

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT CHENNAI  
MEMORANDUM OF APPEAL

APPEAL NO.24 OF 2020

**Between:**

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

...Appellant

**And**

1. Tamil Nadu Pollution Control Board,  
Rep. by the Chairman,  
No.76, Mount Salai, Guindy, Chennai – 600032.  
Email ID:  
Phone No:
2. The District Environmental Engineer,  
TNPCC, Maraimalai Adigalar Street, Maraimalai Nagar,  
Chengalpattu District – 603209.  
Email ID:  
Phone No:
3. M/s. Letraco Kid Leather,  
Rep. by its Partner,  
S.F.No.148/1-4, Vandalur – Kelambakkam Road,  
Melakottaiyur Village, Thiruporur Taluk,  
Kanchipuram District – 600127.  
Email ID:  
Phone No:

...Respondents

**OBJECTION FILED BY APPELLANT TO STATUS REPORT DATED 9.11.2020  
FILED ON BEHALF OF THE 1<sup>ST</sup> AND 2<sup>ND</sup> RESPONDENTS (TNPCC)**

01. It is humbly submitted that the appellant has filed this Appeal No.24 of 2020 before this Hon'ble Tribunal praying to set aside the impugned order dated 25.02.2020 in Appeal No.80 of 2019 passed by the learned Appellate Authority, TNPCC, Purasaiwakkam and to direct enforcement of the closure and disconnection of power supply order dated 06.12.2020 already passed by the first respondent amongst others.

02. It is humbly submitted that the third respondent tannery is polluting the environment and is running its business in violation of multifarious statutes by (a) discharging chimney smoke and disgusting stink thereby polluting air as a result of which, citizens are finding it difficult to breathe; (b) dumping hazardous chemicals through public drainage system in nearby Melakottaiyur Lake thereby polluting drinking and ground water; (c) dangerously letting out enormous quantity of toxic effluents into the nearby Melakottaiyur Lake thereby spoiling physiochemical properties of soil and contaminating groundwater by percolation; (d) dumping hazardous chemicals into Melakottaiyur Lake thereby killing nearly all life in the lake; (e) making Noise Pollution thereby causing distress and noise related illness to people nearby; (f) by obtaining its

first consent from TNPCB in 2003 by concealing that the Tannery was situated within prohibited site notified by Archaeology in TN State Highway within 200m from Melakottaiyur Lake surrounded by Government and Private Schools and did not get approval from DTCP; (g)by functioning without consent of TNPCB for 8 months between 03.06.2012 and 26.02.2013, for 10 months between 30.06.2013 and 13.05.2014, and for 16 months between 30.06.2015 and 04.11.2016.

03. It is humbly submitted that to prevent the same, the appellant filed an original application before this Hon'ble Tribunal in O.A.No.6 of 2018 following which, the first respondent herein issued a closure and disconnection of power supply order dated 06.12.2019 for non-compliance of previous directions. The first respondent in addition to directing the tannery to comply with its previous directions also imposed an environmental compensation of Rs.23,40,000/- (Twenty-three lakhs and forty thousand rupees only) as per guidelines of CPCB.

04. It is humbly submitted that the third respondent tannery herein, aggrieved by the aforementioned order dated 06.12.2019 passed by the first respondent herein, filed I.A.No.34 of 2019 in O.A.No.6 of 2018 praying for stay of operation of such order. However, this Hon'ble Tribunal passed its final Order dated 16.12.2019 in O.A.No.6 of 2018 and held that since the environmental compensation has already been fixed by the authorities and the closure order has been issued, the third respondent tannery herein will get an opportunity to challenge the same by filing appeal before the appropriate authority under the statute and that this Hon'ble Tribunal need not go into this aspect at that stage as statutory remedy is available to the third respondent tannery herein against the impugned order which they can exercise independently. This Hon'ble Tribunal further held that since the environmental compensation has already been assessed by the authority and direction has been issued for realisation of the same, this Hon'ble Tribunal felt that nothing survives in the matter and both orders can be challenged by the third respondent tannery herein, if not satisfied, before the appropriate forum in accordance with law.

05. It is humbly submitted that "the appropriate authority under the statute" and "the appropriate forum in accordance with law" referred to by this Hon'ble Tribunal is none other than this Hon'ble Tribunal and the third respondent herein ought to have challenged the closure and disconnection of power supply order dated 06.12.2019 passed by the first respondent herein before this Hon'ble Tribunal. However, the third respondent tannery herein, challenged it before the learned Appellate Authority, TNPCB, Purasaiwakkam in Appeal No.80 of 2019 without adding the appellant herein, as a party. It was under these circumstances, the learned Appellate Authority, TNPCB, Purasaiwakkam had passed the impugned order dated 25.02.2020 in Appeal No.80 of



2019 setting aside the closure and disconnection of power supply order dated 06.12.2019 passed by the first respondent herein, for reasons stated therein.

06. It is humbly submitted that in view of the above, the appellant herein had approached this Hon'ble Tribunal by the present appeal in Appeal No.24 of 2020 wherein, this Hon'ble Tribunal by its order dated 21.09.2020 had directed the TNPCB to come with a fresh status report regarding the functioning of the third respondent tannery unit herein **and also mention as to why show-cause notice was not issued to the third respondent tannery unit herein before imposing environmental compensation and on the basis of the observations made by the appellate authority, whether any further action has been taken by TNPCB in this regard.**

07. It is humbly submitted that in compliance of the aforementioned direction of this Hon'ble Tribunal, the TNPCB has filed a status report on 09.11.2020. In such report, the TNPCB has only cited the previous case history and status reports already filed. Nothing new has been mentioned in such status report and more particularly, the TNPCB has not reported in respect of the aforementioned highlighted and underlined portion.

08. It is humbly submitted that the status report does not mention as to why show-cause notice was not issued to the third respondent tannery unit herein before imposing environmental compensation.

09. It is humbly submitted that the status report does not mention whether any further action has been taken by the TNPCB on the basis of the observations made by the appellate authority.

10. It is humbly submitted that the status report does not mention whether the third respondent tannery unit herein at present is working with or without the consent of TNPCB.

11. It is humbly submitted that the only new aspect mentioned in the status report was in paragraph 12 wherein, it was stated that the third respondent tannery unit was inspected on 31.10.2020 by officials of DEE, TNPCB, Maraimalai Nagar who found the unit carrying out dry process only and that installation of mechanical evaporator and ATFD was complete and trial run was found under progress and that dismantling was Solar Evaporation Pan was also under process.

12. It is humbly submitted that "carrying out dry process only" is the most popular defense taken by all polluters and the TNPCB ought to probe into the same by taking necessary tests and ought to submit the test reports before this Hon'ble Tribunal which was not done. It is pertinent to point out at this juncture that the TNPCB has not taken any Soil Test and has not submitted any Report in this regard so far.



13. It is humbly submitted that the status report does not mention records pertaining to purchase and installation of the mechanical evaporator and does not contain photographs of installation of the same and dismantling of the Solar Evaporation Pan.

14. It is humbly submitted that the status report contains a photograph wherein, one could find only very few plants that appear to have planted overnight. This does not construe a proper green belt as per guidelines. The It is also pertinent to point out at this juncture that the TNPCB had maintained before the learned Appellate Authority, TNPCB, Purasaiwakkam that the third respondent tannery unit herein had already established a green belt and the status report has not mentioned what action has been taken by the TNPCB in this regard.

15. It is pertinent to point out at this juncture that during earlier occasions, status reports were proper only when CPCB was a part of the Joint Committee which conducted the inspection.

It is therefore prayed that this Hon'ble Tribunal may be pleased to record the aforementioned objections, discard the status report filed by the TNPCB and direct a fresh report by a Joint Committee comprising CPCB and thus render justice.

**Dated at Chennai on this the 27<sup>th</sup> day of January 2021**

**APPELLANT**



**BEFORE THE NATIONAL GREEN  
TRIBUNAL (SOUTH ZONE) AT  
CHENNAI**

**Appeal No.24 OF 2020**

**Between:**

Mr. Michael Lambert Jehan,  
S/o Mr. James,  
No.12, Duraisamy Reddy Street, West  
Tambaram, Chennai – 600045.

**...Appellant**

**And**

Tamil Nadu Pollution Control Board,  
Rep.By Chairman,  
No.76,MountRoad,Guindy,Chennai –  
600032  
and 2 Others.

**...Respondents**

**OBJECTION FILED BY APPELLANT**

**MR. MICHAEL LAMBERT JEHAN**  
**Party-in-Person**  
**APPELLANT**  
**[Mob: 8754489891]**