

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH, AT CHENNAI
(U/s. 18(1) read with section 14 and 15 of
National Green Tribunal Act,2010)

APPLICATION No. 254 of 2017

In the Matter of

T.Thangaiya Pandian
S/o P.Thangaraj
52/2, Ramanuja iyer Street
Old WashermenPet
Chennai-600021

... Applicant

-Vs-

Tamilnadu Pollution Control Board
Rep.by its Chairman
No. 76 Anna salai,
Guindy
Chennai-600032 & 4others

... Respondents

**OBJECTIONS ON BEHALF OF THE APPLICANT TO THE REPORT FILED BY THE
POLLUTION CONTROL BOARD DATED 09.10.2020 AND 17.11.2020**

MOST RESPECTFULLY SHOWETH:

1. The Applicant humbly submits that the above titled application has been filed highlighting the exorbitant Air and Noise Pollution caused by the 5th and 6th Respondent in the Primary Residential zone. Further, in the present application, the applicant contended that the units of the respondents are running without proper consent and equipments to mitigate the Air and Noise Pollution. In addition thereto, the applicant also raised the significant issue that the units are situated in the primary residential zone and also to the close proximity of schools and hospitals. **(Certified map emphasis that the units situated in the Primary Residential Zone is Annexed at Page.14 of Compilation-II filed by the Applicant in the Present Application)**
2. That this Hon'ble Tribunal had considered the issue at length and had passed the following order on 04.02.2020, The relevant para of the said order is extracted below for the convenience of this Hon'ble Tribunal:



Quote:-

"4. Learned counsel appearing for Pollution Control Board submitted that inspection was conducted on 30.2.2019 and on the basis of inspection, renewal was granted which is valid upto 31.3.2029. They also mentioned that they have provided necessary pollution control mechanism to prevent dust. There is nothing mentioned about noise.

5. In order to ascertain the same, we feel it appropriate to direct Pollution Control Board to inspect and ascertain noise pollution in and around the mill that is likely to be emanated on account of operation of the mill while operating in its full capacity. They will also ascertain as to whether there are any schools and hospitals situated within the distance, as mentioned by the applicant and if so, conduct noise pollution test and ascertain noise level prevailing in that area and whether it has got any impact on those institutions and if there is any noise pollution beyond permissible limit, then they are directed to suggest remedial measures to abate the same as well. They are also directed to conduct ambient air quality check within the premises as well as outside. Pollution Control Board is also directed to ascertain the 3 category of zone. As far as sixth respondent is concerned, learned counsel appearing for Pollution Control Board submitted that sixth respondent had already closed the unit and vacated the premises and it is not functioning in that area. This was done in 2017 itself. Pollution Control Board is also directed to ascertain the nature of categorization of this unit and whether there is any restriction for conducting such unit and as to whether any such similar industries are functioning in that area. If so, how many of them are functioning and whether they are also having necessary "consent" for this purpose, if not, what is the action taken. The said exercise will be completed by the Pollution Control Board within a period of two months and submit report to this Tribunal through e-mail @ ngtszfilling@gmail.com."

Unquote:-

With the above directions to Pollution Control Board, the case was adjourned to 07.04.2020 by this Hon'ble Tribunal. Thereafter, when the matter listed on 04.06.2020, the Pollution Control Board has sought six weeks time to file the report and to comply the directions of Hon'ble



Tribunal issued vide order dated 04.02.2020 and thereafter, the matter adjourned to 10.08.2020.

3. The Applicant submits that when the matter listed on 12.10.2020 ie. After 10.08.2020, the Pollution control Board had filed the incomplete report without complying the directions issued by this Hon'ble NGT vide order dated 04.02.2020 and thus, this Hon'ble Tribunal had passed the following order:-

Quote:-

4. *It is quite unfortunate that they have only reiterated what was stated by them orally on the last hearing date ie.29.09.2020. they have not complied with the directions give by this Tribunal as per order dated 04.02.2020 which was reiterated again as per order dated 04.06.2020. When this pointed out, the learned counsel appearing for the pollution control board submitted that they will come with a fresh proper report.*
5. *They are directed to comply with the directions issued by this tribunal regarding conducting ambient air quality as well as sound level analysis that is being caused on account of the operation of such similar industries and whether the pollution control mechanism provided there are sufficient to meet the requirement and whether it keeps the norms and if not, what is the action taken and recommendation to improve the condition.*
6. *So, we feel it appropriate to grant time till 18.11.2020 to the Pollution control Board to submit the report as directed containing all the above details. Otherwise, the concerned District Environmental Engineer will have to appear before this Tribunal to explain as to why he should not be proceeded against for non-compliance of the directions issued by this tribunal in its letter and spirit.*

Unquote:-

With the above directions to the Pollution Control Board, the case was adjourned to 18.11.2020.

4. The Applicant humbly submits that on 18.11.2020, the Pollution control Board has again filed the incomplete report claiming that they have complied with the



directions of the Hon'ble NGT issued vide order dated 04.02.2020. In this regard, the Applicant humbly seeks the permission of this Hon'ble Tribunal to put forth the objections to the report filed by the Pollution Control Board. They are:-

- i. The Report dated 17.11.2020 reveals that they have not inspected the unit of 5th Respondent as per the order of this Hon'ble Tribunal dated 04.02.2020.
- ii. No Discussion in the report regarding Ambient Air Quality and Ambient Noise level on Respondent No.5 ie. Thirupugal and Sons Mill. In fact, the order of this Hon'ble NGT dated 04.02.2020 specifically directed the Board to conducted these test in and around the units of 5th Respondent with full capacity.
- iii. The Report of the Pollution Control Board clearly emphasis that they have conducted the test of Ambient Noise level and Ambient Air Quality on Shreeman Traders and not on Respondent No.5 ie. M/s.Thirupugal and Sons Mill. (Page No.1 and 2 of the impugned Report)
- iv. The Report is silent on when they have inspected the unit of 5th respondent.
- v. No Discussion in the Report regarding the distance from the unit to the School and Hospitals. This is also directed by this Hon'ble NGT vide order 04.02.2020.
- vi. The Report is apparently clear that the Pollution Control Board has never visited or inspected the unit of 5th Respondent namely M/s.Thirupugal and Sons Mill as per the order of this Hon'ble Tribunal dated 04.02.2020. The report states that they have inspected the industries which are not part of the application.
- vii. The Report is silent with respect to the classification of land in so far as the unit of the fifth respondent is situated in the Primary Residential zone and close proximity to the schools and Hospitals. In this regard, we rely on the Certify map issued by the authority wherein they have clearly depicted that the unit of 5th respondent is on the primary residential zone and thus, it is a clear violation of siting guidelines issued by the State Government. The



aforesaid facts were overlooked by the Pollution Control Board in the impugned report.

In the light of the above submissions, the Applicant humbly prays that this Hon'ble Tribunal may be pleased to:-

- I. Direct the 1st Respondent ie. Pollution Control Board to file a report as per the directions issued by this Hon'ble Tribunal vide order dated 04.02.2020.
- II. Pass any order or orders as this Hon'ble Tribunal may deem fit and appropriate in the facts and the circumstances of the present Application.

Filed by

G.STANLY HEBZON SINGH

COUNSELS FOR THE APPLICANT