

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

**Original Application No.47 of 2022 (SZ)**

G. Kannan,  
S/o. Mr.Govindaraj,  
Kolapalayam, Mugasipidariyur,  
Chennimalai, Erode-638 051.

...Applicant

Versus

1. The Chairman,  
Tamil Nadu Pollution Control Board, 76, Mount Road, Guindy,  
Chennai- 600 032 & ors.

...Respondents

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**Filed by  
Thiru. Sai Sathya Jith  
Advocate, Chennai.**



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

**Original Application No.47 of 2022 (SZ)**

G. Kannan,  
S/o. Mr.Govindaraj,  
No.1/2-36, Murugan Nagar,  
Kolapalayam, Mugasipidariyur,  
Chennimalai, Erode-638 051.

...Applicant

Versus

1. The Chairman,  
Tamil Nadu Pollution Control Board,  
76, Mount Road, Guindy,  
Chennai- 600 032.
2. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Plot No2, SIPCOT Industrial Growth Centre,  
Perundurai, Erode – 638 052.
3. The District Collector,  
Erode District
4. The President,  
Ottaparai Village Panchayat,  
Chennimalai Panchayat Union,  
Erode District, Erode – 638 051
5. Mr. Kuppusamy,  
Proprietor M/s. Srinivasa Power Loom,  
Murugan Nagar, Kolapalayam,  
Mugasipidariyur, Perundurai Taluk,  
Erode-638 051.

...Respondents

  
13/7/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

**REPORT FILED ON BEHALF OF THE 1<sup>ST</sup> & 2<sup>ND</sup> RESPONDENTS**  
**TAMIL NADU POLLUTION CONTROL BOARD.**

I, R. Rajamanickam, Son of P.M.Ramasamy, Hindu, aged about 58 years, having my office at No. 76, Mount Salai, Guindy, Chennai – 600 032, 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 1<sup>st</sup> & 2<sup>nd</sup> Respondents TNPC Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the applicant has filed this application with the following prayer:

*“(i) Direct the Respondents 1 to 4 to take appropriate action on his complaints and representation to the respondents 1 to 4 under the Noise Pollution Control Rules and other environmental laws.*

*(ii) Direct the Respondents 1 to 4 to stop the illegal running of the power loom unit in the residential area particularly adjacent to the applicant's house which causes severe environmental pollution.*

*(iii) Direct the Respondents 1 to 4 to initiate necessary action against the 5<sup>th</sup> and 6<sup>th</sup> respondents for illegal operation of the power loom unit during the day and night without following the pollution control norms.*

3. It is submitted that series of complaint petitions were received from Mr. G. Kannan and Ms. Yagapriya, D/o. Mr. G. Kannan, residing at Murugan Nagar, Koalthupalayam, Chennimalai, Perundurai Taluk, Erode District through Emails, Collectorate and directly to the O/o the DEE, TNPCB, Prundurai from June 2020 regarding the air pollution and noise

  
13/11/2012  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
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No.76, MOUNT SALAI, GUINDY,  
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pollution caused by the power looms run by Mr. Kuppusamy adjacent to their house. It was also stated that the said power loom was running without getting permission from the Local Body and Tamil Nadu Pollution Control Board.

Based on the complaints, the Power loom unit was inspected on 11.06.2020 for the officials of District Office, Perundurai. During inspection, the following were observed.

- a) A small scale power loom unit with two basic power looms was found under operation in the name of M/s. Srinivasa Power loom in a small shed of size around 8.0 m x 8.5 m x 3.65 m covered with asbestos sheets.
- b) The power loom is operated only by Mr. Kuppusamy and his spouse for their livelihood. No other workers / labours are employed in the small scale unit.
- c) The power loom is located adjacent to the complainant's house. There is a gap of around one foot between the compound wall of the complainant's house and the power loom.
- d) The total capacity of electrical machinery provided in the power loom is 5 HP. As per the Tamil Nadu Combined Development and Building Rules, 2019, industries classified by the Tamil Nadu Pollution Control Board as "Green" Industry are among the permitted activities, subject to maximum installation of 30 HP of Electrical Machinery.
- e) Further, it was observed that few more power looms are also functioning as small scale cottage industries in the said locality.

In this connection, the following actions were taken by the O/o. District Environmental Engineer, Tamil Nadu Pollution Control Board, Perundurai, Erode District:

- a) The Block Development Officer, Chennimalai Panchayat Union, Perundurai Taluk, Erode District was informed vide DEE, Perundurai letter No. 1727/DEE/TNPCB/PND/2020, dated 12.06.2020 about the Power loom operating without license from the Local Body
- b) The Ambient Air Quality / Ambient Noise Level Survey was conducted by TNPCB in the vicinity of the unit on 24.08.2020. The Report of Analysis revealed that the analyzed parameters PM<sub>10</sub>, SO<sub>2</sub> and NO<sub>2</sub> are within standards prescribed by the Board
- c) The Noise Level standards prescribed by the Board for the residential areas are 55 dB during Day time (6 AM to 10 PM) and 45 dB during Night time (10 PM to 6 AM). However, the ambient noise level survey revealed that the noise level exceeded the standards prescribed by the Board.

S. No	Location	Background Sound Level, L <sub>eq</sub> - dB(A)	Sound level when the unit was in operation, L <sub>eq</sub> - dB(A)
1	Complainant House	51.4	61.7
2	Front Hall in the Complainant's house	51.5	58.2
3	Vacant land in the Southern East Corner of Complainant House	52.4	62.2

4	Another House located adjacent to the unit	50.4	74.5
5	In front of the unit	51.5	70.2

- d) In view of the above, the unit of M/s. Srinivasa power loom was addressed vide DEE, TNPCB, Perundurai letter No. F. No. 2399/ DEE/ TNPCB/ PND/ 2020, dated 04.09.2020 to improve the acoustic measures so as to reduce the noise level and to operate the unit without attracting the complaints from the nearby public.
- e) Subsequently, a personal hearing meeting was also conducted with the unit and the complainants at the O/o. DEE, TNPCB, Perundurai on 06.10.2020. The representatives from the power loom workers Association have also attended the personal hearing meeting. During the meeting, the complainants have expressed about the vibratory and noise nuisance caused by the power loom. After a detailed discussion, the unit has assured to provide cushion / pith arrangement at the base of the looms so as to reduce the vibrations and to provide expanded polystyrene sheets (Thermocol) enclosures for the windows of the shed on or before 31.10.2020.
- f) Later, the power loom unit vide its letter dated 29.10.2020 has reported that they have provided cushion / pith arrangement at the base of the looms and expanded polystyrene sheets (Thermocol) enclosures for the windows along with photographs.

*R. J. J.*  
13/11/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
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CHENNAI-600 032.

- g) At the same time, complaints were received from the petitioners, Mr. Kannan and Ms. Yagapriya continually through Emails, Collectorate Petitions and Hon'ble Chief Minister Special Cell Petitions, etc.,
- h) In this connection, the Ambient Air Quality / Ambient Noise Level Survey was again conducted in the vicinity of the unit on 18.11.2020. The Report of Analysis revealed that the Noise level exceeded the standards prescribed by the Board.

S. No	Location	Background Sound Level, $L_{eq}$ - dB(A)	Sound level when the unit was in operation, $L_{eq}$ - dB(A)
1	Complainant House Main Hall	53.9	65.5
2	Complainant House Bed Room	52.8	60.1
3	Complainant House - Another Hall	54.1	65.6

- i) In view of the above, the unit was issued with Show cause Notice vide DEE, Perundurai Proceeding No. F.4060 / DEE / TNPCB / PND / Compl / A / 2020, dated 28.11.2020 under the provisions of the Air (P&CP)Act, 1981 as amended.
- j) The unit vide its letter dated 08.12.2020 has replied that they propose to provide rubber sheets and sand layer at the base of the looms so as to reduce the noise emission further.
- k) Subsequently, a personal hearing was again conducted with the unit on 16.12.2020. During the meeting, the unit has reported that

they have provided rubber sheets and sand layer at the base of the looms so as to reduce the noise emission. The complainant, Mr. Kannan vide his letter dated 21.12.2020 has stated that though the sound level from the unit was reduced, the vibration level was more.

- l) However, continuous complaint petitions are again received from the Petitioners, Mr. Kannan and Ms. Yagapriya through emails, Collectorate Petitions and Hon'ble Chief Minister Special Cell Petitions, etc.,
- m) In view of the above, the petitioner was addressed vide DEE, TNPCB, Perundurai letter No. F. No. 227 / DEE / TNPCB / PND / 2021, dated 12.02.2021, 27.04.2021 and 05.05.2021 about the improvement measures taken by the unit to reduce the sound and vibration levels .
- n) In the mean time, a copy of the letter from few public of Murugan Nagar, Kolathupalayam, Chennimalai, Perundurai Taluk, Erode District was received on 21.02.2022 along with their local body tax receipts as supporting documents for their residence. In the said letter, it was stated that they are not affected by the sound level from the unit and the petitioner is complaining constantly about the power loom unit of Mr. Kuppusamy due to personal disputes
- o) However, in view of the continual complaints received from Mr. Kannan, the Deputy Chief Scientific Officer, District Environmental Laboratory, TNPCB, Perundurai, Erode District was addressed vide DEE, Perundurai Letter No. DEE / TNPCB /

PND / F.Compl /2022, dt. 10.02.2022 to conduct Ambient Noise Level Survey in vicinity of the said power loom unit once again.

4. It is respectfully submitted that, in meanwhile, the complainant Mr. Kannan has filed an application before the Hon'ble NGT (SZ) vide O.A No. 47 of 2022, the Hon'ble NGT (SZ) in its order dated 11.05.2022 has ordered to conduct the ambient noise level survey and to submit about whether the noise level is within the permissible limit or not.

5. It is respectfully submitted that in order to comply the said NGT order the Chief Scientific Officer, District Environmental Laboratory, TNPCB, Perundurai, Erode District was again addressed vide DEE, Perudurai letter No. DEE/TNPCB/PND/2022, dt. 02.05.2022 to conduct the ambient noise level survey in vicinity of the said Power loom unit .

Accordingly, the ambient noise level survey was conducted on 13.05.2022 by the Chief Scientific Officer, District Environmental Laboratory, TNPCB, Perundurai, Erode District, as per the Standard Operating Procedure (SOP) for Noise Level Monitoring of Industries issued by the Board vide Memo No. TNPCB/ DD(LABS)/ 0620/ 2021, dt. 08.09.2021.

As per the Noise Pollution (Regulation and Control) (Amendment Rules), 2010,

*"The Peripheral Noise level of privately owned sound system or sound producing instrument shall not, at the boundary of the private place, exceed by more than 5 dB (A) of the Ambient Standards for the Area".*

  
13/5/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER,  
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In compliance of the above, ambient noise level survey was conducted at the periphery of the complainant's house and other nearby residents on 13.05.2022. The Report of Analysis reveals the following

S. No	Location	Background Sound Level, $L_{eq}$ in dB(A)	Sound level when the unit was in operation, $L_{eq}$ in dB(A)
1	Mr. Kannan House (complainant), 1/2-36, Murugan Nagar	51.5	55.5
2	Mr. Thangavel House 1/2-80, Murugan Nagar	51.5	55.2
3	Mr. Ravi House, Murugan Nagar	50.4	53.6
4	Mr. Karuppasamy House, 1/2-78, Murugan Nagar	52.4	56.4

Further, the following procedure is prescribed in the Standard Operating Procedure (SOP) for noise level monitoring of industries issued by the Board vide Memo No. TNPCB/ DD(LABS)/ 0620/ 2021, dt. 08.09.2021

- a) For finding the sound from the industrial source alone, first the ambient sound has to be measured and then the (Ambient + Industrial) Noise levels for duration as explained earlier has to be measured.
- b) Based on the difference between the two sound levels, a correction factor has to be subtracted from the Total Noise Level (Ambient + Industrial) so as to determine Noise level from the industry alone.

  
 13/5/2022  
 JOINT CHIEF ENVIRONMENTAL ENGINEER  
 TAMIL NADU POLLUTION CONTROL BOARD  
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In the present case,

S. No	Location	Mr. Kannan House (complainant)	Mr. Thangavel House	Mr. Ravi House	Mr. Karuppasamy House
1	Ambient Noise Level, $L_{eq}$ in dB (A)	51.5	51.5	50.4	52.4
2	Total Noise (Ambient + Industry) Level, $L_{eq}$ in dB (A)	55.5	55.2	53.6	56.4
3	Difference	4.0	3.7	3.2	4.0
4	Correction Factor given in the annexure of SOP	2.3	2.6 (For nearest value, 3.5)	3.0 (For nearest value, 3.0)	2.3
5	Noise Level from the Industry alone (2) – (5)	53.2	52.6	50.6	54.1

From the above values, it was observed that the noise level from the power loom is within the standards prescribed for daytime in the residential area ((6 AM to 10 PM).

5. It is further submitted that the power loom unit has also applied for consent to operate (CTO) of the Board in the name of “M/s. Parvathy Power looms” through Online vide Application No.45308748, dated 03.05.2022. The same was returned to the unit on 22.05.2022 for certain corrections and for want of permission obtained from the Local Body. The unit is yet to resubmit the application along with the above said particulars.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

**BEFORE ME**

**VERIFICATION**

I, R. Rajamanickam, Son of P.M.Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records.

*R. Rajamanickam* 13/7/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
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Board, 76, Mount Road, Guindy,  
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**REPORT FILED ON BEHALF OF  
THE 1<sup>ST</sup> & 2<sup>ND</sup> RESPONDENTS -  
TAMIL NADU POLLUTION  
CONTROL BOARD.**

**Advocate for Respondent:TNPCB  
Thiru.Sai Sathya Jith,  
Advocate, Chennai.**

**Date:13.07.2022.**

**Date of hearing on:14.07.2022**

