

**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

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

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**Appeal No.24 of 2020**

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...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

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

I, G. Gopalakrishnan, S/o.V. Gandhi, Hindu, aged about 59 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 Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 1<sup>st</sup> & 2<sup>nd</sup> Respondents Board and as such I am well acquainted with the facts of the case as per records.

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

2. It is respectfully submitted that, the Hon'ble NGT (SZ), Chennai has passed order dated 06.01.2021 inter alia as follows:-

“We have received the status report submitted by the respondents 1 & 2. They have not mentioned anything about the further action taken by them, subsequent to the disposal of the appeal by the Appellate Authority in respect of collection of the environmental compensation as directed by this Tribunal by order dated 21.09.2020.

The parties are directed to file their respective response and the Pollution Control Board is directed to file further report before this Tribunal”.

3. It is respectfully submitted that in the Original Application No. 6 of 2018 (SZ), Michael Lambert Jehan Vs Tamil Nadu Pollution Control Board and 6 others against the 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 Hon'ble National Green Tribunal in its order dated 11/02/2020 has disposed the case and stated that regarding any report to be filed regarding the remediation as directed by the Tribunal, the TNPCB is at liberty to file the same before this Tribunal within one month. This order will be without prejudice to the right of the unit to file its objection and also raise their contentions in the statutory appeal in the Appellate Authority in accordance with law. We have not made the opinion regarding merits of the case and we have only relied on the reports submitted and on that basis directed the authorities to take appropriate action to be taken by the authorities. If it is challenged, that can be considered by the Appellate Authority in accordance with law.

  
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It was submitted before the Tribunal by the Board that, as there is no damage on the soil and Melakottaiyur Lake on account of violations by the operations of M/s Letraco Kid Leather Company as inspected by the Joint Committee constituted by the Hon'ble NGT and the same was already submitted to the Hon'ble Tribunal, no remedial measures required to be taken. However the said unit was levied with environmental compensation as per the guidelines of CPCB amounting to Rs.23,40,000/- is on account of non compliance of directions previously issued by the Board. Further direction was already issued to the unit for the closure and stoppage of power supply including the condition on remittance of environmental compensation vide Proc.No.T1/TNPCB/ F.005500/Tannery/NGT/RS/W&A/2019 dated 06.12.2019 and the unit has yet to remit the environmental compensation levied."

It is further submitted that, the Hon'ble National Green Tribunal in its order dated 11.02.2020 has stated that :

*It is seen from the report that there was no soil or water pollution caused and there is no necessity for any remediation required. So under such circumstances, there is no further order required and the report is accepted and the application is closed'.*

It is respectfully submitted that the said unit of M/s. Letraco Kid Leather has preferred an appeal before the Hon'ble Appellate Authority against the Board's directions issued 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

  
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Control of Pollution) Act, 1981 as amended vide Proc. No.T1/TNPCB/F.005500/Tannery/NGT/RS/W&A/2019 dated 06.12.2019 and levying of environmental compensation of Rs.23,40,000/- (Rupees Twenty Three Lakhs Forty Thousand Only) to take corrective actions on the non-compliances observed.

In this regard, the Hon'ble Appellate Authority in its order dated 25/02/2020 and directed as follows :

It reads that in the status report filed by the Board, out of seven deficiencies except two defects, all others are complied with. One of the same is to dismantle the solar evaporation pan and to install mechanical evaporator followed by ATFD and other is payment of environmental compensation of Rs.2340000.

Further reads that in so far as the dismantling of solar evaporation pan and installation of mechanical evaporator is concerned, the appellant unit has already purchased machineries and civil installation work has been under progress. And as per Board Proceedings Ms.No.63 dated 26.11.2019, Board has extended the time granted to switch over to mechanical evaporator followed by ATFD, to all the IETPs/CETPs, textile processing units and tannery units upto 31/03/2020 and also directed that the existing solar evaporation pan shall be dismantled completely after commissioning of the mechanical evaporator followed by ATFD. Further regarding levying of environmental compensation, the appellant unit has not been issued with either any show cause notice for levying compensation or any

  
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demand notice after levying compensation by the TNPC Board and without giving opportunity to the appellant unit to have their say.

Hence the Hon'ble Appellate Authority in the said order dated 25/02/2020 has set aside the impugned order and directed the Tamilnadu 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.

It is submitted that 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. In this regard the said unit was inspected on 31/10/2020 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.

It is submitted that, the Hon'ble Appellate Authority has set aside the directions issued by the Board for the closure and stoppage of power supply wherein levy of environmental compensation is one of the directions. Hence, further action has not been taken on the remittance of environmental compensation.

  
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4. It is further submitted the unit has provided mechanical evaporator and Activated Thin Film Dryer (ATFD) based on the application filed by the unit for consent of the Board, the respondent Board was issued consent to operate vide Board's Proceeding No.F.1205MMN/RS/DEE/TNPCB/MMN/W&A/2021 dated 11.01.2021.

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.

*G. Gopalkrishnan*  
 JOINT CHIEF ENVIRONMENTAL ENGINEER  
 TAMILNADU POLLUTION CONTROL BOARD,  
 No.76, MOUNT SALAI, CHENNAI-600 032.  
**BEFORE ME**

#### VERIFICATION

I, G. Gopalakrishnan, S/o. V. Gandhi, working as Joint 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 03<sup>rd</sup> day of March, 2021.

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

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

**Date: 03.03.2021.**

**Date of hearing on:04.03.2021**