

**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

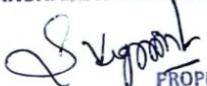
The Member Secretary,
Tamil Nadu Pollution Control Board,
Chennai and others.

...Respondents

**REPLY TO THE ADDITIONAL REJOINDER OF THE APPLICANT FOR THE REPLY
FILED BY 8th RESPONDENT**

1. The 8th Respondent submits that all the allegations made by Applicant in the additional rejoinder of the applicant are denied to be false and concocted.
2. This respondent submits that it is completely false to state that this respondent is carrying out quarrying operation as stated in para-2. This respondent submits that the unit is erected 27 feet below the ground level and above the said ground level this Respondent had constructed the rubber mud wall surrounding the unit to ensure that the unit is properly secured. It is over and above the said 27 ft, this Respondent had constructed 12 feet wall/ rubber mud wall on all the sides. Moreover, as per TNPCB norms, 15 feet is required but from the altitude of the pollution generation area, this Respondent has constructed 39 feet up-tract which is more than double of norms. It is further pertinent here to mention that this unit is not erected recently and it has been in existence since the year 1993 and the purpose of this unit is to crush the rocks and nothing more. This Respondent had only sufficiently secured the said unit by constructing rubber mud walls around the unit. While this being the case, it is completely false and absurd to state that that this Respondent has been carrying quarrying operation and that he had won a mineral ranging about 5,00,000/- cubic feet of gravel and rock stone from the land where the unit is established 27 feet beneath the ground level.

For AKSHAIRAJ BLUE METALS

x  PROPRIETOR

3. This Respondent submits that it is utter falsehood to state that this respondent has been carrying out mining operation by violating the Mines and Minerals Act and Tamil Nadu Minor Mineral Concession Rules, 1959. As already stated above, this Respondent submits that it is not carrying out mining or quarrying activities and all the allegations in para-3 are denied to be false and baseless.
4. This Respondent submits that all the allegations made in para-4 are denied as false. It is true that the permission to erect the unit was granted for the first time on 19.04.1993 and a full reading of the proceedings of the TNPCB bearing B.P.MS.No.609 dated 09.12.1992, which has been filed by the Applicant herein, would go to show that as per the revised norms, it has been stated that *"no stone crushing units should be located within 500M from any NH or SH or Primary residential area or mixed residential area or places of public and religious importance"*. However, the Applicant herein had ignored to read the same in full and wrongly mentioned that no stone crushes should be located within two kilometers from the National and State Highways, which was the norm before modification of the Board Proceeding and this respondent humbly states that, after modification, the norms were revised whereunder 2 KMs has been revised to 500 mts. Therefore, it is false to state that the consent order of the 6th Respondent was in utter violation of their own proceedings. This would go to show that the intention of the Applicant is to raise false allegations against this respondent and also the other government authorities.
5. The 8th Respondent further submits that, in the Resolution No.166-3-2 dated 19.08.1998 passed by Tamilnadu Pollution Control Board, which has been filed by the Applicant herein, the following norms suggested by the NEERI Committee were accepted with respect to the distance criteria from National Highways, State Highways and the Residential Areas:

"2. If the distance between two crushers is more than 100 meters, it will be considered as a single crusher. If the distance between the crusher boundaries is less than 100 meters, it will be considered as a cluster.

3. The distance between the crusher boundaries and the boundary of the National/ State Highways shall be as specified below:

| Sl.No. | Cluster of Crushers | Distance between crusher/ cluster | Green belt area at the periphery |
|--------|---------------------|-----------------------------------|----------------------------------|
| 1. | Single crusher | 50 mts | 10 mts |
| 2. | 10 crusher | 150 mts. | 30 mts. |

For AKSHAIRAJ BLUE METALS

x  PROPRIETOR

| | | | |
|----|-------------|----------|----------|
| 3. | 25 crushers | 250 mts. | 50 mts. |
| 4. | 50 crushers | 300 mts. | 100 mts. |

4. Existing crushers, which are near the National or State Highways and not meeting the above criteria should provide a 15 to 20 feet wall on all the three sides (parallel to National / State Highways and both the sides) and upto the length to be stipulated on the alignment of road and boundary of the crusher. ”

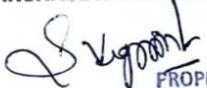
Moreover, in the order dated 02.07.2004 bearing B.P.MS.No.4 passed by the Tamilnadu Pollution Control Board, the explanation reads as follows:

“Existing stone crushing units are those which have valid licenses on the date of Supreme Couer order namely 10.05.1999”

Therefore a perusal of the aforementioned extracts would go to show that the predecessor in title of the 8th Respondent had valid license to run the stone crusher unit and he had not violated the proceedings of the Tamilnadu Pollution Control Board. Moreover, it is not proper and justifiable on the part of the Applicant to raise this issue belatedly after a period of nearly 30 years after the unit was erected and put into operation.

6. The 8th Respondent submits that it is false to state that this Respondent is running the unit without renewing the consent order which expired on March, 2022. This Respondent states that he had put the unit to operation only during the times when the governmental officials visited the site for inspection for granting the renewal of consent order and after the consent order has been renewed. During all the other time, the unit was not operating and it is utter falsehood to state that this respondent is running the unit by using additional equipment than the permitted level.
7. The Respondent humbly submits that, after conducting due inspection and after observing that no violation is made by the 8th Respondent herein, the Tamilnadu Pollution Control Board has issued consent orders dated 06.07.2022 bearing No.2208244425558 and and they are valid till 31.03.2024.

For AKSHAIRAJ BLUE METALS

x  PROPRIETOR

8. Therefore, it is very clear that this Applicant had filed this application to harass this Respondent and for all the reasons stated above, 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 03rd DAY OF AUGUST, 2022



COUNSEL FOR THE 8th RESPONDENT

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

ORIGINAL APPLICATION NO.04 of 2022 (SZ)

Jaganathasamy,
s/o.Palanigounder,
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...Applicant

Versus

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...Respondents

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DATED AT CHENNAI ON THIS THE 3rd DAY OF AUGUST, 2022



COUNSEL FOR THE 8th RESPONDENT



TAMILNADU POLLUTION CONTROL BOARD



Category of the Industry :

ORANG
E



CONSENT ORDER NO. 2208244425558

DATED: 06/07/2022.

PROCEEDINGS NO.F.0762TPS/OS/DEE/TNPCB/TPS/A/2022 DATED: 06/07/2022

SUB: Tamil Nadu Pollution Control Board - RENEWAL OF CONSENT –M/s. AKSHAIRAJ BLUE METALS , S.F.No. 531/2, MAIVADI village, Madathukulam Taluk and Tiruppur District - Renewal of Consent for the operation of the plant and discharge of emissions under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 (Central Act 14 of 1981) –Issued- Reg.

REF: 1. CTO PROCEEDINGS NO.F.0762TPS/OS/DEE/TNPCB/TPS/W&A/2020 DATED: 02/09/2020.
2. Unit Application No. 44425558 Dated:26.03.2022 and resubmitted on 21.06.2022.
3. IR.No : F.0762TPS/OS/AEE/TPS/2022 dated 06/07/2022.

RENEWAL OF CONSENT is hereby granted under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 (Central Act 14 of 1981) (hereinafter referred to as “The Act”) and the rules and orders made there under to

The Proprietor
M/s.AKSHAIRAJ BLUE METALS,
S.F.No. 531/2,
MAIVADI village,
Madathukulam Taluk,
Tiruppur District.

Authorizing the occupier to operate the industrial plant in the Air Pollution Control Area as notified by the Government and to make discharge of emission from the stacks/chimneys.

This is subject to the provisions of the Act, the rules and the orders made there under and the terms and conditions incorporated under the Special and General conditions stipulated in the Consent Order issued earlier and subject to the special conditions annexed.

This RENEWAL OF CONSENT is valid for the period ending March 31, 2024

SWAMINATHAN Digitally signed by SWAMINATHAN
Date: 2022.07.07 12:06:56 +05'30'
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
TIRUPPUR SOUTH



TAMILNADU POLLUTION CONTROL BOARD

SPECIAL CONDITIONS

1. This renewal of consent is valid for operating the facility for the manufacture of products (Col. 2) at the rate (Col. 3) mentioned below. Any change in the products and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

| Sl. No. | Description | Quantity | Unit |
|------------------------|-------------|----------|----------|
| Product Details | | | |
| 1. | Blue Metal | 24 | Tons/Day |
| 2. | Chips | 8 | Tons/Day |
| 3. | Powder | 8 | Tons/Day |

2. This renewal of consent is valid for operating the facility with the below mentioned emission/noise sources along with the control measures and/or stack. Any change in the emission source/control measures/change in stack height has to be brought to the notice of the Board and fresh consent/Amendment has to be obtained.

| I Point source emission with stack : | | | | |
|---|------------------------------------|------------------------------------|-------------------------------------|--|
| Stack No. | Point Emission Source | Air pollution Control measures | Stack height from Ground Level in m | Gaseous Discharge in Nm ³ /hr |
| 1 | Jaw Crusher - 2 Nos | Water Sprinkler Tin Sheet Cover | 0 | |
| 2 | Rotary Screens - 2 Nos | Closed Shed | 0 | |
| 3 | Conveyor Belt | Covered with MS Sheet | 0 | |
| 4 | Dust Collection Section | Covered with MS Sheet | 0 | |
| II Fugitive/Noise emission : | | | | |
| Sl. No. | Fugitive or Noise Emission sources | Type of emission | Control measures | |



TAMILNADU POLLUTION CONTROL BOARD

Special Additional Conditions:

- i. The unit shall install the approved retrofit emission control device/equipment with at least 70% Particulate matter reduction efficiency on all DG sets with capacity of 125 KVA and above or otherwise the unit shall be shift to gas based generators within the time frame prescribed in the notification No. TNPCB/Labs/DD(L)02151/2019 dated 10.06.2020 issued by TNPCB.
- ii. The unit shall obtain No Objection Certificate (NOC) from the Tamil Nadu Bio Diversity Board /National Bio Diversity Authority if the unit is using any Biological resources or knowledge associated thereto as per the provisions of Biological Diversity Act 2002.

Additional Conditions:

1. The unit shall operate and maintain all the Air Pollution Control measures attached to the Jaw Crushers, Vibrator Screen and Conveyor Belts efficiently and continuously so as to satisfy the Ambient Air Quality standards prescribed by the Board.
2. The unit shall operate all the APC measures so as to ensure that the emission satisfy the AAQ/Emission standards prescribed by the Board.
3. The unit shall adhere to Ambient Noise Level standards prescribed by the Board.
4. The unit shall operate and maintain all the water sprinkling systems provided continuously and efficiently to control the fugitive dust emission.
5. Periodical cleaning of water spray nozzles should be carried out to avoid choking.
6. The unit shall ensure that the drop height of the processed material should be kept at minimum during loading and unloading.
7. Telescope chutes are to be provided at the conveyor drop point to prevent dust release into the atmosphere during free fall off material from height.
8. Opening in the enclosures such as shaft motor driver, conveyor belts, jaw crushers shall be covered with rubber flaps to prevent release of dust.
9. 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.
10. 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.
11. As an occupational safety, all the workers should be provided with nose masks.
12. The unit shall not store raw materials and products more than one month capacity and all the open storage should be properly covered with Tarpaulin to avoid dust emanation due to wind action.
13. In case of revision of consent fee by the Government, the unit shall remit the difference in amount within one month from the date of notification. Failing to remit the consent fee, this consent order will be withdrawn without any notice and further action will be initiated against the unit as per law.
14. The unit shall not use 'use and throwaway plastics' such as plastic sheets used for food wrapping, spreading on dining table, etc., plastic plates, plastic coated tea cups, plastic tumbler, water pouches and packets, plastic straw, plastic carry bag and plastic flags irrespective of thickness, within the industry premises. Instead unit shall encourage use of eco friendly alternative such as banana leaf, arecanut palm plate, stainless steel, glass, porcelain plates/cups, cloth bag, jute bag, etc.,
15. The operation of the unit shall not invite any complaint from the nearby farmers.
16. The unit shall develop adequate depth of green belt within the unit premises.
17. The issue of renewal of consent subject to the outcome of case filed before Hon'ble NGT (SZ), Chennai vide O.A.No.04/2022 against to the unit.

SWAMINATHAN Digitally signed by SWAMINATHAN
Date: 2022.07.07 12:07:29 +05'30'
**District Environmental Engineer,
Tamil Nadu Pollution Control Board,
TIRUPPUR SOUTH**

To
The Proprietor,
M/s.AKSHAIRAJ BLUE METALS,
No. 531/2, Maivadi Village,
Madathukulam Taluk,



TAMILNADU POLLUTION CONTROL BOARD

Copy to:

1. The Commissioner, MADATHUKULAM-Panchayat Union, Madathukulam Taluk, Tiruppur District .
2. Copy submitted to the Member Secretary, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.
3. Copy submitted to the JCEE-Monitoring, Tamil Nadu Pollution Control Board, Coimbatore for favour of kind information.
4. File



TAMILNADU POLLUTION CONTROL BOARD



Category of the Industry :

ORANG
E



CONSENT ORDER NO. 2208144425558

DATED: 06/07/2022.

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SUB: Tamil Nadu Pollution Control Board - RENEWAL OF CONSENT – M/s. AKSHAIRAJ BLUE METALS , S.F.No. 531/2, MAIVADI village, Madathukulam Taluk and Tiruppur District - Renewal of Consent for the operation of the plant and discharge of sewage and/or trade effluent under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 (Central Act 6 of 1974) – Issued- Reg.

REF: 1. CTO PROCEEDINGS NO.F.0762TPS/OS/DEE/TNPCB/TPS/W&A/2020 DATED: 02/09/2020.
2. Unit Application No. 44425558 Dated:26.03.2022 and resubmitted on 21.06.2022.
3. IR.No : F.0762TPS/OS/AEE/TPS/2022 dated 06/07/2022.

RENEWAL OF CONSENT is hereby granted under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 (Central Act, 6 of 1974) (hereinafter referred to as “The Act”) and the rules and orders made there under to

The Proprietor
M/s.AKSHAIRAJ BLUE METALS,
S.F.No. 531/2,
MAIVADI Village ,
Madathukulam Taluk ,
Tiruppur District .

Authorising the occupier to make discharge of sewage and /or trade effluent.

This is subject to the provisions of the Act, the rules and the orders made there under and the terms and conditions incorporated under the Special and General conditions stipulated in the Consent Order issued earlier and subject to the special conditions annexed.

This RENEWAL OF CONSENT is valid for the period ending March 31, 2024

SWAMINATHAN

Digitally signed by SWAMINATHAN
Date: 2022.07.07 12:08:22 +05'30'

District Environmental Engineer,
Tamil Nadu Pollution Control Board,
TIRUPPUR SOUTH



TAMILNADU POLLUTION CONTROL BOARD

SPECIAL CONDITIONS

1. This renewal of consent is valid for operating the facility for the manufacture of products/byproducts (Col. 2) at the rate (Col 3) mentioned below. Any change in the product/byproduct and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

| Sl. No. | Description | Quantity | Unit |
|------------------------|-------------|----------|----------|
| Product Details | | | |
| 1. | Blue Metal | 24 | Tons/Day |
| 2. | Chips | 8 | Tons/Day |
| 3. | Powder | 8 | Tons/Day |

2. This renewal of consent is valid for operating the facility with the below mentioned outlets for the discharge of sewage/trade effluent. Any change in the outlets and the quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

| Outlet No. | Description of Outlet | Maximum daily discharge in KLD | Point of disposal |
|---------------------------------------|-----------------------|--------------------------------|-----------------------|
| Effluent Type : Sewage | | | |
| 1. | Sewage | 0.25 | On Industrys own land |
| Effluent Type : Trade Effluent | | | |



TAMILNADU POLLUTION CONTROL BOARD

Special Additional Conditions:

The unit shall obtain No Objection Certificate (NOC) from the Tamil Nadu Bio Diversity Board /National Bio Diversity Authority if the unit is using any Biological resources or knowledge associated thereto as per the provisions of Biological Diversity Act 2002.

Additional Conditions:

1. The unit shall operate and maintain the septic tank followed by dispersion trench arrangements for the treatment and disposal of sewage before its disposal on industry's own land.
2. The unit shall not generate trade effluent at any stage of its manufacturing process under any circumstances.
3. The unit shall dispose the solid waste generated then and there without any accumulation in their premises.
4. In case of revision of consent fee by the Government, the unit shall remit the difference in amount within one month from the date of notification. Failing to remit the consent fee, this consent order will be withdrawn without any notice and further action will be initiated against the unit as per law.
5. The unit shall not use 'use and throwaway plastics' such as plastic sheets used for food wrapping, spreading on dining table, etc., plastic plates, plastic coated tea cups, plastic tumbler, water pouches and packets, plastic straw, plastic carry bag and plastic flags irrespective of thickness, within the industry premises. Instead unit shall encourage use of eco friendly alternative such as banana leaf, arecanut palm plate, stainless steel, glass, porcelain plates/cups, cloth bag, jute bag, etc.,
6. The unit shall develop adequate depth of green belt within the unit premises.
7. The operation of the unit shall not invite any complaint from the nearby farmers.
8. The issue of renewal of consent subject to the outcome of case filed before Hon'ble NGT (SZ), Chennai vide O.A.No.04/2022 against to the unit.

SWAMINATHAN

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Date: 2022.07.07 12:22:58 +05'30'

**District Environmental Engineer,
Tamil Nadu Pollution Control Board,
TIRUPPUR SOUTH**

To
The Proprietor,
M/s.AKSHAIRAJ BLUE METALS,
No. 531/2, Maivadi Village,
Madathukulam Taluk,
Tiruppur District.,
Pin: 642203

Copy to:

- 1.The Commissioner, MADATHUKULAM-Panchayat Union, Madathukulam Taluk, Tiruppur District .
2. Copy submitted to the Member Secretary, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.
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