

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

**Original Application No.251 of 2017**

M/s. Perundurai Common Effluent Treatment Plant,  
Rep. by its Director Mr. N. Chandrasekaran,  
Having office at P.No.R-22,  
6<sup>TH</sup> Cross Road,  
SIPCOT Industrial Growth Centre,  
Perundurai – 638 052.

...Applicant

**– Vs –**

The Member Secretary,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Salai,  
Guindy, Chennai – 600 032.

..... Respondents

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

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

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– Vs –

1. The Member Secretary,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Salai,  
Guindy, Chennai – 600 032.
  
2. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Plot No. J2(W), SIPCOT Industrial Growth Centre,  
Perunudrai,  
Erode District – 638 052.

...Respondent

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

I, G. Gopalakrishanan, Son of V. Gandhi, Hindu, aged about 57 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> and 2<sup>nd</sup> respondents TNPC Board as such I am well acquainted with the facts and case from the records.

2. It is respectfully submitted that the applicant filed this Application No.251 of 2017, challenging the letter No.F.PND0238/RL/CETP(Tex)/DEE/PND/17, Dated:06.10.2017 issued by the 2<sup>nd</sup> respondent in and by which the Appellant has been directed to pay the remaining fine amount to the tune of Rs.2,18,07,000/- and with the following prayer:

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

to call for all the records of the 2<sup>nd</sup> respondent bearing letter No.F.PND0238/ RL/CETP(Tex)/DEE/PND/17, Dated:06.10.2017 issued in pursuance of the 1<sup>st</sup> respondent and quash the same.

2. It is respectfully submitted that the Hon'ble NGT(SZ) in its order dated 15.09.2020 directed the Board inter alia as follows:-

*“So, the Pollution Control Board is directed to submit the further report clearly indicating the stand of the Pollution Control Board regarding the allegation made by the applicant in this application regarding the amount of compensation fixed by them.”*

3. It is respectfully submitted that the Hon'ble High Court of Madras in W.P.No.5494/98 and W.P.No.30153/03 had passed orders dated: 04.07.2007 and 09.08.2007 in which Para 7, it is mentioned that by order dated: 13.04.2007 appointed a Monitoring Committee to inspect the concerned units and to report to this court whether the concerned units have established RO Plants/RMS system and achieved Zero liquid discharged as prescribed by the Board. The Hon'ble High Court of Madras directed the Board to carry out a fresh survey under the supervision of the Monitoring Committee and to submit a report.

In pursuance of the order of the Division Bench, the TNPCB in consultation with Monitoring Committee inspected 637 units and categorised these 637 units into several categories and also prepared abstracts furnishing the details.

In pursuance of the notice issued by the Court several units approached before us and made their submission. In the light of the submission made on their behalf, the unit can be divided into following categories

- a) Units now approached this Court stating that RO and RMS have been provided for the Consented/applied capacity;
- b) Units now making reduction of production capacity by removing process machines;
- c) Units which are seeking time to install RO and RMS;
- d) Units which are not applied for / applications not resubmitted;
- e) Units willing to switch over for bleaching operation; and

*G. Ganesan*  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
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- f) Units which claim to have provided for a different technology like sprinkler system”

In the said order, the following direction was issued in respect of Category (c) units.

*Para 14 “The next Category is (c) where time extension is sought for to install RO and RMS. It may be remembered that this Court has granted sufficient time to the defaulting units to install RO and RMS. The Board may grant a further period of three months as a last chance for the installation of RO and RMS systems and during that period, the concerned units will pay a fine of six paise per litre of discharge to the Board.*

In addition, the concerned units will deposit a sum of Rs.50,000/- each with the Board within a period of two weeks. The units will be inspected after three months by the Board and the Monitoring Committee jointly. In case a failure to install RO and RMS and achieve “zero” discharge, within the said period of three months, the amount of Rs.50,000/- will be liable to be forfeited and in that event, the Board will direct the closure of such defaulting units and direct disconnection of electricity supply to the units”

4. It is respectfully submitted that based on the orders of the Hon'ble High Court of the Madras by placing the CETP company under category (c) and calculated the fine amount as per the direction issued in Para 14 of the said order, the District Environmental Engineer, TNPC Board, Perundurai vide letter dated 10.01.2011 calculated the fine amount of Rs.3,62,07,000/- based on the CETP consented quantity, for the period from 04.07.2007 to 29.12.2007, till the accidental breach of Solar Evaporation Pans, to the CETP and communicated the fine amount of Rs.3,62,07,000/- to CETP vide letter dated: 10.01.2011. Further, it is noted that the discharge of the CETP at that time was the quantity mentioned in the Consent Order obtained from the Board.

5. It is respectfully submitted that the CETP in its letter had accepted the fine amount demand of Rs.3,62,07,000/- raised by the Board, by submitting an un-

  
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No. 76, MOUNT SALAI, CHENNAI-600 024

undertaking dated: 26.12.2011 on 10 Rupees Bond Paper and agreed to pay the same in ten instalments (From 25.01.2012 to 25.10.2012). Based on that, Board suspended the closure order issued when accidental breach of Solar Evaporation Pans on 10.01.2012 with a condition that the CETP shall remit the entire fine amount of Rs.3,62,07,000/- . In the said undertaking, it was mentioned that a case was filed before the Hon'ble High Court of Madras in W.P.No. 9957/2011 and adhere to the final orders of Hon'ble High Court of Madras.

6. It is respectfully submitted that the CETP as committed, in its undertaking dated 26.12.2011 had remitted the 4 installments of fine amount of Rs.1,44,00,000/-(From 25.01.2012 to 25.10.2012) to the Board. Then, the Board had further extended the suspension of closure order on 10.10.2013 with a condition that the unit shall pay the balance fine amount according to the outcome of the W.P.Nos.9957 of 2011, which is pending before the Hon'ble High Court of Madras. Further, the Board revoked the closure direction on 11.04.2014 with a condition that the unit shall pay the balance fine amount according to the outcome of the W.P.Nos.9957 of 2011, which is pending before the Hon'ble High Court of Madras.

7. It is respectfully submitted that in the above circumstances, the CETP in its letter dated 15.03.2013 had reported that the fine amount based on their discharge from its member units was arrived at **Rs.1,23,78,778/-** (from 04.03.2007 to 03.10.2007), without submitting their records to the DEE, TNPC Board, Perundurai periodically. After raising the fine amount, the CETP has furnished the same after lapse of more than two years.

8. It is respectfully submitted that the DEE, Tamil Nadu Pollution Control Board, Perundurai in letter dated 05.06.2013 has calculated the fine amount of Rs.1,23,78,778/- and 80 Paise, based on the individual member units discharge quantity maintained and furnished by the CETP vide letter dated: 15.03.2013. Further, the CETP had not furnished this information to DEE, TNPC Board, Perundurai periodically. Moreover, the causes of accidental breach of Solar Evapo-

  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
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*forfeited and in that event, the Board will direct the closure of such defaulting units and direct disconnection of electricity supply to the units”*

11. It is respectfully submitted that in view of the sequence of events narrated above, the Board decided that the CETP claims that they have remitted Rs.1,44,00,000/- as against Rs.1,23,78,778/- based on the member units discharge quantity to the CETP is not legally binding in view of the spirit of the order passed by the Hon'ble High Court of Madras in the matter of W.P.No.5494/98 & W.P.No.30153/03 on 04.07.2007 & 09.08.2007.

Therefore, the CETP is once again requested by the Board to remit the total fine amount of Rs.3,62,07,000/- as committed by the CETP in its undertaking dated 26.12.2011 to the Board vide Board's letter dated 30.09.2020.

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.

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

**BEFORE ME**

#### VERIFICATION

I, G. Gopalakrishnan, son of 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 14<sup>th</sup> day of October, 2020.

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

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1<sup>ST</sup> & 2<sup>ND</sup> RESPONDENTS - TAMIL  
NADU POLLUTION CONTROL BOARD.**

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

**Date:16.10.2020**