

**BEFORE THE 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

Vs

1. The Member Secretary,
The Tamil Nadu Pollution Control Board,
No.76, Mount Road,
Chennai – 600 032 & 7 others

**REMARKS FILED BY THE DISTRICT ENVIRONMENTAL ENGINEER,
TNPCB, TIRUPPUR(SOUTH) ON THE OBJECTION FILED BY THE
APPLICANT IN O.A.NO.04 OF 2022.**

Para No.	The following were filed by Petitioner before Hon'ble National Green Tribunal (SZ), Chennai vide O.A.No.04 of 2022	Remarks of the O.A.No.04 of 2022 filed by the applicant Thiru.Jaganathasamy
1.	I submit that I am the applicant herein and had read the report filed by the 6 th respondent. As such, I am well acquainted with the facts and circumstances of the case.	As per the Hon'ble NGT(SZ), Chennai order dated 05.01.2022 as mentioned in Point No. 9 & 10, the area of dispute M/s. Akshairaj Blue Metals was inspected by the District Environmental Engineer, Tamil Nadu Pollution Control Board, Tiruppur South on 27.01.2022 and submitted the report.
2.	I submit that at the outset I deny the entire facts stated in the report as untrue and the 6 th respondent has come up with such a false report only in order to protect the 8 th respondent by projecting as if the present case	As per the Hon'ble NGT(SZ), Chennai order dated 05.01.2022 as the report was submitted by the District Environmental Engineer, Tamil Nadu Pollution Control Board,

<p>was filed prematurely.</p>	<p>Tiruppur South based on inspection dated 27.01.2022 as follows.</p> <ol style="list-style-type: none">1. The unit was not in operation as the unit was carrying out the revamping works which is yet to be completed.2. The Air Pollution Control measures are also yet to be installed.3. The unit for its crusher operation has partially installed Jaw crushers – 2 Nos. & Rotary screens – 2 Nos. which are not in operable condition.4. The unit has not installed any machine for M-sand unit.5. No violations is committed since the unit is yet to commission after revamping the machines and it can be assessed only in operation of the unit and after conducting AAQ monitoring only.6. The unit is located below the ground level approximately at about a depth of 27 feet from the ground level as already reported.7. The unit has not started its production since the installation of machines are yet to be completed. The unit is located below ground level in the same S.F. No. 531/2, Maivadi Village, Madathukulam Taluk, Tiruppur District (at stone quarried
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		<p>earlier) and green belt is found over and above. Further the unit has completed and constructed 13 feet wall on the eastern side and partially completed 10 feet on the northern side.</p> <p>The report was submitted by TNPC Board to the Hon'ble National Green Tribunal (SZ), Chennai on 25.02.2022 along with photographs in support of the report.</p>
3.	<p>I submit that consent order was issued by the 6th respondent as early as in the year 1982, permitting the predecessor of the 8th respondent for production of 24 tons of blue metal, 8 tons of chips and 8 tons of powder totaling 40 tons per day. As the RTI reply of the TANGEDCO, in the year 1982 the unit had obtained only 25 HP service connection for running 1 Jaw crusher, 1 rotary screen through which the unit manufactured 40 tons per day.</p>	<p>During 1993, the unit of M/s. ENRGEE BLUE METALS located at S.F. No. 531/2, Maivadi Village, Madathukulam Taluk, Tiruppur District has obtained Consent to Operate vide Board Proc. No. T13/F.1195/CBE/W&A/93 dated 02.07.1993 (copy enclosed in Annexure-I) under Water Act and Air Act for the production of</p> <p>Blue metals – 24 T/D, Chips – 8 T/D, Powder – 8 T/D</p> <p>During the year 2014, it was also ascertained that jaw crusher – 2 Nos. and rotary screen – 2 Nos. has been incorporated in the renewal of consent vide proceedings No. F.TPS0072/RS/DEE/TNPCB/TPS/W&A/2014 Dated: 30.12.2014 with same production quantity. (Copy enclosed in Annexure-II).</p>
4.	<p>I submit that as per the circular of the 1st respondent dated 02.07.2004 vide</p>	<p>The unit of M/s. ENRGEE BLUE METALS located at S.F. No.</p>

	<p>B.P.Ms.No.4, expansion or establishment of the new units cannot be done within 1 KM radius from the National Highways and later that was reduced to 500 mts. Admittedly the subject matter unit is within 300 mts from the National Highways. But an additional load of 61 KW was effected by the TANGEDCO to the 8th respondent for running additional Jaw crusher, rotary screen based on the consent order given by the 6th respondent in the year 2005 against the above said circular. If the TANGEDCO furnishes the consent order of the TNPCB and date of effecting additional load, both departments will be left defenseless before this Tribunal. Hence deliberately, TANGEDCO while giving its RTI reply dated 16.11.2021, has stated that consent order and other particulars pertaining to the additional load of 61 KW were missing.</p>	<p>531/2, Maivadi Village, Madathukulam Taluk, Tiruppur District is an existing unit which was established prior to the B.P.4 and has obtained Consent to Operate vide Board Proc. No. T13/F.1195/ CBE/W&A/93 Dated: 02.07.1993 under Water Act and Air Act for the production of Blue metals – 24 T/D, Chips – 8 T/D, Powder – 8 T/D Hence, the B.P.Ms.No.4 Dated:02.07.2004 is not applicable since the unit is existing prior o the B.P.No.04 Dated:02.07.2004. The TNPCB consent was issued to the unit only for product quantity and Air Pollution Control measures with necessary conditions for pollution abatement measures.</p>
5.	<p>I submit that while the permitted level for manufacturing its products has not been Increased from 40 tons since 1982, the respondents 5, 6 and 8 Is obligated to justify the purpose for which the additional loads for obtained in addition to the existing 25 HP service connection for manufacturing very same 40 tons per day. The loads were obtained as follows:</p>	<p>The TNPCB is issuing consent only to any industry for the product with its and emission sources with Air Pollution Control measures / trade effluent generation with quantity with necessary conditions for pollution abatement measures. The unit of M/s. ENRGEE BLUE METALS located at S.F. No. 531/2, Maivadi Village, Madathukulam Taluk, Tiruppur District is an existing unit and</p>

Sl. No.	Year	Additional load obtained	Permitted level per day.	
1.	1982	25 HP (Initial Load)	40 Tons	<p>Consent to Operate was issued during 1993 vide Board Proc. No. T13/ F.1195/CBE/W&A/93 Dated: 02.07.1993 under Water Act and Air Act for the production of Blue metals – 24 T/D, Chips – 8 T/D, Powder – 8 T/D</p> <p>During the year 2014, it was ascertained that jaw crusher – 2 Nos. and rotary screen – 2 Nos. has been installed and the same was incorporated in the renewal of consent vide proceedings No. F.TPS0072/ RS/DEE/TNPCB/TPS/W&A/2014 Dated: 30.12.2014 with same production quantity.</p>
2.	1988	5 HP & 00W	40 Tons	
3.	2005	61 KW	40 Tons	
4.	2021	51 KW	40 Tons	
6.	<p>I submit that from the above tabulation it is evident that for manufacturing 40 tons of blue metals, chips and powder, 25 HP of the service connection is sufficient and additional loads are obtained only in order to manufacture the products extensively than the permitted level. The 6th respondent in his RTI reply dated 30.07.2021 has conveniently stated that TNPCB has no mechanism to measure the quantity of products manufacturing per day.</p>			<p>The petitioner has sought certain details through RTI Act 2005 among one is how the crushing capacity is assessed, How to calculate excess quantity?</p> <p>The petitioner conveniently produced only the first reply Dated: 30.07.2021. However reply in appeal was given dated: 25.10.2021 (copy enclosed in Annexure -III) in which it was stated that it can be assessed with records furnished by the unit to the other departments etc., No guidelines has given by the TNPCB to assess the same for crusher unit.</p>

		In the second appeal before RTI Commission, the Commission has opined as the details furnished by the 6 th respondent is adequate. (RTI Commission order dated: 10.02.2022 (Copy enclosed in Annexure - IV).
7	I submit that Sale deed of the 8 th respondent dated:28.11.2019 has a clear mention with respect to the M. Sand machineries and the machines were very well available inside the premises till 26.01.2022 but the said machines were dismantled by the 8 th respondent over the night knowing that 6 th respondent was causing an inspection on 27.01.2022 and the 6 th respondent is also well aware of the same.	The area of disputes was earlier inspected on 27.08.2020 and during inspection only two crusher / jaw crusher was observed found in the premises. The unit was carrying the revamping work, since the machine were not operated for more than one year. Also the unit requested to shift the existing machineries from the ground level to 15 feet below the ground level. (Copy of the Inspection report is enclosed in Annexure - V).
8	I submit that admittedly the crushing unit is in operation since 1982 and as per the conditions no. 7, 10 and 11 of the 6 th respondent's report, there should be a 15 feet compound wall all around the unit and bi lane roads laid with tar or concrete sprinkled with water should be maintained. But even as per his observations, no compound wall was constructed on the western and southern sides and 13 feet and 10 feet walls found on eastern and northern sides of the unit respectively. From the photographs enclosed at page 142 of the main typed set, the approach road is a single lane mud	The unit machineries has been shifted to the quarried land within the premises below ground level at about 27 feet. The effective clear depth of around 10 feet is available below ground level in all four sides naturally. Beside, the unit has constructed wall in the eastern side and northern side over and above the ground level along with existing green belt. Further, unit of M/s. Akshairaj Blue Metals, S.F. No. 531/2, Maivadi Village, Madathukulam Taluk, Tiruppur District was issued Consent to Operate with validity up to

<p>road and 400 trees per hectare was not at all planted since 1982. Therefore the 6th respondent who suppressed all these violations being committed for past 40 years, has conveniently filed a report stating that no violations is committed since the unit is yet to commission.</p>	<p>31.03.2022 subject to the following conditions</p> <ol style="list-style-type: none"> 1. The unit shall operate and maintain all the Air Pollution Control measures attached to the Jaw Crushers, Rotary Screen and Conveyor Belts efficiently and continuously so as to satisfy the Ambient Air Quality standards prescribed by the Board. 2. The unit shall adhere to the Ambient Noise level standards prescribed by the Board. 3. The unit shall cover raw materials transfer points suitably to prevent dust release into atmosphere. 4. The unit shall operate and maintain all the water sprinkling system provided continuously and efficiently to control the Fugitive dust emission. 5. Periodical cleaning of water spray nozzles should be carried out to avoid chocking. 6. The unit shall ensure the drop height of the processed materials should be kept at minimum during loading and unloading. 7. The unit shall provide compound wall/wind arrester of 15 feet height all around the unit premises. 8. Telescope chutes are to be provided at the conveyor drop point to prevent dust release into
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		<p>the atmosphere during free fall off material from height.</p> <p>9. Opening in the enclosures such as shaft motor driver, conveyor belts, jaw crushers shall be covered with rubber flaps to prevent release of dust.</p> <p>10. There should be bilane road system to approach the stone crushing unit.</p> <p>11. The approach road should be properly laid with tar and concrete and should be sprayed with water. The approach road to the individual crusher should be made in good condition and watered.</p> <p>12. Within the crusher, a minimum distance of 20 ft wide should be made for roads.</p> <p>13. The industry shall ensure that fine dust accumulated in the crushing area is cleaned periodically and dumps are covered with tarpaulin to arrest erosion by wind.</p> <p>Further renewal of consent will be considered in compliance of the above conditions. And still the unit is carrying the revamping work only.</p>
9	<p>I submit that above all, while the TANGEDCO vide letter dated 27.07.2021 has specifically restrained the 8th respondent not to put up any construction in S.F. No. 531/2A as the</p>	<p>The unit is an existing unit and consent has been issued during 1993. The unit has further requested to locate the unit 15 feet below ground level. Consent was</p>

<p>HT lines are passing above the said land, the 6th respondent has conveniently issued the consent order brushing aside the direction of the TANGEDCO, preferred not to address on the said issue and reported as "no violations".</p>	<p>issued for the change of management only. Now, the unit is located below ground level at above 27 feet. (The effective clear depth after considering machine height would be more than 10 feet below ground level).</p>
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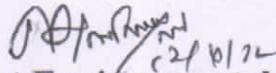
Present status of the unit:

The unit of M/s. Akshairaj Blue Metals located at S.F. No. 531/2, Maivadi Village, Madathukulam Taluk, Tiruppur District was inspected on 09.04.2022 by this office official and the observations noticed during inspection is as follows.

1. The unit was not in operation as the unit was carrying out the revamping works which is yet to be completed.
2. The unit for its crusher operation has installed Jaw crushers – 2 Nos., (50 HP motors each) vibrator – 2 Nos. & Rotary screens – 2 Nos. which are not in operable condition.
3. It was noticed that the unit is constructing shed for covering Jaw crushers – 2 Nos., and also providing G.I shed for the cover vibrator – 2 Nos. & Rotary screens – 2 Nos.
4. The unit has not installed any machine for M-sand unit.
5. The unit has provided water sprinkler in all four sides of the unit premises to suppress dust arising if any.
6. The Air Pollution Control measures are also yet to be installed.
7. No violations is committed since the unit is yet to commission after revamping the machineries and it can be assessed only on operation of the unit and after conducting AAQ survey only.
8. The unit is located below the ground level approximately at about a depth of 27 feet from the ground level as already reported
9. The unit has not started its production since the installation of machines are yet to be completed. The unit is located below ground level in the same S.F. No. 531/2, Maivadi Village, Madathukulam Taluk, Tiruppur District (at stone quarried area earlier) and green belt is found over and above. Further the unit has completed and constructed 13 feet wall on the eastern side and partially completed

10feet on the northern side. The natural mud wall has been provided in the western & southern side of the unit with green belt (trees sapling).

10. The unit is proposed to provide thar road from the unit to nearby approach road.
11. The unit has applied for renewal of consent through online application and the same is pending.


District Environmental Engineer
Tamil Nadu Pollution Control
Board Tiruppur (South) @
Palladam