

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

**Original Application No. 41 of 2019 (SZ)**

K. Srinivasan

...Applicant

**-Vs-**

Reliable Polymers,  
Rep. by its Director/Proprietor  
D. Srinivasan Chennai and Ors.

...Respondents

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

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**REPORT FILED ON BEHALF OF THE RESPONDENT –**

**TAMIL NADU POLLUTION CONTROL BOARD**

I, R. Rajamanickam, S/o P.M. Ramasamy, Hindu, aged about 57 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 Respondent 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 M/s. Reliable Polymers, No:1, 1<sup>st</sup> Street, Achuthan Nagar, Ekkattuthangal, Chennai District was issued with Show cause notice vide Board proceeding dated 08.08.2019 under section 21 of Air (P&CP) Act 1981 as amended and under section 25 of Water (P&CP) Act 1974 as amended for operating the unit without the consent of the Board in view of the CM cell complaint filed by Tr.K.Srinivasan,

  
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Dated:07.08.2019 regarding air pollution and noise nuisance. Subsequently, the unit has replied for the said show cause notice requesting 90 days time for applying CTO vide unit's letter dated 19.08.2019 .

3. It is respectfully submitted that the unit has applied for the consent of the Board under Water and Air Acts on 19.12.2019 through OCMMS under Green category as classified by CPCB. The unit's application was returned to the unit on 17.06.2020 requesting for following additional particulars

- i. Clarification on land use classification of the unit & Greater Chennai Corporation running license including horse power permitted.

4. It is respectfully submitted that the TNPCB has not initiated further action against the unit since the unit has applied for consent of the Board under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 as amended and the Air (Prevention & Control of Pollution) Act, 1981 as amended,

5. It is respectfully submitted that the complainant Thiru. K.Srinivasan has filed case against the unit M/s. Reliable Polymers in the Hon'ble NGT (SZ) vide O.A. No. 41 of 2019. In this connection, Hon'ble NGT (SZ) passed an interim order dated 16.12.2019 for formation of the joint committee comprising 1) Joint Chief Environmental Engineer (Monitoring), TNPCB, Chennai, 2) Assistant Executive Engineer, GCC & 3) Tashildar, Guindy Taluk, Chennai and the committee inspected the unit and submitted the report recommending the following

  
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- a) The respondent unit shall obtain and function only with the valid consent of the Tamil Nadu Pollution Control Board under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 as amended and the Air (Prevention & Control of Pollution) Act, 1981 as amended,
- b) The respondent unit shall function only with the valid running license issued under section 287 of CCMC Act, 1919 by the Greater Chennai Corporation.
- c) The respondent unit shall install & operate the machinery allowed as per Tamil Nadu Combined Development and Building Rules, 2019, in residential use zone.

6. It is respectfully submitted that, the Hon'ble NGT (SZ) in its order Dt:15.07.2020 has directed TNPCB to submit a report whether recommendations of TNPCB have been complied by the unit (M/s. Reliable Polymers) and if not, what is the action taken. In view of the above, letter dated 18.08.2020 was addressed to the unit with the instruction to operate the machinery of horse power allowed as per Tamilnadu Combined Development and Building Rues , 2019, in residential use zone, remove the excess machinery and the action taken shall be intimated to the Board immediately.

7. It is respectfully submitted that further the unit has submitted a letter obtained from the CMDA Dated: 17.09.2020 which states that SF. No. 92/2 & 92/3 of Block 1 of Ekattuthangal Village, Guindy Taluk as Industrial use zone with the following remarks " This ReviesA4/6765/2020 Dt:29.07.2020. As per

  
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location/FMB furnished by the Deputy Thasildhar, the land use assigned for S.No. under reference is zoned as Industrial Use Zone and its S.No. abutting A10 -A10 Road is 18.0 m.

8. It is respectfully submitted that as per Tamilnadu Pollution Control Board B.P. Ms. No. 6 of 2016; the unit activity falls under Green Category, Type of Industries - 3032 ( Polythene and plastic processed products manufacturing (Virgin Plastic) and as per Tamil Nadu Combined Development and Building Rules, 2019, the Zoning Regulations and the activities permissible in industrial use zone states " All industries (without restrictions of HP or floor area or number of workers) except those industries listed under as Red category in Annexure of these regulations".

9. It is respectfully submitted that the unit was inspected on 26.09.2020. and it was observed that the unit was under operation with 2 nos. of injection moulding machines out of 7 Nos. injection moulding machines were installed inside the unit premises for manufacturing automobile plastic components and Healthcare plastic components with total electrical power rating of 180 Hp capacity adhering to the Tamil Nadu Combined Development and Building Rules, 2019 permitting the Green category industries in Industrial use zone.

10. It is respectfully submitted that the unit has re-submitted the application through OCMMS seeking Consent to operate under Water Act and Air Act on 25.09.2020 and the Ambient Noise Level (ANL) survey and Total volatile organic compound (TVOC) survey were conducted in the vicinity of the unit and adjacent to the petitioner's compound on 28.10.2020 by the TNPCB

  
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Lab revealed that the noise level (Leq) & TVOC (ug/m<sup>3</sup>) was within the standards prescribed by the Board for industrial area.

11. It is respectfully submitted that in view of the above, the unit was issued with CTO Direct vide Board's Proceeding Dated 09.11.2020 valid up to 31.03.2021.

12. It is respectfully submitted that the Hon'ble NGT (SZ) in O.A.41/2019 (IA. No. 02 & 03 of 2021) order dated 13.01.2021 has directed the following:

*"The Tamil Nadu Pollution Control Board is also directed to consider the allegations made in I.A. No. 02 & 03 of 2021 (SZ) and submit their views on the same, when they are filing their report as directed by this Tribunal earlier."*

13. It is respectfully submitted that the unit was inspected on 22.01.2021, the unit was under operation with 2 Nos of injection moulding machine and the unit authorities informed that 4 Nos of injection moulding machines out of 7 Nos injection moulding machines are not in use and the said 4 Nos injection moulding machines are to be removed and will be sold shortly

14. It is respectfully submitted that the Hon'ble NGT (SZ) vide order dated 04.06.2021 has directed the following:

*The Pollution Control Board is also directed to file detailed action taken report for the violations noted by them in respect of the operation of the 1<sup>st</sup> respondent-unit as in the earlier report it was mentioned that they did not obtain consent for their operation for more than 2 years and only subsequently it was applied and obtained and what is the action taken by them for the past violations committed by them.*

  
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15. It is respectfully submitted that the based on the Hon'ble NGT Ordr dated 04.06.2021, the Environmental Compensation is calculated based on the guidelines of the CPCB as follows:

### 1) Environmental Compensation Formula

$$EC = PI \times N \times R \times S \times LF$$

Where

EC – Environmental Compensation

PI – Pollution Index of Industry Sector

N – Number days of Violation took place

R – A factor in Rs for EC

S – Factor for scale of operation

LF – Location factor

- i. The industrial sector have been categorized into Red, Orange and Green based on their pollution index in the range of 60-100, 41-59 and 21-40 respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental Compensation for Red, Orange and Green Categories of industries respectively.

In this case, the pollution index PI is taken as 30 (Green category).

- ii. N, number of days for which violation took place is the period between the day of violation observed/ due date of directions

  
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compliance and the day of compliance verified by PCB/SPCB/CPCB.

Date of show cause notice issued to the unit is on 08.08.2019 and unit's application submitted for CTO Direct through OCMMS on 19.12.2019. Hence, N is taken from 08.08.2019 to 19.12.2019 and it works out to 133 days.

- iii. R, is a factor in rupees, which may be minimum of 100 and maximum of 500.

As per Hon'ble NGT (PB), New Delhi in O.A.No:593/2017 (W.P (civil) No:375/2012), under Committee's Deliberations, the R- factor summeriesd as " In the Environmental Compensation Policy, average value of the R- factor as 250 is recommended, keeping in view both its practically as well as to make it significantly deterrent, which may be further revised in future" . Based on the above, R- factor is taken as 250 for this case.

- iv. S could be based on small/medium/large industries categorisation which may be 0.5 for micro or small, 1 for medium and 1.5 for large units.

This project is considered as small project; hence S value is taken as 0.5.

- v. LF, could be based on the population of the city/town and location of the industrial unit. For the industrial unit located

  
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within municipal boundary or upto 10km distance from the municipal boundary of the city/town, following factors (LF) may be used.

#### Location Factor Values

S. No.	Population (million)	Location Factor (LF)
1	1 to <5	1.25
2	5 to <10	1.5
3	10 and above	2.0

For this project LF value is taken as 1.5, as the population of the locality is between 5 to 10 million (Within Chennai Corporation).

Environmental Compensation (EC) = PI x N x R x S x LF

$$= 30 \times 133 \times 250 \times 0.5 \times 1.5$$

$$= \text{Rs.}7,48,125/-$$

(Rupees Seven Lakhs Forty Eight Thousand One Hundred and Twenty Five Only)

16. It is respectfully submitted that the Board vide Proceeding dated 05.08.2021 has levied Environmental Compensation of Rs.7,48,125/- to M/s. Reliable Polymers, Ekkaduthangal, Chennai under section 5 of the Environmental Protection Act, 1986.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other

  
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orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

  
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**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.

Verified at Chennai on this <sup>Aug,</sup> 05 day of ~~July~~, 2021.

  
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**REPORT FILED ON BEHALF OF THE**  
**RESPONDENT - TAMIL NADU**  
**POLLUTION CONTROL BOARD**

Advocate for Respondent: TNPCB  
Thiru. Kasirajan  
Advocate, Chennai.

Dated: 05.08.2021

Date of hearing: 06.08.2021