

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

**Original Application No. 244 of 2021 (SZ)**

S.S. Rajasekaran,  
Mettur Dam, Salem

-Vs-

R. Ramachandran  
Managing Director,  
Mettur Dam, Salem District & Others.

...Respondents

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**Filed by**

Thiru. Sai Sathyajith,  
BSC, Chennai.

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI.

ORIGINAL APPLICATION NO. 244 of 2021 (SZ)

S.S. Rajasekaran,  
S/o. S.A.V.Swamidurai,  
16/46, Municipality Street,  
Mettur Dam-636 401.

...Applicant

Vs

1. R. Ramachandran,  
Managing Director  
M/s. R.K.Electicals,  
14/48, Municipality Street,  
Mettur Dam-636 401,  
Salem District.
2. R. Jayamani,  
W/o. Ramasamy,  
20/56A, kaveri Nagar,  
Mettur Dam- 636 401.  
Salem District.
3. The Chairman,  
Tamil Nadu Pollution Control Board,  
76, Mount Salia, Guindy,  
Chennai – 600 032.
4. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
1/276, Meyyanoor Main Road,  
Salem – 6306 004.
5. The District Collector,  
Salem District,  
Salem – 636 001.
6. The Thasildar,  
Mettur Revenue Office,  
Mettur Dam-636 401,  
Salem District.

  
26/10/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALIA, GUINDY,  
CHENNAI - 600 032.

JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
NO.76, MOUNT SALIA, GUINDY,  
CHENNAI - 600 032.

7. The Commissioner,  
Mettur Municipal Commissioner,  
Mettur Dam-636 401.  
Salem District.
8. The Superintending Engineer,  
Mettue Electricity Distribution Circle  
TANGEDCO,  
Mettur Dam-636 401.  
Salem District.
9. Assistant Executive Engineer,  
TANGEDCO,  
K.N.Colony,  
Salem – 636 014.
10. The Superintending Engineer,  
P&A, Mettue Thermal Power Station,  
Mettur Dam-636 401.  
Salem District.

...Respondents

**REPORT FILED ON BEHALF OF THE 3<sup>RD</sup> & 4<sup>TH</sup> RESPONDENTS**  
**TAMIL NADU POLLUTION CONTROL BOARD**

I, R.Rajamanickam, S/o. P.M Ramasamy, Hindu, aged about 58 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 3<sup>rd</sup> & 4<sup>th</sup> Respondents 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 (SZ) passed order dated 23.12.2021 and directed inter alia as follows:

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

*R. Rajamanickam*  
26/11/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI - 600 032.

*“Para 08: In the mean time, the 5th Respondent/District Collector – Salem District or his/her nominee as deputed by him, not below the rank of Assistant Collector/Sub Divisional Magistrate and the 4th Respondent/ District Environmental Engineer - Tamil Nadu Pollution Control Board, Salem are directed to inspect the unit in question and submit an independent factual as well as action taken report, if there is any violation found”*

*Para 09: They are directed to ascertain as to whether such type of unit is permissible in a residential area, whether consent or other permissions (if any) required under environmental laws have been obtained by the 1<sup>st</sup> respondent, whether any air or noise pollution caused on account of the activities of the 1<sup>st</sup> respondent, causing inconvenience to the people in that locality, whether the pollution control mechanism provided is sufficient to mitigate the possible pollution both air as well as noise pollution and other pollution likely to be caused on account of their operation and if not , what further measures are to be taken to mitigate the same. If there is any violation found, then the Tamil Nadu Pollution Control Board is directed to assess the compensation as well, as directed by this Tribunal and also by the Principal Bench of National GreenTribunal”*

3. It is respectfully submitted that, in pursuance to the said NGT order dt.23.12.2021, the 1<sup>st</sup> respondent unit of M/s R.K.Electrical, Mettur was inspected by the Sub Collector, Mettur and the District Environmental Engineer, TNPCB, Salem on 09.02.2022.

During inspection the following were observed:

- i. The unit was in operation.

JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
MOUNT SALAI, GUINDY,  
CHENNAI - 600 032.

*R. G. Srinivasan*  
26/10/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI - 600 032.

- ii. The unit was found under operation without obtaining consent of the Board under Air (P&CP) Act,1981 as amended in 1987 and Water (P&CP) Act,1974 as amended in 1988.
- iii. The unit has not provided Air pollution control measures to the painting section and noise control measures during operation of machineries.
- iv. The unit was generating iron scrap & copper wire etc.,
- v. Residents are located in the nearby area.

Hence, the unit M/s.R.K.Electrical, Mettur, Salem District has been issued with Show cause notices vide District Environmental Engineer, TNPCB, Salem proceeding dated 15.02.2022 under the Water (P&CP) Act, 1974 as amended in 1988 and the Air (P&CP) Act, 1981 as amended in 1987 for operating without obtaining consent of the Board under the Water & Acts.

4. It further submitted that, the unit of M/s. R.K. Electrical has submitted its reply to the show cause notice dated 03.03.2022. The copy of units reply to show cause notice is submitted herewith as Annexure-I.

Meanwhile an Ambient Air Quality/Noise Level survey was conducted in the vicinity of M/s R.K.Electrical, Mettur, Salem District on 23.03.2022 by Advance Environmental Laboratory, Tamil Nadu Pollution Control Board, Salem. The Ambient Air Quality / Noise Level survey reveals that:

- i. The Pollutant level concentrations were monitored with full operational condition of the unit. The values are found to be well within the Board standards

JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
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*R. K. Srinivasan*  
26/03/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI - 600 032.

- ii. The Noise level reading was recorded in the operational & idle position.
- iii. The Noise survey report reveals that the noise level increases during idle and operational time in the vicinity of the unit is meagre. Hence, there is no possibility to cause inconvenience to the public nearby due to operation of the unit.

Further the unit of M/s R.K. Electricals has submitted an undertaking on 06.05.2022 stating that

- i. The unit is carrying motor coil winding unit at the location No:14/48, Municipality street, Mettur Dam-1, Mettur Taluk, Salem District.
- ii. The compressor motor kept for service has been serviced & winded and handed over to the customer on 18.02.2022. This activity doesn't cause any pollution.
- iii. The unit has assured that it will not carry out transformer repairing work, painting & oil service activity in the above said premises.

5. It is respectfully submitted that, during subsequent inspection on 28.07.2022, the unit was found closed and no operation of transformer repair, painting & oil service activity were noticed in the unit. The report of analysis with respect to noise and air pollutants reveals that all the parameters are within the prescribed limit.

6. It is further submitted that as per the directions of the Hon'ble NGT during its hearing held on 19.10.2022, the unit of M/s R.K. Electrical,

*R. Jayaram*  
26/10/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
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JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI - 600 032

Mettur was inspected by the Assistant Engineer, TNPCB, Mettur on 19.10.2022. During inspection, the following observations were made:

- i. The unit was found in closed condition.
- ii. The unit of R.K.Electrical, Mettur itself has completely vacated the shed and removed all its machineries and materials.
- iii. During enquiry, it has been informed that the shed was used as godown for the past two months by the nearby shop owner Thiru Saravanan who does civil contract work.
- iv. On request, the unit was opened by the present occupier, where the materials for the civil works were noticed. The Photographs taken during the inspection is submitted herewith as Annexure-II.

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* 26/10/2022  
 JOINT CHIEF ENVIRONMENTAL ENGINEER  
 TAMIL NADU POLLUTION CONTROL BOARD  
 No.76, MOUNT SALAI, GUINDY,  
 CHENNAI - 600 032.

**BEFORE ME**

**VERIFICATION**

I, R.Rajamanickam, S/o. 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* 26/10/2022  
 JOINT CHIEF ENVIRONMENTAL ENGINEER  
 TAMIL NADU POLLUTION CONTROL BOARD  
 No.76, MOUNT SALAI, GUINDY,  
 CHENNAI - 600 032.

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

# Annexure - I

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TNEB Vendor Registration No. : R001879

GSTIN : 33AAJFR9215K1ZX

PAN : AAJFR9215K

ESI Code : 63000964320000999

EPF Code: CBSLM 1059814000

# RK ELECTRICALS

REWINDING, SERVICING, JOB WORKS

88256 53766

88833 22377

OFFICE ADDRESS :

20/11/A-9,

Periyanna Gounder Nagar,

METTUR DAM - 636401.

Salem Dist. TAMILNADU

Email ID: rkelectricalsmettur@gmail.com.

From,

R. Ramachandran,  
Proprietor of M/s. R.K. Electricals  
No.14/48, Municipality Street  
Mettur Dam, Salem District-636401

To,

The District Environmental Engineer  
Tamil Nadu Pollution Control Board  
Salem

Date: 03.03.2022



Ref: - Your show cause notices dated 15/02/2022 in ref Nos.  
F.NA/OS/DEE/SLM/A/2022 & F.NA/OS/DEE/SLM/W/2022,  
received on 24/02/2022

Sub: - Reply submitted and requested to drop further action- regarding

Sir/Madam,

I have read your show cause notices cited in reference. I deny the allegation of purported violation or contravention of Section 25 of the Water(Prevention and Control of Pollution) Act of 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act of 1981 and submit the following reply, explanation and material facts or points for your consideration.

**As regards water pollution,**

For R K ELECTRICALS

Managing Partner

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1. I deny the alleged violation of Section 25 of Water(Prevention and control of Pollution) Act of 1974. I further state that M/s R.K. Electricals is not an industry or a factory. It is not operating, processing, treating and discharging any water sewage or trade effluent. Hence, the question of water pollution does not arise.
2. I own a store roomat No.14/48, Municipality Street, Mettur Dam, Salem District-63 401. In which, I have kept the tools that are required for rewinding of coil in motor, generator and transformers. Works are performed or undertaken only at the sites that they are already installed or situated and not in my store room. In fine, M/s. R.K. Electricals is a store room, where no industry is operating.
3. I undertake job works. I, my wife and two workers alone are involved. I go with workers to various places and perform the work. Only, in the case of emergency and too at the request of TANGEDCO, considering the interest or welfare of public, coil rewinding is performed at the store. It is a rare occasion. The nature work performed is coil rewinding. It does not require any water. It does not cause any water pollution either. Hence, there is no trade effluent is discharged, not even domestic sewage.

For R K ELECTRICALS

  
Managing Partner



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# RK ELECTRICALS

REWINDING, SERVICING, JOB WORKS

Email ID: rkelectricalsmettur@gmail.com.

4. In fine, no water being used for coil rewinding. As a result, there is no discharge of any sewerage or trade effluent into street or well or sewerage or on land. Therefore, there is no water pollution caused by me.
5. Furter, no sample was collected and tested from any laboratory to confirm any water pollution at my instance. I have not been given any analysis report either. I am prepared to bear the cost therefor. In this back drop, it is completely unreasonable and arbitrary to expect an application for a consent even to undertake a coil rewinding works. Occasionally, coil failure in motor is attended. The faulty or failed coils are removed and a new or fresh coil rewinding is done.
6. Hence, there is no contravention of Section 25 of Water (Prevention and control of Pollution) Act of 1974. Consequently, I have not committed any offence punishable under Section 44 of the said act
7. That part, coil rewinding does not cause any water pollution. Hence, the location of residence nearby the store room is of no relevance or consequences. In fact, there is a hotel next to the house of the

For R K ELECTRICALS

Managing Partner

complainant Mr.S.S.Rajasekaran and other commercial establishments are also there. However, I am selectively targeted by him for oblique reason and motive to fleece money.

**As regards Air pollution,**

8. I state that coil rewinding does not cause any air or noise pollution. A mere location of a store room cannot be construed as causing air or noise pollution and that too in a non-air pollution in control area. There is no congregation of industries. My coil rewinding storeroom does not cause any industrial emission causing either "Air" or "Noise" pollution. No material is burned causing any air pollution. In this case, there is no material particulars or basis in the show cause as to what is the extent of standard of emission laid down by the TNPCB and what was the level of noise noticed in my store, since it is not an industrial plant in any Air pollution control area.
9. It is rudimentary that while carrying out coil rewinding neither Air nor noise pollution is caused. Machineries is not used for coil rewinding and it is done manually. No standard average and rational thinking persons would ever complain that I cause "Air" or "Noise" pollution. Therefore, I have not committed violation of Section 21 of the Air(Prevention and control of Pollution) Act, 1981



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REWINDING, SERVICING, JOB WORKS

Date :

10. Furter, no test or sample was collected for assess noise level. Material particulars as to decibel level is lacking in the show cause notice. It confirms that the complain of air or noise pollution is hollow and baseless. I have not been given any analysis report either. I am prepared to bear the cost therefor. In this back drop, it is completely unreasonable and arbitrary to expect an application for a consent even to undertake a coil rewinding works.

11. At that time of alleged inspection, I was not present and one of my workers was there. There is absolutely no generation of any iron scrap or copper wire. Your office personnel would have noticed some iron tools, which are not iron scraps as no lathe or any other machines are. Likewise, failed coils that were removed from the motor or new coils meant for rewinding would have been noticed. They are not iron or copper scraps and there is no way to generate or produce such scraps, since there are no machineries.

12. It is true one estranged S.S.Rajasekaran has filed an application before the National Green Tribunal South Zone, Chennai in O. A.No.

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For R K ELECTRICALS

Managing Partner

MFRS. 1. ELECTRICAL DOMESTIC AND COMMERCIAL APPLIANCES INCL, MIXER, GRINDER, OVENS, ETC AS IN THE SCHEDULE  
2. ELECTRICAL MOTER, SPARE PARTS AND ACCESSORIES 3. MACHINE MADE MATCHES, 4. TRANSFORMERS 5. ELECTRO MAGENET SEPARATOR.

244 of 2021. In which, I am yet to file my reply and expose the complete falsity, malafide and misuse and abuse of process. The National Green Tribunal has not passed any orders. Hence, even before adjudication is done, your office appears have acted under pressure of said S.S. Rajasekaran, known for his belligerent acts and bullying tactics.

13. In fact, earlier, your officer made inspection on 09.12.2017 and found that I only do coil rewinding on the electrical motors and generators and transformer and am not causing any pollution and had exempted from obtaining any consent vide communication dated 20/12/2017 in letter no 2767/Ko.01/Ma.Ka.Su.Po/Tanamakava/Pugar/Salem/2017.

**MOTIVATED COMPLAINT AT THE INSTANCE OF ONE MR.S.S.RAJASEKARN**

In fact, at the time of establishing the storeroom to keep electrical implements, the said Rajasekaran enquired about the nature of my works. He wanted to join me as a partner, claiming he is a former employee of TANGEDCO and could secure orders for coil rewinding in transformers. I have refused to take him as a partner. He then made a claim to share a particular amount as a commission to be paid to him every month, saying that he is the President of Residence Welfare



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ESI Code : 63000964320000999

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Association and would not permit me to undertake any coil rewinding work at this address. As I did not surrender my rights, he chose to make frivolous complaints one after another. That too, after I have spent nearly 4 lakhs for erecting the store room shelter. The intention of said Rajasekaran is thoroughly malafide.

14. Earlier, the said Rajasekaran went to the extent of making false complaint against the advocate, who caused lawyer's notice on my behalf. The said complaint was also dismissed by the TN Bar Council. The complainant Mr. Rajasekaran has raised construction of his house without any building plan approval by providing any setback. However, to escape from the clutches of law, has put up a board, as if, it was constructed in the year 1939. Being an advocate, he attempts to harass all and spare none with sinister motive and malafide intention.

**PRAYER:**

For R K ELECTRICALS

Managing Partner

Hence, the facts and circumstance of this case, do not warrant initiating any proceedings either under the Air pollution or Water Pollution Acts, as I have not contravened the provisions the said acts. The National Green Tribunal is to decide, adjudicate, and give a finding on the acts complained against me. At this juncture any preemptive act taken by your office would cause severe prejudice and hardship.

I therefore request your office to drop all the further proceedings and provide a personal hearing as well, in order to put forth all my defense and further material and thereby render justice

Yours Truly

For R K ELECTRICALS

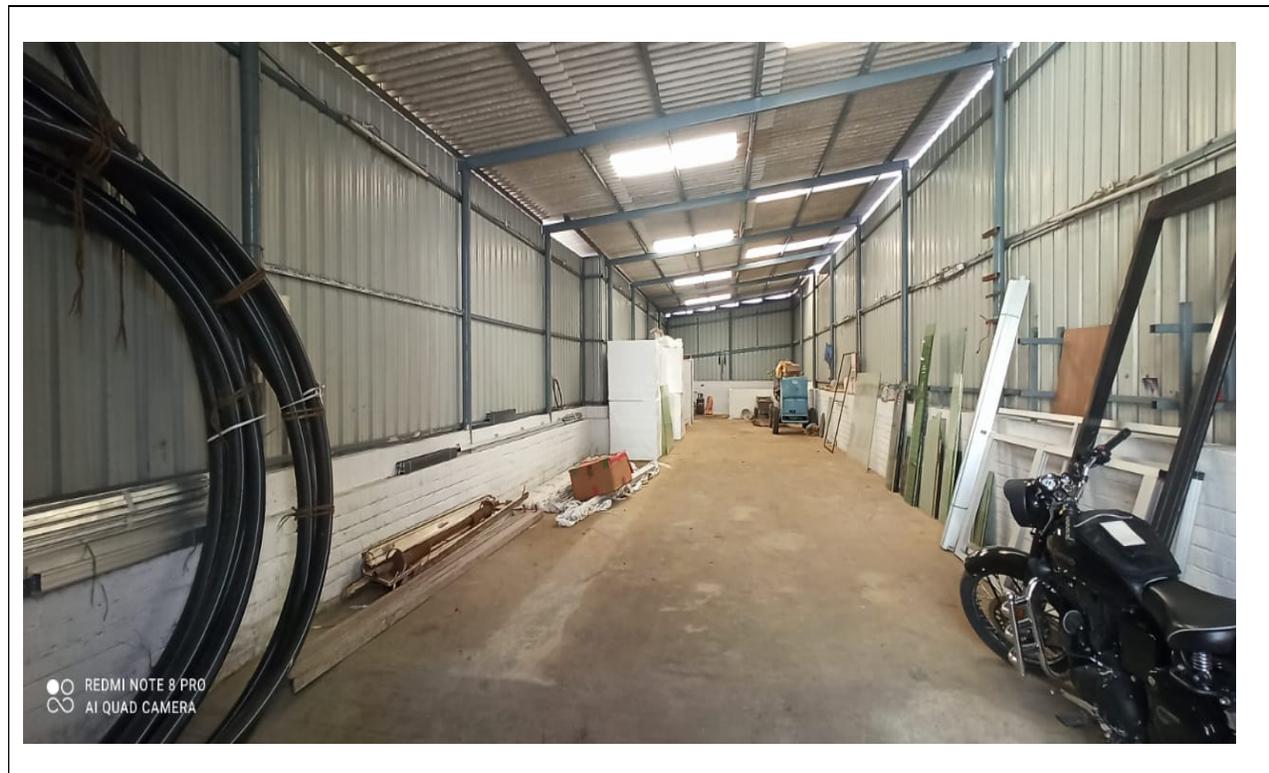


(R. Ramachandran)

Status as on 19.10.2022

The shed previously occupied by the unit M/s RK Electricals , Mettur







தமிழ்நாடு தமிழ்நாடு TAMILNADU

18.2.22 ரூ. 100

R.K. Electricals  
mettupalam. 1.

CR 041181

G. பால முரன், 3  
282-சி, தம்மன்னை ரோடு, சென்னை  
எண் 6424-2197, தமிழ்நாடு

### உறுதிமொழி ஆவணம்

சேலம் மாவட்டம், மேட்டூர் வட்டம், மேட்டூர் அணை -1, முனிசிபாலிட்டி வீதி 14/48-ல் இயங்கி வரும் M/s R.K. Electricals எனும் தொழிற்கூடத்தின் உரிமையாளர் R.ராமசந்திரன் ஆகிய நான் பிரமாணத்தின் பேரில் உறுதியாய் சொல்கிறதாவது.

1. நான் மேற்கண்ட விலாசத்தில் மின் மோட்டார்களுக்கு காயில் கட்டும் தொழில் செய்து வருகின்றேன்.

For R K ELECTRICALS

Managing Partner

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2. எனது தொழிற்கூடத்துக்கு 15.02.2022 அன்று மாசு கட்டுப்பாட்டு வாரியம் ஆய்வு செய்து அறிவிப்பு கொடுத்தது. அப்போது என் தொழிற்கூடத்தில் பழுது நீக்க வைத்திருந்த கம்பர்சர் மோட்டாரை நான பழுது நீக்கி, வைண்டிங் செய்து 18.02.2022 அன்று உரியவரிடம் ஒப்படைத்து விட்டேன். மேலும் இந்த வேலையின் பொழுது எந்தவிதமான மாசும் ஏற்படவில்லை என்பதை தெரிவித்துக் கொள்கிறேன்.

இனி என் தொழிற்கூடத்தில் டிரான்ஸ்பார்ம் ரிப்பேரிங் ஒர்க், பெயிண்ட் கம்பர்ஷர் மெஷின், ஆயில், பெயிண்டிங் சம்மந்தப்பட்ட எந்த வேலையும் செய்ய மாட்டோம் என இதன் மூலம் உறுதியளிக்கிறேன்.

FOUR K ELECTRICALS


  
Managing Partner

**BEFORE THE HON'BLE NGT (SZ),  
CHENNAI**

**Original Application No. 244 of 2021 (SZ)**

S.S. Rajasekaran,  
Mettur Dam, Salem

...Applicant

**-Vs-**

R. Ramachandran  
Managing Director,  
Mettur Dam, Salem District & Others.

...Respondents

**REPORT FILED ON BEHALF OF THE  
3<sup>RD</sup> AND 4<sup>TH</sup> RESPONDENTS – TAMIL  
NADU POLLUTION CONTROL  
BOARD**

Advocate for Respondent: TNPCB  
Thiru. Sai Sathyajith  
BSC, Chennai.

Dated: 11.11.2022

Date of hearing: 02.12.2022