

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

**ORIGINAL APPLICATION NO.04 of 2022 (SZ)**

Jaganathasamy,  
s/o.Palanigounder,  
No.959, Narasingapuram,  
Krishnapuram post,  
Madathukulam Taluk,  
Tiruppur District.

...Applicant

Versus

The Member Secretary,  
Tamil Nadu Pollution Control Board,  
Chennai and others.

...Respondents

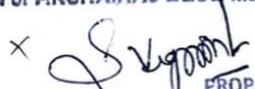
**REPLY STATEMENT OF 8<sup>th</sup> RESPONDENT (M/s.Akshairaj Blue Metals)**

I, S.Vignesh, son of Mr.Sivaraj, proprietor of M/s.Akshairaj Blue Metals, having office at S.F.No.531/2, Myvadi Village, Palani Main Road, Madathukkulam Taluk do hereby solemnly affirm and sincerely state as follows:

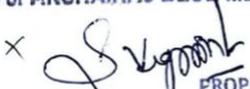
1. I am the sole proprietor of the 8<sup>th</sup> Respondent and I am well conversant with facts of the present case and thus competent to file this reply statement.
2. The 8<sup>th</sup> Respondent submits that the Application filed by the Applicant herein is false, frivolous, vexatious and unsustainable both in law and on the facts of the case. The facts of the case is set out in brief hereunder:

**FACTS OF THE CASE:**

3. This Respondent submits that the 8<sup>th</sup> Respondent herein had purchased the Company namely "N.R.G Blue metals" covering an extent of 2.50 acres situated at S.F.No.531/2 along with all the equipment thereupon vide a sale deed dated 28.11.2019 registered as Document No.4394 of 2019 on the file of SRO, Kaniyur.

For AKSHAIRAJ BLUE METALS  
x   
PROPRIETOR

4. After purchasing the property, the 8<sup>th</sup> Respondent herein intended to revamp the unit and start a new business. In order to carry out the operations, the 8<sup>th</sup> Respondent had applied to the Tamilnadu Pollution Control Board on 27.08.2020 vide Application No.34335453 for consent to operate. Accordingly, 6<sup>th</sup> Respondent herein had granted order of consent to operate dated 02.09.2020 under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 authorising the 8<sup>th</sup> Respondent to make discharge of sewage and/or trade effluents. This consent is valid for the period till 31.03.2022 and as per this consent, the 8<sup>th</sup> Respondent has been accorded permission to manufacture blue metal at 24 tons/per day, chips at 8 tons/day and Powder at 8 tons/day totaling to 40 tons/day. For sewage discharge, consent has been accorded for maximum daily discharge of effluents at 0.25 KLD. The xerox copy of this consent order dated 02.09.2020 is referred as Annexure – 5 in the typedset of the Applicant.
  
5. The 6<sup>th</sup> Respondent has also granted another consent to operate dated 02.09.2020 under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 authorising the 8<sup>th</sup> Respondent to operate the industrial plant in the Air Pollution Control Area and to make discharge of emission from stacks/chimneys with consent being accorded to operate facilities like Jaw Crusher (2 Nos.), Screens (2 Nos.), Conveyor Belt and Dust Collection Section. The tolerance level that has to be maintained by the 8<sup>th</sup> Respondent has also been mentioned in the said consent order. This consent order dated 02.09.2020 is also valid till 31.03.2022 xerox copy of this consent order dated 02.09.2020 is referred as Annexure – 5 in the typedset of the Applicant.
  
6. After procuring these orders from the 6<sup>th</sup> Respondent, the 8<sup>th</sup> Respondent herein proceeded to revamp the old unit in order to make it fit for the operation. This Respondent had still not begun the operation as it is still under renovation. While this being the case, the officials of Tamilnadu Pollution Control Board i.e, the 6<sup>th</sup> Respondent herein had conducted inspection on 27.01.2022 to ascertain if this Respondent had taken necessary consent/permission under environmental laws for conducting the unit and to see if there is any violation of the conditions stipulated in the consent orders dated 02.09.2020. After inspecting the same, the 6<sup>th</sup> Respondent had filed a report dated 31.01.2022 as directed by this Hon'ble Tribunal stating that the unit has not started the operation and the air pollution control measures are yet to be installed. This Respondent submits that the unit is still in the nascent stage and it is still not ready for operation.

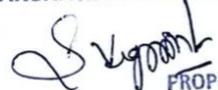
For AKSHAIRAJ BLUE METALS  
x   
PROPRIETOR

7. In this scenario, the Applicant herein had approached this Hon'ble Tribunal burking all the above said facts and filed this Application unlawfully with an intent harass this Respondent.

**PARAGRAPH WISE DENIAL:**

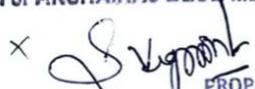
8. This Respondent denies the entire averments made in the Application, except those that are specifically admitted to be true and correct herein and the Applicant is put to strict proof of the rest.
9. The 8<sup>th</sup> Respondent submits that the contentions made by applicant in para – 1 are not known to this Respondent and the applicant is put to strict proof of the same.
10. The 8<sup>th</sup> Respondent herein submits that it is admitted that the 8<sup>th</sup> Respondent herein had purchased the Company namely "N.R.G Blue metals" situated at S.F.No.531/2. After the purchase, this Respondent is in the process of revamping the whole unit for operation of the same. Hence, it is false to state that a crusher unit is operating in the said property. This Respondent submits that the crusher unit has not been put in operation since the date of purchase of the said property and even before the purchase, the unit was not in operation. Further, it is utter falsehood to state that this Respondent had violated the terms and conditions of the Electricity Board and Tamil Nadu Pollution Control Board. This Respondent further submits that it has no nexus to the previous accident that had happened at the time when the predecessor in title was in possession and the applicant is put to strict proof of the allegations made by him.
11. The 8<sup>th</sup> Respondent herein denies all the allegations made in para – 3 of the Application. The 8<sup>th</sup> Respondent states that the operation was closed by the management of the predecessor in title as they were not able to procure sufficient raw materials and it is pertinent here to mention that there was no official order or whatsoever from the Respondents 1 to 7 restraining them from continuing the operation. Although this Respondent had purchased the property from NRG Blue Metals, the operation has not been started yet as the property is still under the process of revamping. Therefore, it is absurd on the part of the Applicant to state that this Respondent had expanded that unit and had been crushing 2400 tons a day against the permitted level of 40 tons by the Tamil Nadu Pollution Control Board. It is further emphatically denied by this respondent that the electricity bill of the 8<sup>th</sup> Respondent touched Rs.1,00,000/- and above due to excess crushing. This respondent humbly states that the property was lying unused from April 2020 to September 2020 and the

For AKSHAIRAJ BLUE METALS

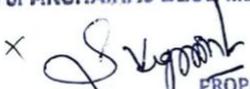
x  PROPRIETOR

bill from October 2020 till January 2022 only ranged between Rs.2547/- to Rs.11,777/- with Rs.11,777/- being the highest. The document showing electricity consumption details for the said periods is produced herewith as Doc.No.1. A bare perusal of the said document would reveal that there has been no operation and further makes it evident that the Applicant has only been making false allegation with a sole motive to harass this Respondent.

12. The 8<sup>th</sup> Respondent herein denies all the allegation made in para – 8 of the application and the Applicant is put to strict proof of the same. It is false and concocted that this Respondent is expanding the unit by installing more powerful and heavy machinery under HT lines. This Respondent states that the unit is erected 27 feet below the ground level and there is a 15 ft compound wall above the ground level. This Respondent further states that this unit has been erected well within the stipulated limit with necessary permissions and there is no illegality committed by the Respondent herein as alleged by the Applicant.
13. This Respondent states that all the allegations made in para – 5 are false and denied. As already mentioned above, when the unit is not put to operation by this Respondent, it is rather perplexing to allege that the environment is being put to severe damage by this respondent by causing abundant level of air, water and noise pollution and that the Management is not following the conditions.
14. This Respondent denies all the averments made in paras – 6 and 7 of the application and the Applicant is put to strict proof of the same. The 8<sup>th</sup> Respondent submits that they had obtained the consent orders dated 02.09.2020 bearing order Nos.2005134335453 and 2005234335453 from Tamilnadu Pollution Control Board under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and the said consent orders are valid till 31.03.2022. Moreover, this Respondent submit that has not violated any of the conditions that are stipulated in the consent orders granted by the authorities. While this being the case, it is not proper on the part of the Applicant to unnecessarily make false allegations against this Respondent.
15. The 8<sup>th</sup> Respondent denies the averment made in para – 8 of the Application. When this Respondent has not violated anything that has been stipulated under the permissions accorded to it, it is unfair and unjustifiable on the part of the Applicant to stop this Respondent from making developments in his property.

For AKSHAIRAJ BLUE METALS  
x   
PROPRIETOR

16. The 8<sup>th</sup> Respondent submits that the allegations made in para – 9 of the Application is untrue and concocted. It is false to state that the TANGEDCO had given additional loads as and when required by the 8<sup>th</sup> Respondent unit without any sanction from the pollution control board for the expansion of the unit and that a direction was issued to not carry out the business activity. The Applicant is put to strict proof of such far out allegation. This Respondent humbly submits that the rest of the allegations are merely repetitive and the same has been suitably answered in the foregoing paragraphs of this reply statement.
17. The 8<sup>th</sup> Respondent denies the averments made in para – 10 of the Application. This Respondent states that the originally, the permission to erect the unit was obtained on 19.04.1993 by the predecessor in title which was renewed periodically. The consent orders dated 19.04.1993 are produced herewith as Doc.No.2. The notification which was passed in the year 2019 is only applicable to the units that were proposed to be established after the year 2019 and the same is not applicable to already existing units. While this being the case, it is false to state that this Respondent had violated the rules of pollution control board. It is also pertinent here to mention that, in the Proceedings of the 1<sup>st</sup> Respondent herein dated 31.07.2019 bearing B.P.No.21 (which is referred as Annexure No.1 in the Applicant's typedset of papers), it has been clearly stated that only new/proposed stone crusher should be located within 500 meters from the Highways. The relevant clause is extracted hereunder:
- “6. No new / proposed stone crushers should be located within 500 metre from any National Highways or State Highways or inhabited site or educational institutions / and other public offices and places of religious importance.”*
- Thus, it is evident that the said clause is applicable only to the new or proposed stone crushers and not the existing crushers.
18. The 8<sup>th</sup> Respondent denies the allegations made in para – 11 of the Application and the Applicant is put to strict proof of the same. It is necessary to point out that the compound wall measures about 20 ft which is well within the prescribed measurement.
19. This Respondent denies the allegation made in para – 12 of the Application and the Applicant is put to strict proof of the same. This Respondent has not installed any M-Sand unit as alleged by the Applicant. However, it has been falsely alleged that this Respondent is running the M-Sand unit in full swing which is nothing but utter lie.

For AKSHAIRAJ BLUE METALS  
x  PROPRIETOR

20. This Respondent denies all the grounds that are stated in the Application as false and concocted. All the allegations mentioned in the grounds are merely repetitive and they have been answered accordingly in the aforementioned paragraphs.

21. It is further submitted that the report filed by the Tamilnadu Pollution Control Board (TNPCB) dated 31.01.2022 after conducting inspection as per the instructions of this Hon'ble Tribunal makes it evident that this Respondent has not committed any violation as alleged by the Applicant. This Respondent humbly submits that, being a responsible, law-abiding citizen, he would take all the steps with due care and diligence to protect the environment and will not do anything to violate the conditions stipulated by the Respondents 1 to 7.

22. This Respondent reserves its right to file any additional reply, if necessary.

Thus, for all the reasons stated above, the present Original Application is filed without any proper evidence, based on incorrect information and with malafide intentions by intentionally hiding and distorting the facts. Therefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to dismiss this Original Application with costs.

For AKSHAIRAJ BLUE METALS  
x   
PROPRIETOR

DATED AT CHENNAI ON THIS THE 17<sup>th</sup> DAY OF FEBRUARY, 2022



COUNSEL FOR THE 8<sup>th</sup> RESPONDENT

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

**ORIGINAL APPLICATION NO.04 of 2022 (SZ)**

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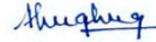
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2	02.07.1993	Consent order granted to EN.R.Gee Blue Metals	3

DATED AT CHENNAI ON THIS THE 17<sup>th</sup> DAY OF FEBRUARY, 2022



COUNSEL FOR THE 8<sup>th</sup> RESPONDENT

## Electricity Consumption Bill Details

pp 1 234pp

Reading taken Date	Reading	Used Unit	CC Charges (Rs.)	Other Charges (Rs.)	Bill Amount (Rs.)	Adv. Amount (Rs.)	Adj. Amount (Rs.)	Total Bill Amount (Rs.)	Due Date	Bill Paid	Receipt No	Payment Date	Status
28/01/22	4626	800	5080	4294.68	9375	0	0	9375	17/02/22				NOT IN USE
28/12/21	4606	1120	7112	4664.73	11777	0	0	11777	19/01/22	11777	PGNSBI12960161	19/01/22	NORMAL
28/11/21	4578	520	3302	4237.78	7540	0	0	7540	18/12/21	7540	CBU310AR3S1344	18/12/21	NORMAL
29/10/21	4565	480	3048	4246.42	7294	0	0	7294	18/11/21	7294	CBU310AR1S853	18/11/21	NORMAL
27/09/21	4553	520	3302	4391.07	7693	0	0	7693	18/10/21	10817	PGCAXU383285508	19/10/21	NOT IN USE
25/08/21	4540	280	1778	2664.95	4443	0	0	4443	14/09/21	5183	PGCAXU377261986	19/09/21	NOT IN USE

## Electricity Consumption Bill Details

pp1 2 34pp

Reading taken Date	Reading	Used Unit	CC Charges (Rs.)	Other Charges (Rs.)	Bill Amount (Rs.)	Adv. Amount (Rs.)	Adj. Amount (Rs.)	Total Bill Amount (Rs.)	Due Date	Bill Paid	Receipt No	Payment Date	Status
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pp1 2 34pp

31/07/21	4533	560	3556	2445.81	6002	0	0	6002	21/08/21	6753	PGCAXI371647984	22/08/21	NORMAL
29/06/21	4519	320	2032	2622.40	4654	0	0	4654	19/07/21	4654	PGCAXU365330761	19/07/21	NORMAL
29/05/21	4511	440	2794	2816.77	5611	0	0	5611	18/06/21	6252	PGCAXU359398555	19/06/21	NORMAL
28/04/21	4500	624	3962.4	2354.12	6317	0	0	6317	31/05/21	6317	CBU310AR3S61	18/05/21	NOT IN USE
28/03/21	4484.4	0	0	2135	2135	0	0	2135	17/04/21	2135	CBU311RS1S393	16/04/21	NOT IN USE
28/02/21	4484.4	36	228.6	2164.34	2393	0	0	2393	20/03/21	2393	CBU310RS1S186	19/03/21	NORMAL

## Electricity Consumption Bill Details

pp12 3 4pp

Reading taken Date	Reading	Used Unit	CC Charges (Rs.)	Other Charges (Rs.)	Bill Amount (Rs.)	Adv. Amount (Rs.)	Adj. Amount (Rs.)	Total Bill Amount (Rs.)	Due Date	Bill Paid	Receipt No	Payment Date	Status
31/01/21	4483.5	296	1879.6	2339.91	4220	0	0	4220	20/02/21	4220	CBU310RS1S230	16/02/21	NORMAL
31/12/20	4476.1	232	1473.2	2220.91	3694	0	0	3694	20/01/21	3694	CBU310AR1S871	20/01/21	NORMAL
28/11/20	4470.3	144	914.4	2394.59	3309	0	0	3309	18/12/20	3309	CBU310AR3S1788	17/12/20	NORMAL
28/10/20	4466.7	36	228.6	2318.85	2547	0	0	2547	17/11/20	2547	PGNSBI10171082	17/11/20	NORMAL
28/09/20	4465.8	188	1193.8	2221.23	3415	0	0	3415	19/10/20	3415	CBU310AR3S1486	15/10/20	NOT IN USE
28/08/20	4461.1	0	0	2136.75	2137	0	0	2137	17/09/20	2137	CBU310AR1S1101	17/09/20	NOT IN USE

## Electricity Consumption Bill Details

pp123 4 pp

Reading taken Date	Reading	Used Unit	CC Charges (Rs.)	Other Charges (Rs.)	Bill Amount (Rs.)	Adv. Amount (Rs.)	Adj. Amount (Rs.)	Total Bill Amount (Rs.)	Due Date	Bill Paid	Receipt No	Payment Date	Status
27/07/20	4461.1	0	0	2135	2135	0	0	2135	17/08/20	2135	CBU310AR3S1454	17/08/20	NOT IN USE
28/06/20	4461.1	0	0	2135	2135	0	0	2135	18/07/20	2135	LCBU310RS1S69	15/07/20	NOT IN USE
29/05/20	4461.1	0	0	2138.5	2139	0	0	2139	18/06/20	2139	CBU310AR3S1818	16/06/20	NOT IN USE
28/04/20	4461.1	0	0	2846.67	2847	35	0	2812	22/05/20	2812	CBU310IA1S845	07/05/20	NOT IN USE
28/07/19	4461.1	1564	9931.4	4731.50	14663	14	0	14649	17/08/19		TO_DCRC_SLIP		NORMAL
28/04/19	4263.9	6560	41656	18128.78	59785	0	0	59785	18/05/19	59785	CBU310AR3Q771	18/05/19	NORMAL

Registered Post with  
Acknowledgement Due  
This document contains 12 pages)



**TAMIL NADU POLLUTION CONTROL BOARD, MADRAS**

CONSENT ORDER NO: 10659 DATED: 2.7.93  
Proceedings No: T13/F-1195/CBE/W/93 DATED: 2.7.93

Consent for Existing/New or Altered outlet/discharge of sewage and/or trade effluent under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 as amended.

Sub : TAMIL NADU POLLUTION CONTROL BOARD CONSENT  
MESSRS.

EN.R. Gee Blue Metals,  
S.F.No.531/2,  
Myvadi Village,  
Udumalpet Taluk,  
Coimbatore District.

for the discharge of sewage and/or trade effluent under  
Section 25/26 of the Water (Prevention and Control of Pollution)  
Act, 1974 (Central Act, 6 of 1974) as amended.

- Ref : 1. Your Application No. 38456/dt.30.6.92  
2. I.R.No. F-3154/AE(V)/DEE/CBE/92/dt.6.7.92

Board Resolution No : 127 - 28 (Part - II) Dated.....19.4.93

CONSENT is hereby granted under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act, 6 of 1974) as amended (hereinafter referred to as "The Act") and the rules and orders made thereunder to

The Managing Partner,  
M/s. EN.R. Gee Metals,  
S.F.No.531/2,  
Myvadi Village,  
Udumalpet Taluk,  
Coimbatore District.

(hereinafter referred to as "The applicant") authorising him/her/them to continue to bring into make new discharge or use new/alterd outlet for discharge of sewage and/or trade effluent.

This is subject to the provisions of the Act and the rules and orders made thereunder and further subject to the terms and conditions incorporated in the Special and General Conditions annexed.

This CONSENT is valid for a period ending with the 31st day of March, 1994.  
(Thirty First March Nineteen Ninety four).

*[Signature]*  
for CHAIRMAN

Tamil Nadu Pollution Control Board  
Madras

*[Signature]*



SPECIAL CONDITIONS

Details of the Products Manufactured

Sl. No. (1)	Description (2)	Quantity/Month (3)
01.	Blue Metal	- 24 T/day
02.	Chips	- 8 T/day
03.	Powder	- 8 T/day

Control Board

This consent is valid for the manufacture of products and rate of production mentioned above. Any change in the quantity or quality of the products has to be brought to the notice of the Board and fresh consent has to be obtained.

Discharge of effluent is permitted from the following outlets. The quantity of effluent discharged shall not exceed the figures mentioned below:

Outlet Number (1)	Description of Outlet (2)	Maximum daily Discharge (in litres/day) (3)	Point of Discharge
1.	Sewage	250	On Industry's own land.
2.			
3.			
4.			
5.			
6.			
7.			

3. The effluent discharged shall not contain constituents in excess of the tolerance limit as laid down hereunder.

Serial Number	Charac teristics	Units	Tolerance Limits.						
			Outlet No.						
(1)	(2)	(3)	(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	pH...	Number	5.5 - 9						
2.	Temperature	°C							
3.	Particles size of total Suspended solids.	mm/micron							
4.	Total suspended solids	mg/l	30						
5.	Total dissolved solids (Inorganics)	mg/l							
6.	Chlorides as (Cl)	mg/l							
7.	Sulphides as (S)	mg/l							
8.	Sulphates as (SO <sub>4</sub> )	mg/l							
9.	Fluorides as (F)	mg/l.							
10.	Ammoniacal Nitrogen as (N)	mg/l							
11.	Sodium	%							

Serial Number

(1)

Copper

Zinc as

Phenolic Phenol

Oil and

Boron

BOD 5

COD

Total

Arseni

Cadm

Chror hexa

Cyan

Serial Number	Charac- teristics	Units	Tolerance Limits.						
			Outlet No.						
			(1)	(2)	(3)	(4)	(5)	(6)	(7)
			(1)	(2)	(3)	(4)	(5)	(6)	(7)
12	Copper as (Cu)	mg/l							
13	Zinc as (Zn)	mg/l							
14	Phenolic compounds as Phenol	mg/l							
15	Oil and grease	mg/l							
16	Boron as (B)	mg/l							
17	BOD 5 days @ 20°C	mg/l	20						
18	COD	mg/l							
19	Total Residual Chlorine	mg/l							
20	Arsenic as (As)	mg/l							
21	Cadmium as (Cd)	mg/l							
22	Chromium as (hexavalent Cr <sup>+6</sup> )	mg/l							
23	Cyanide as (CN)	mg/l							

Serial Number	Characteristics	Units	Tolerance Limits.						
			Outlet No.						
(1)	(2)	(3)	(4)						
			(1)	(2)	(3)	(4)	(5)	(6)	(7)
24.	Lead as (Pb)	mg/l							
25.	Selenium as (Se)	mg/l							
26.	Mercury total as (Hg)	mg/l							
27.	Insecticides								
28.	Alpha emitters	Micro C/ml							
29.	Beta emitters	Micro C/ml							
30.	Free Ammonia as (NH <sub>3</sub> )	mg/l							
31.	Dissolved phosphates as (P)	mg/l							
32.	Total Kjeldahl Nitrogen as (N) }	mg/l							
33.	Total Chromium as (Cr)	mg/l							
34.	Nickel as (Ni)	mg/l							
35.	Residual Sodium Carbonate	mg/l							

4. All u  
effluer  
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5. Meters  
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of the  
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6. Separate  
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a. Inc  
b. Do  
c. Pro  
d.  
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7. The appli  
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of the term

All units of the sewage/trade effluent treatment plant to achieve the quality of the effluent according to the tolerance limits prescribed above shall be completed within

~~..... three ..... months from the date of this order or before~~  
~~..... or along with the commissioning of production.....~~

(6) (7)

4 Meters must be affixed at the entrance of the water supply connection so that such meters are easily accessible for inspection and maintenance and for other purposes of the Act, provided that the place where it is affixed shall in no case be at a point before which water has been tapped by the consumer for utilisation for any purposes whatsoever.

5 Separate meters with necessary pipe-line for assessing the quantity of water used for each of the purposes mentioned below:

- a. Industrial cooling, spraying in mine pits or boiler feed.
- b. Domestic purpose.
- c. Process
- d.
- e.

7 The applicant shall take immediate action to install mechanical compositing sampling equipment and continuous flow measuring/recording devices on the effluent drains of trade as well as sewage effluent within three months from the date of this consent order. A record of daily effluent discharge shall be maintained.

8 This consent is given by the Board in consideration of the particulars given in the application. Any change or alteration or deviation made in actual practice, from the particulars furnished in the application will also be ground for review/variation/revocation of the consent order under section 27 of the Act and to make such variation as deemed fit for the purpose of the Act.

9 The applicant shall not change or alter either the quality of quantity of the rate of the discharge or temperature or the route of discharge without the previous written permission of the Board.

10 The applicant shall comply with and carryout directives/orders issued by the Board in this consent order and at all subsequent times without any negligence on his part. The applicant shall be liable for such legal action as per provisions of the Law/Act in case of non-compliance of any order/directives issued at any time and or violation of the terms and conditions of this consent order.

11. The following information shall be forwarded to the Member-Secretary regularly on or before 10th of every month:-
  - a. Progress on the installation of effluent treatment plant:
  - b. Progress on the installation of Mechanical composite sampling equipment and continuous flow recording/measuring devices.
  - c. Monthly Statement of daily discharge of sewage as well as trade effluents.
  
12. Any upset condition in any of the plant/plants of the factory which is, likely to result in increased effluent discharge and or result in violation of the standards mentioned above shall be reported to the Head Quarters and District Environmental Engineer's Office/Regional Joint chief Environmental Engineer's Office of the Board telegraphically.
  
13. The applicant shall furnish to the visiting officer of the Board any information regarding the construction, installation or operation of the plant or of effluent treatment plant and any other particulars as may be pertinent to preventing and controlling pollution of water.
  
14. Notwithstanding anything contained in this conditional letter of consent, the Board hereby reserves to it the right and power under section 27(2) of the Water (Prevention and Control of Pollution) Act, 1974 (as amended) to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Act by the Board.
  
15. The conditions imposed as above shall continue in force until revoked under section 27(2) of the Act.
  
16. The industry has to ensure that minimum three varieties of trees (Eucalyptus, Subabul and any other suitable variety) are planted at the density of not less than 1,000 trees per acre. The trees may be planted along the boundaries of the industry or industrial premises. This plantation is stipulated over and above the bulk, plantation of trees in that area and maintain them.
  
17. **The unit shall ensure that no trade effluent is generated at any stage of manufacturing process.**

## GENERAL CONDITIONS

1. The applicant shall make an application for grant of fresh consent atleast 30 days before the date of expiry of this consent order.

2. The industry would immediately submit revised application for consent to this Board in the event of any change in the quantity and quality of raw material/end products/manufacturing process or quantity/quality of the effluent, etc.

3. The applicant shall display suitable caution board at the place where the effluent is entering any water-body or any other place to be indicated by the Board, indicating therein that the area into which the effluents are being discharged is not fit for the domestic use/bathing.

4. The applicant shall either:

- a. Not later than 30 days from the date of issue of this consent order, certify in writing to the Member-Secretary that the applicant has installed or provided for an alternate electric power source sufficient to operate all facilities installed by the applicant to maintain compliance with the terms and conditions of the consent.
- b. Not later than 30 days from the date of this consent, certify in writing to the Member-Secretary that upon the reduction, loss or failure of any one or more of the primary sources of electric power to any facilities installed by the applicant to maintain compliance with the terms and conditions of this consent, the applicant shall halt, reduce or otherwise control production and/or all discharges in order to maintain compliance with the terms and conditions of this consent.

5. The applicant shall not allow the discharge from other premises to mix with the discharge from his/her/their premises.

6. Storm water shall not be allowed to mix with the trade and/or sewage effluent on the upstream of the terminal manholes where the flow measuring devices will be installed.

7. All solid wastes arising in the premises shall be properly classified and disposed off to the satisfaction of the Board by:

- (i) Land fill, in case of inert material, care being taken to ensure that the material does not give rise to leechete which may percolate into ground water or carried away with storm run-off,
- (ii) controlled incineration, wherever possible in case of combustible organic material.
- (iii) Composting, in case of biodegradable material.

8. Any toxic material shall be detoxified otherwise be sealed in steel drums and buried in protected areas after obtaining approval of this Board in writing. The detoxification or sealing and burying shall be carried out in the presence of Board's authorised persons only.

9. The applicant shall maintain good house-keeping both within the factory and in the premises. All pipes, valves, sewers and drains shall be leak proof. Floor washings shall be admitted into the effluent collection system only and shall not be allowed to find their way in storm drains or open areas.

10. The applicant shall provide all facilities to the Board staff for collection of samples.
11. The applicant shall at all times maintain in good working order and operate efficiently all treatment or control facilities or systems installed or used by him to satisfy the terms and conditions of the consent.
12. The issuance of this consent does not convey any property right in either real personal property or any exclusive privileges, nor does it authorise any injury to private property or any invasion of personal rights nor any infringement of Central, State laws or regulation.
13. This consent does not authorise or approve the construction of any physical structures or facilities or the undertaking of any work in any natural water course.
14. Non-compliance with effluent limitations.
  - (a) If for any reason the applicant does not comply with or will be unable to comply with any effluent limitations specified in this consent, the applicant, shall immediately notify the consent issuing authority by telephone and provide the consent issuing authority with the following information in writing within 5 days of such notifications:
    - (i) Cause for Non-compliance.
    - (ii) A description of the non-complied discharge including its impact upon the receiving waters.
    - (iii) Anticipated time of continuance of non-compliance if expected to continue or if such condition has been corrected the duration of period of non-compliance.
    - (iv) Steps taken by the applicant to reduce and eliminate the non-complying discharge; and
    - (v) Steps to be taken by the applicant to prevent recurrence of condition of non-compliance.
  - (b) The applicant shall take all reasonable steps to minimize any adverse impact to natural waters resulting from non-compliance with any effluent limitation specified in this consent including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.
  - (c) Nothing in this consent shall be construed to relieve the applicant from civil or criminal penalties for non-compliance whether or not such non-compliance is due to factors beyond his control, such as break-down, electric failure, accident or natural disaster.
15. The diversion or by-pass of any discharge from facilities utilised by the applicant to maintain compliance with the terms and conditions of this consent is prohibited except
  - (i) Where unavoidable to prevent loss of life or severe property damage or
  - (ii) Where excessive storm drainage or run-off would damage, any facilities necessary for compliance with the terms and conditions of this consent. The applicant shall immediately notify the Board in writing of each such diversion or by-pass in accordance with procedure specified as under item No:14.
16. The applicant shall at his own cost get the effluent samples collected both before and after treatment and get them analyzed at an approved Laboratory of the Board every month for the parameters indicated in Special condition No.3 and shall submit in duplicate the report thereof to the Board.
17. The addition of various treatment chemicals should be done only with mechanical dosers and proper equipment for regulation of correct dosages determined daily and for proper uniform feeding. Crude practices such as dumping of chemicals in drains or sumps or trickling of acids or alkalies arbitrarily and utilising poles for stirring etc., should not be resorted to.

Care should be taken to keep the anaerobic lagoons, if any, biologically active and not to utilise as mere stagnation ponds. The anaerobic lagoons should be fed with the required nutrients for effective digestion. Lagoons should be constructed with sides and bottom made impervious.

The utilisation of treated effluent on factory's own lands, if any, should be complete and there should be no possibility of the effluent gaining access into any drainage channel or other water courses either directly or indirectly or by overflow.

The effluent disposal on land, if any, should be done without creating any nuisance to the surroundings or inundation of the lands at any time.

If at any time the disposal of treated effluent on land becomes incomplete or unsatisfactory or create any problem or becomes a matter of dispute, the industry must adopt alternate satisfactory treatment and disposal measures.

The sludge from treatment units shall be dried in sludge drying beds and the drained liquid shall be taken to equalisation tank.

In the disposal of treated effluent on land for irrigation, the industry shall keep in view of the need for:

- (i) Rotation of crops.
- (ii) Change of point of application of effluent on land.
- (iii) A portion of land kept fallow.

The adoption of these would avoid soil becoming sick or stale. The industry may ensure this in consultation with the Agricultural Department.

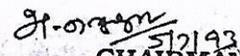
It is the sole responsibility of the industry to ensure that there are no complaints at any time from the ryots in the surrounding areas as a result of discharge of sewage or trade effluent.

The effluent treatment units and disposal measures, shall become operative at the time of commencement of production.

The fact of commissioning of the industry shall be intimated to this office within one week of commissioning.

The unit has to ensure that the agency to whom the disposal of solid waste/sludge arising from the process/treatment is entrusted, shall obtain the permission of Tamil Nadu Pollution Control Board under Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 before the disposal.

The unit has to put up Effluent Treatment Plant within the specified period indicated in Special Condition No.4 by engaging any one of the consultants approved by the Board and operate and maintain the Effluent Treatment Plant continuously and efficiently so that the treated effluent satisfies the standards by the Board.

  
 for CHAIRMAN  
 Tamil Nadu Pollution Control Board  
 Madras

  
 5/7

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Acknowledgement Due  
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14

## TAMIL NADU POLLUTION CONTROL BOARD, MADRAS

CONSENT ORDER NO: 7643

DATED: 2.7.93

Proceedings No: T13/F-1195/CBE/A/93

DATED: 2.7.93

Consent for Existing/New operation of the plant under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended.

97  
Sub: TAMIL NADU POLLUTION CONTROL BOARD - CONSENT —  
MESSRS.

EN. R. Gee Blue Metals,  
S.F.No. 531/2,  
Myvadi Village,  
Udumalpet Taluk,  
Coimbatore District.

for the existing/new operation of the plant under Section 21 of the Air  
(Prevention and Control of Pollution) Act, 1981 as amended.

Ref: 1. Your Application No. 35648/dt.30.6.92

2. I.R.No. F-3154/AE(V)/DEE/CBE/92/dt.6.7.92

Board Resolution No: 127 - 28 (Part - II)

Dated: 19.4.93

CONSENT is hereby granted under Section 21 of the Air (Prevention and Control  
Pollution) Act, 1981 (Central Act 14 of 1981) as amended (hereinafter referred to as  
"the Act") and the rules and orders made thereunder to

The Managing Partner,  
M/s. EN.R. Gee Blue Metals,  
S.F.No. 531/2,  
Myvadi Village,  
Udumalpet Taluk,  
Coimbatore District.

hereinafter referred to as "The Applicant") authorising him/her/them to operate his/her/their  
Industrial plant in the Air Pollution Control Area as notified by the Government and to  
continue to make existing discharge of emissions/make new discharge of emissions from  
stacks/chimneys.

This is subject to the provisions of the Act and the rules and orders made thereunder  
and further subject to the terms and conditions incorporated in the Special and General  
Conditions annexed.

This CONSENT is valid for a period ending with the 31st day of March 1994.

(Thirty First March Nineteen Ninety four).

Dr. S. Srinivasan  
for CHAIRMAN  
Tamil Nadu Pollution Control Board  
Madras

Dr. S. Srinivasan  
5/7

6888

To

The Managing Partner,  
M/s. EN.R. Gee Blue Metals,  
189, Bye Pass Road,  
Udumalpet - 642 126,  
Coimbatore District.

Copy to: The District Environmental Engineer, Tamil Nadu Pollution Control Board,  
**Coimbatore**

for information and necessary action.

**Joint Chief**

Copy to: The Senior Environmental Engineer, Tamil Nadu Pollution Control Board,  
**Coimbatore**..... Region.

Copy to: The Commissioner/Executive Officer

**Madathukulam Panchayat Union,  
Coimbatore  
Coimbatore District.**

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**SPECIAL CONDITIONS**

1. Details of the Products Manufactured

Sl.No.	Description	Quantity/Month
	Blue Metal	24 T/day
	Chips	8 T/day
	Powder	8 T/day

This Consent is valid for the manufacture of products and the rate of production mentioned above. Any change in the quantity or quality of the products has to be brought to the notice of the Board and fresh consent has to be obtained.

2. Emission is permitted through the following chimneys/stacks and shall not exceed the figures indicated:

Chimney/Stack Number.	Description of Chimney/Stack	Maximum discharge M <sup>3</sup> /hour	Point of discharge (Height)
(1)	(2)	(3)	(4)
<del> </del>			

3(a) The emissions shall not contain constituents in excess of the tolerance limits as laid down hereunder.

Serial Number	Parameter	Units	Tolerance Limits					
			CHIMNEYS/STACK NUMBER					
			(1)	(2)	(3)	(4)	(5)	(6)
1.	SO <sub>2</sub>		<b>The unit shall adhere to the emission standards prescribed by the Board from time to time.</b>					
2.	CO							
3.	NO <sub>x</sub>							
4.	SPM							

3(b) The ambient air in the industrial plant area shall not contain constituents in excess of the tolerance limits prescribed below:

Serial Number	Parameter	Units	Tolerance Limits
(1)	(2)	(3)	(4)
1.	SO <sub>2</sub>	Micrograms/M <sup>3</sup>	80
2.	CO	Micrograms/M <sup>3</sup>	2000
3.	NO <sub>x</sub>	Micrograms/M <sup>3</sup>	80
4.	SPM	Micrograms/M <sup>3</sup>	200

3(c) The ambient noise level in the industrial plant area shall not exceed the limits prescribed below:

Limits in dB(A)	Day Time (6 A.M. to 9 P.M.)	Night Time (9 P.M. to 6 A.M.)
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and a month  
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4. All units of the air pollution control equipment required to achieve the quality

of the emissions to the tolerance limits prescribed above shall be completed within

**three**

months from the date of this order or before

or along with the commissioning of production.

5. The applicant shall provide port holes for sampling the emission and access-platform for carrying out stack sampling and provide electrical outlet points and other arrangements for chimneys/stacks and other sources of emissions so as to collect samples of emission from the Board or the applicant at any time in accordance with the provisions of the Act and Rules made therein.

6. The applicant shall at his own cost get the samples of emission collected and analysed by the TNPC Board Laboratory every month for the parameters indicated in condition 3 and shall furnish in triplicate the report thereof to the Board by the 10th of succeeding month.

7. This consent is given by the Board in consideration of the particulars given in the application. Any change or alteration or deviation made in actual practice from the particulars furnished, in the application will also be ground for review/variation/revocation of the consent order under Section 21 of the Act to make such deviation as deemed fit for the purpose of the Act.

8. The applicant shall not change or alter either the quality or quantity or rate of emission or install, replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in any change in quality and / or quantity of emissions, without the previous written permission of the Board.

9. The applicant shall provide and maintain at his own cost one/two/three ambient monitoring stations for monitoring suspended particulate matter, Sulphur-dioxide, Nitrogen, Hydro-carbon, Carbon-monoxide and monitor the same all in accordance in a week/fortnight/month. The data collected shall be maintained in a register and a monthly extract furnished to the Board.

10. The applicant shall provide and maintain at his own cost a meteorological station to record the data on wind velocity, direction, temperature, humidity, rainfall, etc. and the readings shall be recorded and the extract sent to the Board once in a month.

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ht Time to 6 A.M.)

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11. The applicant shall forward the following information to the Member Secretary, Tamil Nadu Pollution Control Board, Madras, regularly before 10th of every month:—

(a) Progress on the installation of Air Pollution Control equipments.

(b) Progress on the procurement and installation of equipments for monitoring ambient air quality, stacks, chimneys and meteorological data.

(c) Monthly extract of daily discharge of emissions through each chimney/stack.

(d) Report of Analysis of stack monitoring, ambient air quality monitoring, meteorological data as required under Conditions **6, 9, & 10.**

(e) Progress on planting of trees and plants as referred to under General Conditions No.8.

12. Any upset condition if any of the plant/plants of the factory which is likely to result in increased emissions and/or result in violation of the standards mentioned above shall be reported to the Head quarters and District Environmental Engineer's Office/Regional Senior Environmental Engineer's Office of the Board telegraphically.

13. The applicant shall furnish to the Visiting Officer of the Board any information regarding the stack monitoring system/or operation of the plant or any other particulars as may be pertinent in preventing and controlling of pollution of Air.

14. The applicant shall submit process flow sheet and particulars of proposed control equipments, monitoring equipments and time schedule for completing the installation of the same so as to reach the Board within 30 days from the date of receipt of this order.

15. The conditions imposed as above shall continue in force until revoked under Section 21 of the Act.

\* 16. See at page No.8.

GENERAL CONDITIONS

1. The applicant shall make an application for grant of fresh consent atleast 30 days before the date of expiry of this Consent Order.
2. The necessary fee, as prescribed for obtaining consent, shall be paid for by the applicant along with the application for Consent.
3. The industry shall immediately submit the revised application for consent to this Board in the event of any change in the quantity/quality of raw material, manufacturing process, rate of emissions, air pollution control equipment, etc.
4. The applicant shall either:—
  - (a) Not later than 30 days from the date of issue of this consent order, certify in writing to the Member Secretary that the applicant has installed or provided for an alternate electric power source sufficient to operate all facilities installed by the applicant to maintain compliance with the terms and conditions of the consent.
  - (b) Not later than 30 days from the date of this consent, certify in writing to the Member Secretary that upon the reduction, loss or failure of one or more of the primary sources of electric power to any facilities installed by the applicant to maintain compliance with the terms and conditions of this consent, the applicant shall halt, reduce or otherwise control production and/or all emissions in order to maintain compliance with the terms and conditions of this consent.
5. No control equipments or chimney shall be altered or replaced or as the case may be erected or re-erected except with the previous approval of the Board.
6. The liquid effluent arising out of the operation of the air pollution control equipment shall also be treated in a manner and to the satisfaction of standards prescribed by the Board in accordance with the provisions of Water (Prevention and Control of Pollution) Act, 1974 as amended.
7. The solid waste, such as sweepings, wastage, package, empty containers, residues, etc. including that from air pollution control equipments collected within the premises of the industrial plant shall be disposed off scientifically to the satisfaction of the Board, so as not to cause fugitive emission, dust problems, or water pollution problem through etc. of any kind.
8. The applicant shall plant a minimum of three varieties of trees (Eucalyptus, Subabul or any other suitable variety) at the density of not less than 1,000 trees per acre. The plantation is stipulated over and above the bulk plantation of trees in that area and maintain
9. The applicant shall provide all facilities for collection of sample to the Board
10. The stack monitoring system employed by the applicant shall be open for inspection by the Board at any time.

11. There shall not be any fugitive or episodal discharge from the premises.
  12. In case of such episodal discharges/emissions the industry shall take immediate action to bring down the emission within the limits prescribed by the Board in special condition No: 3(a).
  13. The applicant shall at all times maintain in good working order and operate as efficiently as possible all pollution control facilities to achieve the terms and conditions of the consent.
  14. The issue of this consent does not convey any property right in either real or personal property or any exclusive privileges nor does it authorise any injury to private property or any invasion of personal rights, or any infringement of Central, State laws or regulations.
  15. The applicant shall keep the premises of the industrial plant and air pollution equipments clean and make all hoods pipes, valves stacks/chimneys leak proof. The air pollution control equipments, location, inspection chambers, sampling port holes shall be made easily accessible at all time.
  16. The applicant shall display this consent granted to him in a prominent place for perusal of the inspecting officers of this Board.
  17. An inspection book shall be opened and made available to the Board's Officers during their visit to the factory.
  18. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above requires variation (including the change of any control equipment either in whole or in part) this Board shall, after giving the applicant an opportunity of being heard, vary all or any of such condition and thereupon the applicant shall be bound to comply with the conditions so varied.
  19. The applicant, his/her/their legal heirs / representatives or assignees shall have no claim whatsoever to the continuation or renewal of this consent after the expiry of the period of this consent.
  20. The Board reserves the right to review, impose additional condition or conditions revoke change or alter the terms and conditions of this consent.
- \* 16. **The unit has to provide the Air Pollution Control measures within three months from the date of issue of consent order so as to satisfy the Ambient Air Quality standards prescribed by the Board.**

*J. Srinivasan*  
5/21/93  
for CHAIRMAN  
Tamil Nadu Pollution Control Board  
Madras  
*D.P.*  
5/17

**BEFORE THE NATIONAL GREEN  
TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**O.A. No. 04 of 2022 (SZ)**

**REPLY STATEMENT**

**M/s. S.AKILA (MS.No.1813 of 2016)  
M.B.ELAKKUMANAN (D.No.3525 of 2014)  
Counsel for 8<sup>th</sup> Respondent  
Ph: 9698188006  
Email: akilasenguttuvan.adv@gmail.com**