

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

O.A.No.19 OF 2013(SZ)

Meenavargal Membattu Sangam

Vs

The Chief Secretary, Government of Tamil Nadu, Chennai and Ors

With

O.A.No.248/2016(SZ)

Meenava Thanthai K.R.Selvaraj Kumar, Meenavar Nala Sangam

Vs

The State of Tamil Nadu and Ors

With

O.A.No. 224 of 2016(SZ)

Meenava Thanthai K.R.Selvaraj Kumar, Meenavar Nala Sangam

Vs

The State of Tamil Nadu and Ors

**COMMON WRITTEN SUBMISSIONS FILED ON BEHALF OF THE
APPLICANTS DATED 06.02.2022**

The Present written submissions filed on behalf of the Applicants may be read as part and parcel of the objections filed by the Applicants to the Joint Committee on 04.07.2021 in the above titled Applications. The Applicants respectfully submits the following submissions and documents for the consideration of this Hon'ble Tribunal:-

**Joint Committee Report is in Contrary to Sec.11,12,13 and 14 of
Environmental Protection Act,1986:**

- I. The Applicant humbly submits that the report of the Joint Committee dated 28.10.2020 is solely on the basis of the reports analysed and produced by the Private Laboratory which cannot be considered as Primary Evidence before any legal proceeding under the provisions of Sec.11, 12 and 13 of the Environmental Protection Act, 1986. In the

present case, unlike other previous reports, the last Joint Committee has delegated the statutory power conferred under the Environmental Protection Act to the private Laboratory which is in a flagrant violation of Sec.11, 12 and 13 of the Environmental Protection Act.

- II. Despite to the above, the report of the Joint Committee has not annexed any documents to substantiate that the Private Laboratory is an accredited Laboratory to analysis the samples and to produce the report in the Present case . Further, the Report of the Joint Committee does not state anything in regard to the qualification of the person/persons who have analysed the samples taken by the Joint Committee and thus, it is a violation to the provisions of Sec.12,13 and 14 of the Environmental Protection Act. Therefore, the report filed by the last joint committee may be held as null and void.

Four Committee Constituted by this Hon'ble Court recommended for ZLD and Catalytic Process to save the Ocean from the Big Threat:-

- III. The Present Joint Committee including four other committees constituted by this Hon'ble Tribunal have recommended the Industries to switch over to Catalytic process and Zero Liquid Discharge for the safety and the protection of the Environment, but, it is shock and surprise that the said industries have intentionally disregarded the recommendations and discharging the toxic hazardous effluents into the sea without a proper treatment. The process of Zero Liquid Discharge is very important to the aforesaid industries in so far as they are engaged into the business of manufacture and production of Petro chemical components and any mismanagement would degrade the coastal eco system and its species.
- IV. The Applicant humbly submits that the report of the joint committee categorically stated that the NIOT required a period of five years to study the impacts of the pollution on the coastal ecosystem caused by the aforementioned industries.

- V. The Applicant further submits the present joint committee as well as the previous committees have recommended several short term and long term suggestions to be carried out by the industries. But, hitherto nothing has been adhered by the aforementioned industries for the safety of the Environment.

No observation in regard to the Discharge of Effluents for the period of Four years(1986-1990) and indeed No CRZ clearance for Pipe Line:-

- VI. The Applicant submits that the present Joint committee has failed to consider the fact that the Industries namely Manali Petro Chemicals Ltd (Unit- I and Unit-2)(Two Companies) and Tamil Petro Chemicals Ltd were established in the Year.1986 and have laid Pipeline in the Year.1990 in the Crz Area to carry the effluents into the sea. In this regard, the report of the Joint Committee is silent and has not stated the modality of the discharge of the hazardous effluents for the period of four years(1986-1990) by the aforementioned industries and thus, it is crystal clear that they may discharged the effluents on the CRZ zone without any treatment. (**Please see Page No.35 in Applicant Objections under the head Pipe Line to Sea Status**). Further, the Joint Committee and the Project Proponent have not stated anything in respect of the CRZ clearance obtained by the aforementioned industries for the laying of pipeline.

Exorbitant Damage to CRZ Area and it affects the livelihood of the Fishermen community:-

- VII. From the report of the analysis conducted and produced by the previous committees would emphasis the gravity of damages that has been caused to the coastal ecosystem by the aforementioned industries and further the area on which the damage has been caused falls under the jurisdiction of CRZ notification and thus, the interference of this Hon'ble Court is much called for the protection of CRZ areas including the livelihood of the fishermen in that region. The Applicant further submits that if the industries are allowed to discharge the effluents into the sea that would put the aqua species under peril and it affects the livelihood of the Fishermen.

Polluter Pay Principle not considered in the Present Case:-

VIII. The Applicant humbly submits that the present report of the committee overlooked the previous violations committed by the Respondent Industries ie.MPL-I, MPL-II and TPL for the deliberate discharge of hazardous effluents into the sea. As this applicant stated earlier, the three reports filed by the Committee before this Hon'ble Tribunal have specifically observed that the respondent Industries have discharged the huge quantity of hazardous effluents into the sea without any Treatment. Further, in the present report of the committee has also observed that the violations and the pollutants into the sea are still persisting and the restoration of the coastal needs further study of experts. Therefore, it is humbly prayed that this Hon'ble Tribunal may be pleased to impose environmental compensation on Respondent Industries ie.MPL-I, MPL-II and TPL independently by applying the principle of polluter pays from the year of establishment of Respondent Industries till this day for causing enormous degradation to the sea by inherently discharging the hazardous effluents into the marine by violating the provisions of CRZ Notifications. In addition thereto, the livelihood of the fishermen has also been affected by an unscientific and unauthorised way of operating units by respondents Industries. Therefore, the Applicant humbly prays that this Hon'ble Tribunal may be pleased to impose environmental compensation on Respondent Industries ie.MPL-I,MPL-II and TPL including damages to the fishermen's in that region.

In the case of ***M.C. Mehta v. Kamal Nath, [(2002) 3 SCC 653 : AIR 2002 SC 1515.]*** the Supreme Court held: "Pollution is a civil wrong. By its very nature, it is a tort committed against the community as a whole. A person, therefore, who is guilty of causing pollution, has to pay damages (compensation) for restoration of the environment and ecology. He has also to pay damages to those who have suffered loss on account of the act of the offender. The powers of this Court under Article 32 are not restricted and it can award damages in a PIL or a writ petition as has been held in a series of decisions. In addition to damages aforesaid, **the person guilty of causing pollution can also be held liable to pay exemplary damages so that it may**

act as a deterrent for others not to cause pollution in any manner.

*In the case of **Sterlite Industries (India) Ltd. v. Union of India**, (2013) 4 SCC 575: To the effect that compensation must be deterrent having regard to paying capacity and magnitude of the polluter..*

*In the case of **Vellore Citizens Welfare Forum Vs. UOI** 1996(5) SCC 647 the Hon'ble Apex court held that the precautionary principles and polluter pays principle were held to be part of the environmental law of the country. It was held that the polluter pays principle means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of sustainable development.*

In the case of Indian Council for Enviro-Legal Action vs. Union of India 1996(3)SCC212, The Hon'ble Apex Court held that once the activity carried on is hazardous or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable care while carrying on his activity. The rule is premised upon the very nature of the activity carried on.

Industries sacrificed the Environment for the sake of "PROFIT" without complying the laws laid down for the protection and safety of Environment:-

- IX. The Applicant humbly submits that the reports filed by the Joint Committee would reveals that the aforementioned industries were/are discharging the hazardous effluent directly into the sea without efficient and proper Effluent Treat Plant. In this regard, it is to submit that the affidavit filed by the director of the industries in Appeal No.52 of 2017 would depict that the industries were not having effective and functional Effluent treatment plant to treat the hazardous effluents before discharging into the sea.

Quote:

4. **The Appellant humbly submits that they have been all earnest efforts for Implementation of the ETP upgradation at the earliest.** I crave leave of this Hon'ble Tribunal to take on record the typed set of papers showing the ongoing activity in the plants and pass appropriate orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the cases and render justice

(Extracted from the Affidavit filed by the Respondent Companies in Appeal No.52 of 2017 and other connected disposed matters)

From the above it is clear that the Effluent Treatment plant of the aforementioned industries were not effective and functional to treat the effluents discharge from the industries. The aforesaid facts have been clearly recorded by the previous committee in their reports. **(Please See Page Nos.32,54,57,61,62 and 77 of the objection of the Applicant to the JC Report)**

In the case of "**Paryavaran Suraksha Samiti & Anr vs Union Of India & Ors**"(2017 SCC 326) the Hon'ble Supreme held that:

Quote:-

*We are of the view, that mere directions are inconsequential, unless a rigid implementation mechanism is laid down. **We therefore hereby provide, that the directions pertaining to continuation of industrial activity only when there is in place a functional "primary effluent treatment plants", and the setting up of functional "common effluent treatment plants" within the time lines, expressed above, shall be of the Member Secretaries of the concerned Pollution Control Boards. The Secretary of the Department of Environment, of the concerned State Government (and the concerned Union Territory), shall be answerable in case of default. The concerned Secretaries to the Government shall be responsible of monitoring the progress, and issuing necessary directions to the concerned Pollution Control Board, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The***

said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data, and shall furnish the same to the Bench of the jurisdictional National Green Tribunal

Unquote:-

From the above Judgement, it is crystal clear that all Industries are ought to have installed functional Effluent treatment plant to treat the effluents discharged by the Industries. But, in the present case, the Industries were not having effective and functional Effluent treatment plant to treat the effluents.

Turnover of Manali Petro Chemicals LTD and Tamil Nadu Petro Chemicals for the last five financial years:-

Turnover of Manali Petro Chemicals LTD as per their Annual Report uploaded in the company website. https://www.manalipetro.com/wp-content/uploads/2021/09/Manali-AR-2021_Final-1.pdf

Financial years	Turnover in Crores
2020-2021	922.23 crores
2019-2020	676.74 crores
2018-2019	702.12 crores
2017-2018	645.33 crores
2016-2017	582.79 crores

Screen shots from the website of MPL is Annexed as Annexure-I

Turnover of Tamil Nadu Petro Chemicals LTD as per their Annual Report uploaded in the company website. https://tnpetro.com/wp-content/uploads/2016/09/AR_2021-1.pdf

Financial years	Turnover in Crores
2020-2021	1145.21 crores
2019-2020	1224.96 crores
2018-2019	1245.33 crores
2017-2018	1085.09 crores
2016-2017	885.85 crores

Screen shots from the website of TPL is Annexed as Annexure-II

In view of the above submissions, the Applicants prayed that this Hon'ble Court may be pleased to:-

- i. **Impose Exemplary compensation or an average of 10 percent of the total turnover on three Companies independently namely Manali Petro Chemicals LTD(Unit-I and Unit-II)(Two Companies) and Tamil Nadu Petro Chemicals Ltd for the damage caused to the Coastal Eco System and its aqua species from the Year.1986.**
- ii. **Direct the Respondent Industries to Install Zero Liquid Discharge and Catalytic Process as recommended by all committees in the present matter for the Protection and safety Coastal Ecosystem.**
- iii. **Direct the Industries to pay the cost incurred for the studies conducted by the NIOT.**

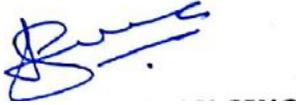
- iv. Direct the Industries to pay compensation/damages to the fishermen community in that region for the damages caused to the Coastal aqua species.

Dated at Chennai on this 06th day of February,2022



APPLICANT

THROUGH



G.STANY HEBZON SINGH



K.MAGESHWARAN



ANNUAL REPORT

2020 - 21

Manali Petrochemicals Limited

Financial Highlights

All amounts ₹ in Crore unless stated otherwise

Details	Ind AS					Previous GAAP				
	2020-21	2019-20	2018-19	2017-18	2016-17 [§]	2015-16	2014-15	2013-14	2012-13	2011-12
Net Revenue from operations	922.23	676.64	702.12	645.33	582.79	579.04	733.13	554.44	522.15	573.96
Other income	12.53	8.74	6.80	1.67	12.35	10.74	7.37	6.30	7.08	6.83
Total Revenue	934.75	685.38	708.92	647.00	595.14	589.78	740.50	560.74	529.23	580.79
EBIDTA	302.72	71.60	97.98	94.91	73.52	77.66	77.55	53.21	43.84	66.70
PBT	257.08	44.98	102.69	83.85	62.47	69.26	69.53	44.76	35.34	58.89
PAT	192.60	38.64	65.17	54.87	42.27	48.21	43.99	29.05	27.32	43.68
Total Comprehensive Income	192.21	39.11	65.86	54.53	42.33					
Equity Capital	86.03	86.03	86.03	86.03	86.03	86.03	86.03	86.03	86.03	86.03
Reserves & Surplus	550.31	371.01	355.52	300.03	255.85	196.67	158.80	125.42	106.43	88.34
Net Worth	636.35	457.04	441.55	386.06	341.88	282.70	244.83	211.45	192.46	174.37
Net Fixed Assets	187.01	200.37	189.18	183.46	170.21	120.89	110.99	106.22	106.29	103.71
Face Value of share ₹	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
Earnings per share ₹	11.20	2.25	3.83	3.17	2.46	2.80	2.56	1.69	1.59	2.54
Dividend	30%#	15%	15%	10%	10%	10%	10%	10%	10%	12%
Book value per share ₹	37.00	26.57	25.67	22.45	19.88	16.44	14.23	12.29	11.19	10.14
EBIDTA/Net Revenue	32.82%	10.58%	13.95%	14.71%	12.62%	13.41%	10.58%	9.60%	8.40%	11.62%
PBT/Net Revenue	27.88%	6.65%	14.63%	12.99%	10.72%	11.96%	9.48%	8.07%	6.77%	10.26%
PAT/Net Revenue	20.88%	5.71%	9.28%	8.50%	7.25%	8.33%	6.00%	5.24%	5.23%	7.61%
Return on Networth	30.27%	8.45%	14.76%	14.21%	12.36%	17.05%	17.97%	13.74%	14.19%	25.05%
Return on Capital Employed	28.39%	7.59%	22.29%	21.33%	18.33%	24.96%	28.71%	20.31%	17.82%	31.93%

[§] Restated as per Ind AS

Subject to declaration at the AGM

Board of Directors

Ashwin C Muthiah	DIN: 00255679	Chairman
Gangadharan Chellakrishna	DIN: 01036398	Director
Sashikala Srikanth	DIN: 01678374	Director
Govindarajan Dattatreyan Sharma	DIN: 08060285	Director
Lt. Col. (Retd.) Chatapuram Swaminathan Shankar	DIN: 08397818	Director
Dr. N. Sundaradevan, IAS (Retd.)	DIN: 00223399	Director
Thanjavur Kanakaraj Arun	DIN: 02163427	Director
Vandana Garg, IAS	DIN: 09205529	Director
Muthukrishnan Ravi	DIN: 03605222	Managing Director
M Karthikeyan	DIN: 08747186	WTD (Operations)

Company Secretary

R Kothandaraman

Chief Financial Officer

Anis Tyebali Hyderi

Registered Office

SPIC HOUSE, 88 Mount Road
 Guindy, Chennai 600 032
 CIN: L24294TN1986PLC013087
 Telefax: 044-2235 1098
 Email: companysecretary@manalipetro.com
 Website: www.manalipetro.com

Factories

Plant - 1

Ponneri High Road, Manali, Chennai 600 068

Plant - 2

Sathangadu Village, Manali, Chennai 600 068

Registrar and Share Transfer Agent (RTA)

Cameo Corporate Services Limited

Subramanian Building
 1, Club House Road, Chennai 600 002
 Phone: 044-28460390/28460394 & 28460718
 Fax 044-28460129, E-mail: investor@cameoindia.com

Auditors

Brahmayya & Co.

Chartered Accountants
 48, Masilamani Road
 Balaji Nagar, Royapettah
 Chennai - 600 014

Cost Auditor

M Krishnaswamy & Associates

Cost Accountants
 Flat 1K Ramaniyam Ganga
 Door No. 27 to 30 First Avenue
 Ashok Nagar, Chennai 600 083

Secretarial Auditor

B. Chandra

Company Secretaries
 AG 3, Navin's Ragamalika
 26, Kumaran Colony Main Road
 Vadapalani
 Chennai - 600 028

Internal Auditors

Profoids Consulting

Management Consultants
 OMS Court, Level 3
 1, Nathamuni Street
 Off GN Chetty Road
 T. Nagar
 Chennai - 600 017

Bankers

IDBI Bank Limited
 HDFC Bank Limited

Vision & Mission

To continuously enhance our customer centric approach towards product customization and to upgrade safety and environmental standards for the betterment of the community at large.



TAMILNADU PETROPRODUCTS LIMITED

**36TH ANNUAL REPORT
2020-21**



Financial Highlights

(₹ in Crore)

Details	Ind AS					Previous GAAP				
	2020-21	2019-20	2018-19	2017-18	2016-17\$	2015-16	2014-15	2013-14	2012-13	2011-12
Revenue from Operations	1,145.21	1,224.96	1,245.33	1,085.09	888.85	700.63	949.87	1,051.82	1,281.42	1,248.19
Other Income	10.16	8.25	6.96	7.30	2.89	2.71	11.56	12.12	5.54	11.64
Total Revenue	1,155.37	1,233.21	1,252.29	1,092.39	891.74	703.33	961.43	1,063.94	1,286.96	1,259.82
EBIDTA	175.06	101.47	98.53	96.62	66.82	12.76	(17.55)	7.09	(0.35)	75.30
PBT	169.84	70.53	71.68	76.91	41.71	38.15	(71.39)	(55.60)	(72.53)	6.45
PAT	121.65	55.08	54.27	51.70	9.30	38.15	(53.07)	(37.30)	(50.56)	5.94
Equity Capital	89.97	89.97	89.97	89.97	89.97	89.97	89.97	89.97	89.97	89.97
Reserves & Surplus	468.61	360.68	318.63	269.38	218.56	189.16	151.01	218.19	255.70	306.45
Net Worth	561.23	433.21	388.98	340.13	288.67	259.27	221.12	288.30	325.61	376.16
Face value of share	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
Earnings per share ₹	13.52	6.12	6.03	5.75	1.03	4.24	(5.90)	(4.15)	(5.62)	0.66
Dividend %	25 *	15	10	5	-	-	-	-	-	5
Book value per share ₹	62.08	50.09	45.41	39.94	34.29	33.23	26.78	34.25	38.42	44.06
EBIDTA / Net Revenue %	15.29	8.28	7.91	8.90	7.52	1.82	(1.85)	0.67	(0.03)	6.03
PBT / Net Revenue %	14.83	5.76	5.76	7.09	4.69	5.45	(7.52)	(5.29)	(5.66)	0.52
Return on Networth %	21.68	12.71	13.95	15.20	3.22	14.71	(24.00)	(12.94)	(15.53)	1.58
Return on Capital Employed %	24.62	15.94	17.10	18.69	13.77	(1.68)	(14.88)	(6.60)	(8.91)	7.32

*Subject to declaration at the AGM

\$Restated as per Ind AS



Board of Directors*

Mr. N. Muruganandam, IAS	DIN:00540135	Chairman
Mr. Ashwin C Muthiah	DIN:00255679	Vice Chairman
Mr. Dhananjay N Mungale	DIN:00007563	Independent Director
Dr. N. Sundaradevan, IAS (Retd)	DIN:00223399	Independent Director
Mr. Debendranath Sarangi, IAS (Retd)	DIN:01408349	Independent Director
Ms. Sashikala Srikanth	DIN:01678374	Independent Director
Lt. Col. (Retd.) C S Shankar	DIN:08397818	Independent Director
Mr. G D Sharma	DIN:08060285	Independent Director
Mr. Pankaj Kumar Bansal, IAS	DIN:05197128	Additional Director
Ms. R. Bhuvanewari	DIN:06360681	Additional Director
Mr. D Senth Kumar	DIN:00202578	Whole-time Director (Operations)
Mr. KT Vijayagopal	DIN:02341353	Whole-time Director (Finance) & CFO

* As on 9th August, 2021

Company Secretary

Ms. Meenakshi Jayaraman

Registered Office & Factory

Manali Express Highway
Manali, Chennai – 600 068
Telefax: 044-25945588
CIN:L23200TN1984PLC010931
E Mail: secy-legal@tnpetro.com,
Website: www.tnpetro.com

Registrar & Share Transfer Agent (RTA)

Cameo Corporate Services Limited
"Subramanian Building", 1, Club House Road
Chennai – 600 002

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Chennai – 600 002

Cost Auditor

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Secretarial Auditor

Ms. B Chandra
Practicing Company Secretary,
AG3, Navin's Ragamalika,
26, Kumaran Colony Main Road,
Vadapalani, Chennai – 600 026.

Internal Auditors

Sundar Srinu & Sridhar
Chartered Accountants,
1st Floor,
New No: 9 Rajamannar Street
T Nagar, Chennai – 600 017

Bankers

IDBI Bank Ltd
State Bank of India
The Federal Bank Ltd
Union Bank of India

Vision & Mission

To sustain and improve upon our performance in petrochemical sector meeting all stakeholders expectations following best practices.