD	The Tannery shall be directed to completely dismantle solar evaporation pan and to either stop its production till MEE cum ATFD is installed or to send the effluent to CETP.
3	The housekeeping and maintenance of ETP is in poor condition. The unit has not developed any green belt around the industry.	Partially complying The housekeeping in process area is poor. Stagnation of effluent in process area noticed due to improper gradient. Housekeeping in ETP section & hazardous waste storage shed is improved. The hazardous waste is disposed and shed was clean. The tannery has planted 50 saplings within the premises by removing concrete.	Minor violation.	The tannery can provide appropriate gradient/ slope in the drain carrying effluent from process area to ETP so that no stagnation occurs.



Photo: Hazardous waste storage shed

Photo: Process area


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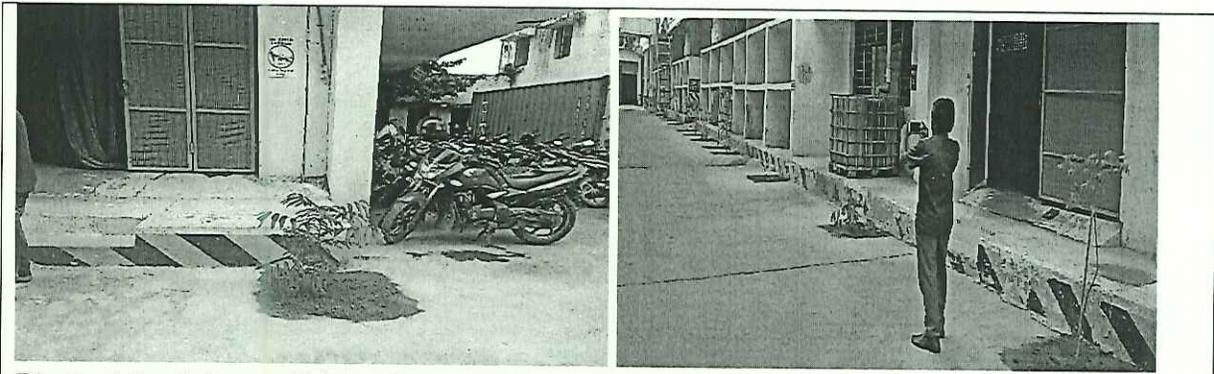
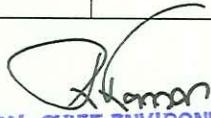


Photo: Plantation within unit premises

4	The utilization of re-chromed effluent in the process is not streamlined. The unit has not made any provisions in the ETP for treatment of effluent generated from re-chroming.	Partially complying The tannery had stored the rechroming effluent in tank of capacity 726m ³ . Reported by unit representatives that the stored rechroming effluent is taken to ETP followed by solar evaporation pan in a phased manner. As on date of inspection 298 KLD quantity of effluent was still present in the tank.	The tannery has initiated action for treatment.	The tannery may be directed to either pre-treat re-chroming effluent by installing Chrome recovery plant or to send the rechroming effluent to CETP.
5	The ETP Chemical sludge (hazardous waste) is stored within the unit premises for more than 180 days against the authorized period of 90 days.	Complied. Consequent to the inspection, the tannery has disposed the hazardous waste-ETP sludge to authorized TSDF, at Gummidipundi within 90 days time period. Copies of Manifest was submitted.	The tannery is complying with 90 days time period.	
6	There was no odour nuisance or smoke emanating from the industry on the day of inspection.	No odour nuisance observed	-	-
7	On the day of inspection, the effluent from the industry was not discharged into lakes or to any drains. The PH in lake water is 9.22 above the permissible range of	No effluent discharge noticed outside the tannery premises.		


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6.5 – 8.5.			
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Further the environmental compensation was calculated as follows

$$\text{Environmental Compensation (EC)} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$

Based on the guidelines of the CPCB

PI – Pollution Index for industry – 80 for Red Category

N – Number of days for which violation look place

R – Factor in Rupees – (Rs. 125)

S – Scale of operation – (0.5- Small scale)

LF - Population is more than 10 million and above - 2

S.N	Period of non-compliance	PI	S	LF	R (Rs)	N (days)	Environmental compensation (Rs)
1	06.03.2019 to 25.10.2019	80	0.5	2	125/-	234	23,40,000/-
Total						234	23,40,000/-
Rupees Twenty Three Lakhs Forty Thousand Only							

8. It is respectfully submitted that the tannery was inspected in three different occasions by the teams constituted as per the directives of the Hon'ble NGT, in O.A. No. 06/2018 (SZ). In all the occasions, non-compliances were observed with respect to consent conditions. During the inspection dated October 25, 2019, the joint committee collected the soil samples, raw & treated effluent samples, ground water sample and melakottaiyur lake sample and found there is no damage on the soil


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and melakottaiyur lake on account of violations by the operations of M/s Letraco Kid Leather Company.

Considering all the factors above, the Joint Committee estimated environmental compensation as per the guidelines of CPCB amounting to Rs. 23,40,000/- for 234days. In addition, the tannery shall be directed to close down till compliance is achieved w.r.t observations made during joint committee inspection dated March 6th, 2019.

Hence the unit of M/s. Letraco Kid Leather, S.F. No. 148/1-4, Vandalur-Kelambakkam Road, Melakottaiyur Village, Thiruporur Taluk, Chengalpattu District was issued directions for the closure and stoppage of power supply under Section 33A of Water (Prevention and Control of Pollution) Act, 1974 as amended and section 31A of Air (Prevention and Control of Pollution) Act, 1981 as amended vide Proc. No.T1/TNPCB/F.005500/Tannery/NGT/RS/W&A/2019 dt. 06.12.2019 to comply with the following:

- i. The unit shall install PTZ (Pan Tilt and Zoom) camera at ETP area and EMFM (Electro Magnetic Flow Meter) with Totalizer provided in the inlet and outlet of ETP shall be connected to the CPCB and TNPCB Portal as per the mandatory requirement of CPCB.
- ii. The unit shall completely dismantle the solar evaporation pan and install mechanical evaporation followed by ATFD.
- iii. The unit shall improve housekeeping in the process and in ETP area.
- iv. The unit shall develop green belt within the premises.
- v. The unit shall streamline the utilization of re-chromed effluent in the process and shall increase the capacity of the ETP for the treatment of effluent generated from re-chroming sections and shall avoid storing the same in the storage tanks.


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vi. The unit shall store the sludge for a period not exceeding ninety days and shall maintain a record of sale, transfer, storage, co-processing and make these records available for inspection as per Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

vii. The unit shall remit Rs.23,40,00/- (Rupees Twenty Three Lakhs Forty Thousand Only) as environmental compensation to take corrective actions on the non-compliances observed i.e., for non-installation of OCEMS, violations of TNPCB consent conditions and violations of the provisions of Hazardous Waste Management Rules, 2016.

In compliance of the above directions of the Board to TNEB, the EB power supply to the unit of M/s. Letraco Kid Leather, S.F. No. 148/1-4, Vandalur-Kelambakkam Road, Melakottaiyur Village, Thiruporur Taluk, Chengalpattu District was disconnected on 10.12.2019.

9. It is respectfully submitted that the Hon'ble NGT in its order dated: 16.12.2019 on O.A.No.06 of 2018 has stated the following:

" Since the environmental compensation has already been fixed by the authorities and the closure order has been issued, the industry unit will get an opportunity to challenge the same by filing appeal before the appropriate authority under the statutory. This tribunal need not go into this aspect at this stage as statutory remedy is available to the unit against the impugned order which they can exercise independently. Since the environmental compensation has already been assessed by the authority and direction has been issued for realization of the same, we feel that there is nothing survives in this matter and both the orders


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can be challenged by the applicant unit, if they are not satisfied, before the appropriate forum in accordance with law.

10. It is further submitted that, aggrieved by the Board's decision, the unit has filed an appeal before Hon'ble Appellate Authority, TNPCB in the Appeal No.80 of 2019. The Hon'ble Appellate Authority in the said order dated 25/02/2020 has set aside the impugned order and directed the Tamil Nadu Pollution Control Board to revoke the closure direction and to issue restoration of power supply to the unit of M/s. Letraco Kid Leather, S.F. No. 148/1-4, Vandalur-Kelambakkam Road, Melakottaiyur Village, Thiruporur Taluk, Chengalpattu District forthwith.

A copy of the present order was directly forwarded to the TANGEDCO for implementation of the order in respect of restoration of power supply. Based on the Hon'ble Appellate Authority order, the power connection to the unit was restored by TANGEDCO on 26/02/2020.

11. It is further submitted that, now the unit has submitted in its letter dated 27.10.2020 stating that the Mechanical Evaporator with double effect evaporation with ATFD has been installed.

12. It is further submitted that the said unit was inspected on 31/10/2020 by the officials of the DEE, TNPCB, Maramlai Nagar and found that the unit was under operation carrying out dry process only and the installation of mechanical evaporator and ATFD (Activated Thin Film Dryer) was completed and the trial run was found under progress.


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The unit is also in the process of dismantling the Solar Evaporation Pan.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) 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.


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BEFORE ME

VERIFICATION

I, R. Kannan. S/o. V. Raghavan, working as Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032 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 November, 2020.


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

Appeal No. 24 of 2020 (SZ)

Michael Lambert Jehan
S/o. James,
No.12, Duraisamy reddy Street,
West Tambaram,
Chennai-600045.

...Appellant

Vs

The Chairman
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-600 032 & 2 others.

...Respondents

**STATUS REPORT FILED ON BEHALF
OF THE 1ST & 2ND RESPONDENTS -
TAMIL NADU POLLUTION CONTROL
BOARD.**

**Advocate for Respondents No.1 & 2
Thiru. C. Kasirajan
Advocate, Chennai.**

Date: 09.11.2020.