

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Original Application No. 47 of 2023 (SZ)**

**IN THE MATTER OF:**

Suresh

Dharmapuri, TamilNadu

...Applicant(s)

Versus

TNPCCB

Rep. by its Chairman,

Chennai and Ors

...Respondent(s)

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Through

Dr. D. Shanmuganathan

Standing Counsel of Tamil Nadu

National Green Tribunal

Southern Zone

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

**Original Application No.47 of 2023(SZ)**

Suresh S/o Pachiyappan,

6/36, Alamelupuram, Pappireddipatti,

Dharmapuri, Tamilnadu -636905

...Applicant(s)

Versus

1. Tamil Nadu Pollution Control Board,  
Rep .by its chairperson,  
76, Anna salai, Guindy Industrial Estate,  
Guindy, Chennai-600032.
2. The Executive Engineer,  
Water Resources Department,  
Upper Pennaiyar Basin Division,  
Dharmapuri-5.
3. The Executive Engineer,  
Ground Water Division,  
Water Resources Department, Vellore.
4. The Assistant Engineer,  
Water Resources Department,  
Irrigation Section,  
Pappireddipatti, Dharmapuri.
5. The District Collector,  
1<sup>st</sup> Floor, Main Building,  
District Collector ate,  
Dharmapuri - 636705.  
E-Mail: collrdpi@nic.in
6. M/s. Varalakshmi Starch Industries (P)Ltd.  
Rep. by its Director A. Vinoth Kumar,  
"Varalakshmi Tower", No. 127/1,  
2<sup>nd</sup> Floor, Gandhi Road, Salem - 636007.  
Email: office@varalakshmistarch.com

...Respondent(s)

**Report on the unit M/s Varalakshmi Starch Industries (P) Ltd, Dharmapuri by the District Collector, Dharmapuri with regard to the O.A.47 of 2023 filed by Thiru.P.Suresh before the Hon'ble National Green Tribunal (SZ), Chennai.**

**Preamble**

The unit M/s Varalakshmi Starch Industries Pvt. Ltd is an existing industry functioning at S.F.No. 75pt, 77pt, 78pt, 168pt of Pappireddipatti village & 121pt, 125pt, 128pt, 129pt, 130pt, 131pt, 132pt & 138pt of Alamelupuram village, Paappireddipatti Taluk and Dharmapuri District and the latest Consent to Operate was issued to the unit by TNPCB under the Water and the Air Acts vide Proc. Dated 02.03.2020 valid up to 31.03.2021 and further extended up to 30.11.2021 for the following products.

S.No	Name of the product manufactured	Consented quantity
<b>Main Products</b>		
1.	Starches & Modified Starches	6500.000 T/M
2.	Sago & Pappads	5000.000 T/M
<b>By Products</b>		
3.	Tapioca Thippi (Dry)	2000 T/M
4.	Maize Germ Dry	900 T/M
5.	Maize Gluten Dry	675 T/M
6.	Maize Husk (Fibre Dry)	1460 T/M
7.	Generation Of Power	1975.68 MW/M

**Effluent**

Outlet No.	Description of Outlet	Maximum daily discharge in KLD	Point of disposal
<b>Effluent type: Sewage</b>			
1.	Sewage	4.3	On industry's own trees grown land
<b>Effluent Type : Trade Effluent</b>			
1.	Trade effluent	500.1	On industry's own trees grown land*

\*-disposal of Trade effluent with Inland surface water discharge standards and the unit has 15.41 Hec of Green belt area where Prosopis juliflora (Seemaikaruvelam) trees are grown,

<b>I</b>	<b>Point source emission with stacks</b>		
Stack no.	Point source emission	Air pollution control measures	Stack height from ground level in m
1	4t Boiler / 10l Kcal Thermic Fluid Heater; Fuel : Furnace Oil & Bio Gas	Dust collectors with stack	15
2	30t/Hr Boiler; Fuel : Coal	Stack	15
3	Dg Set 110 KVA 1no. Fuel : Diesel	Stack	4
4-7	Dg Set 380 KVA 4 Nos. Fuel : Diesel	Stack to Each	7
8-11	Dg Set 500 KVA 2 Nos. Dual Fuel : Bio Gas & Diesel	Twin Stack To Each	7
12-13	100% Bio Gas Fuel Genset 1100 Kw 2 Nos.	Stack to Each	22
14	Sulphitation Plant 1 No. In Maize Plant	Wet scrubber with stack	17.3
15-16	15l Kcal Thermic Fluid Heater 2 Nos.; Fuel : Coal	Stack to Each	30.5
II	<b><u>Fugitive/Noise Emission:</u></b>		
<b>Sl. No.</b>	<b>Fugitive or Noise Emission sources</b>	<b>Type of emission</b>	<b>Control measures</b>
1.	D G Sets	Noise	Acoustic enclosure with stack

### **Hon'ble NGT (SZ) Orders**

An Original Application vide O.A.47 of 2023 was filed by Thiru.P.Suresh before the Hon'ble National Green Tribunal (SZ) with main prayer to

1. Direct closure of 6<sup>th</sup> respondent industry.
2. Direct the respondent 2 to 5 to forthwith fill in and close the illegal tank/well-constructed by the 6<sup>th</sup> respondent and to impose penalty on the 6<sup>th</sup> respondent for illegal abstraction and utilization of water for its industrial purpose.

3. Direct the 1<sup>st</sup> respondent to access the extent of contamination to the groundwater and frame a remediation and for awarding compensation to the affected farmers and impose penalty on 6<sup>th</sup> respondent for its violation, apart from initiating prosecution.

In this regard, the Hon'ble National Green Tribunal (SZ) in its order dated 25.04.2023 has directed the following

*"3. Let the District Collector-Dharmapuri and Tamil Nadu Pollution Control Board file a report after making a spot inspection".*

Based on that, the unit M/s Varalakshmi Starch Industries (P) Ltd, Dharmapuri was inspected by the District Collector, Dharmapuri along with the following officials on 13.10.2023.

1. Executive Engineer, Water Resources Department, Dharmapuri.
2. District Environmental Engineer, Tamil Nadu Pollution Control Board, Dharmapuri.
3. Assistant Geologist, Groundwater Sub Division, WRD, Dharmapuri.
4. Revenue officials on 13.10.2023 and submits the following report.

Erstwhile to the inspection, the following departments have been instructed to submit their independent reports on the allegations filed by Thiru.P.Suresh before the Hon'ble NGT (SZ) in O.A. No: 47 of 2023

1. Water Resources Department, Dharmapuri
2. Groundwater Division, WRD, Vellore.
3. Revenue Department, Dharmapuri.
4. Department of Fisheries, Dharmapuri.
5. Tamil Nadu Pollution Control Board, Dharmapuri

The reports were submitted by the above said departments and it is as follows

**Groundwater Division, WRD, Vellore:**

The Executive Engineer (i/c), GWD, Vellore vide letter dated 27.09.2023 has informed as below

- i. *“The stored water in the pond must not be extracted directly to the industrial use since, the water is meant to recharge the Aquifer (water bearing zones) to maintain the hydrogeological conditions of the area.*
- ii. *The harvested water can be extracted through open wells or through bore wells only, from this industrial usage of water can be quantified.*
- iii. *The industry is instructed to adopt suitable and efficient effluent treatment system for their rejected water to check the groundwater pollution.*
- iv. *The ground water analysis shows some chemical parameters are higher than the recommended values.*
- v. *There is no decline in the groundwater levels observed in the zone of influence.*
- vi. *The G.O. (Ms).NO.15 Water Resources (R1) Department, dated 28.03.2023 is in force. As per the above Government order, the firm is eligible to obtain groundwater NOC. They have applied for NOC and the application is under scrutiny in this office. As per Norms in the Existing Government Orders and based on this Department’s guidelines the report will be processed.”*

**Water Resources Department, Dharmapuri:**

The unit M/s Varalakshmi Starch Industries Pvt. Ltd is located adjacent to the Peeniyaru which is under the purview of Water Resource Department. The Peeniyaru starts from Manjavadi Anaicut located in Manjavadi village, fills about Eight Anaicut & three lakes and finally joins Vaniyaaru. About 408.02 Acre land gets water for irrigation from these Anaicut and lakes.

Based on the allegation raised against the unit regarding the illegal tapping of river water, the unit was inspected on 28.10.2022 and a pond with capacity around 180.734 Cub.M was noticed adjacent to the Peeniyaru.

Since, the Peeniyaru is located very adjacent, it was ascertained that there is an illegal tapping of water. Since the pond is about 2.30 metre distance from the Peeniyaru, the unit has to obtain permission from the water resources department. But the unit has not obtained any permission to construct pond from the department.

Further, the Executive Engineer in its letter dated 14.08.2023 has stated that there is no encroachment in Peeniyaru was observed after making survey by placing boundary markings by land surveyor in presence of Peeniyaru Vivasayigal Sangam members.

Also in their presence 11 side bores were identified and closed by means of concrete.

**District Environmental Engineer, TNPCB, Dharmapuri**

The District Environmental Engineer, Tamil Nadu Pollution Control Board, Dharmapuri has stated that

Consent to Operate was issued to the unit M/s Varalakshmi Starch Industries Pvt. Ltd at S.F.No. 75pt, 77pt, 78pt, 168pt of Pappireddipatti village & 121pt, 125pt, 128pt, 129pt, 130pt, 131pt, 132pt & 138pt of Alamelupuram Village, Pappireddipatti village, Paappireddipatti Taluk and Dharmapuri District by the Board under the Water and the Air Acts vide Proc. dated.02.03.2020 with valid up to 31.03.2021 and the validity has been further extended up to 30.11.2021 due to COVID outbreak.

The Report of Analysis of Samples collected from the treated effluent discharged for green belt has exceeded the inland surface water standards prescribed by the Board and also due to the non-compliance of directions issued to the unit vide Proc. dated 18.04.2022, 17.10.2022, the closure direction and disconnection of power supply was issued to the unit by the Board vide Proc. dated 08.11.2022.

Aggrieved by the above said closure direction, the unit has filed appeal petition before the Hon'ble NGT (SZ), Based on the interim order dated 09.12.2022 passed by the Hon'ble NGT (SZ), the power supply was restored to the unit M/s. Varalakshmi Starch Industries Pvt. Ltd.

Further, the Board vide Proc. dated 16.02.2023 has issued direction to the unit M/s Varalakshmi Starch Industries Pvt. Ltd with certain conditions to comply with and the industry is yet to comply with same.

**Revenue District Officer, Harur.**

The Revenue District Officer, Harur vide letter dated 11.10.2023 has stated that *“As per the AD, surveyor report dated 10.01.2023, there was no encroachment of the S.F.No: 71,120,126,127,135/1,139,148 in Alamelupuram village, Pappireddipatti Taluk, Dharmapuri District was observed during the field survey conducted in presence of CE, WRD.”*

**Assistant Director, Department of Fisheries:**

The Assistant Director, Department of Fisheries vide letter dated 11.10.2023 has informed that *there is no water in the Peeniyaru and rainwater was stagnated in some places of Kotamedu region. Also, it was informed that no complaints/information were received from public or other government offices regarding Mass Mortality of fishes in the Peeniyaru for past two years.*

During inspection of the unit the followings observations were made.

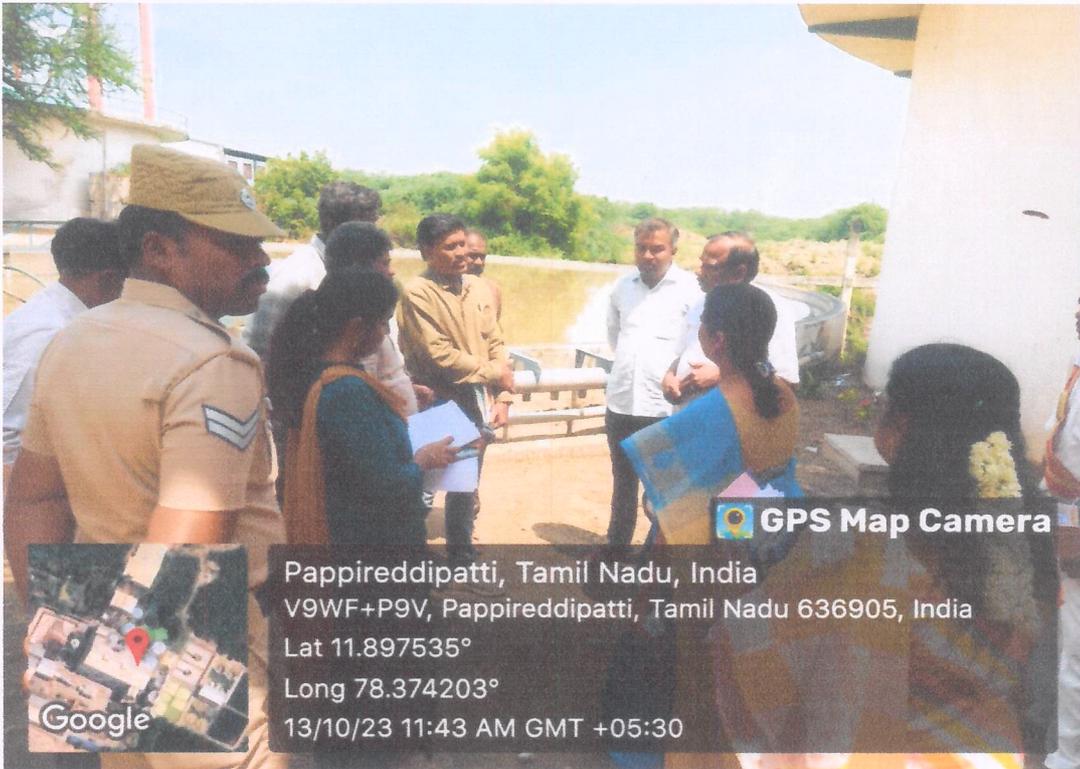
**Photographs taken during inspection:**



**Tapioca Crushing Section**



**Maize Plant Area**



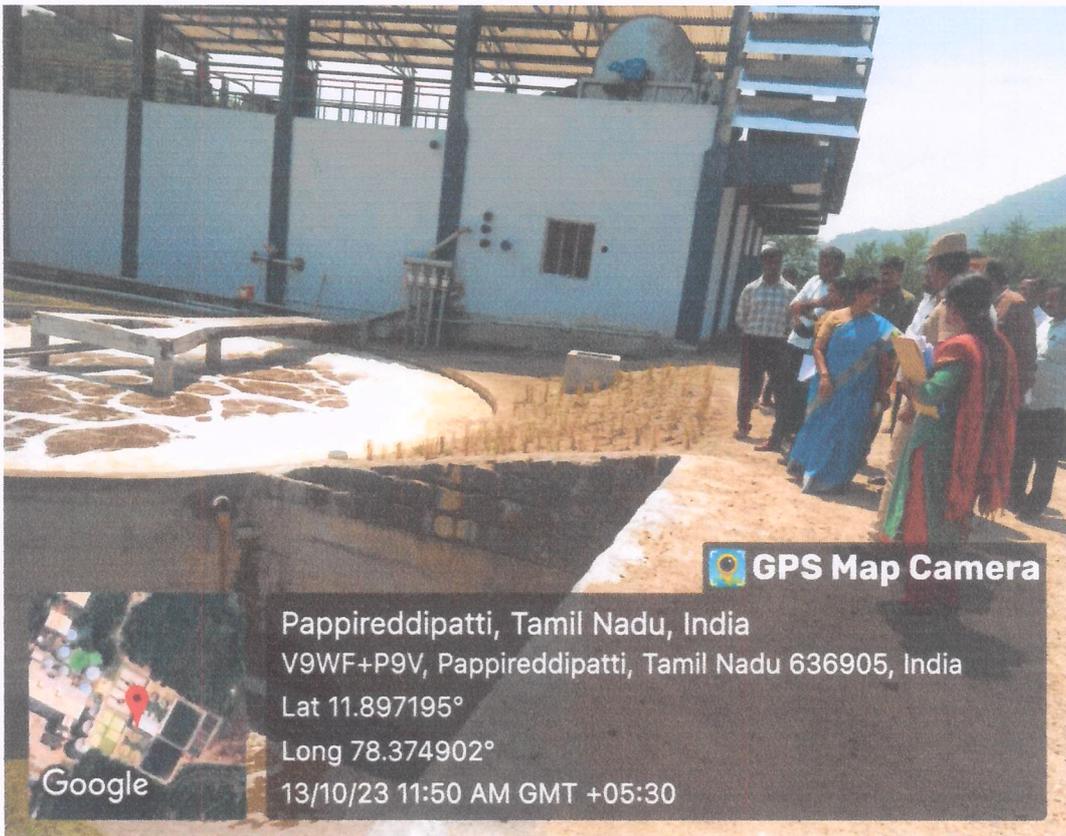
**GPS Map Camera**



Pappireddipatti, Tamil Nadu, India  
V9WF+P9V, Pappireddipatti, Tamil Nadu 636905, India  
Lat 11.897535°  
Long 78.374203°  
13/10/23 11:43 AM GMT +05:30



**Effluent Treatment Plant Area**





**Peeniyaru River Area**



**Rainwater Harvesting Pond Area**

1. The industry is involved in the production of starch from Tapioca roots and Maize.
2. The effluent generated from the process is being treated in the Effluent Treatment Plant provided within the premises.

3. The treated effluent from the Effluent Treatment Plant is being disposed on the Prosopis juliflora (Seemaikaruvelam) trees grown area.
4. The unit has removed about 7 acres out of 35 acres of Prosopis juliflora (Seemaikaruvelam) trees and planted 7 acres with native tree saplings. The remaining 28 acres is yet to be removed by the unit. The unit has been instructed to remove the Prosopis juliflora (Seemaikaruvelam) trees in the remaining 28 acres within the specified time limit.
5. Also, it was informed by the District Environmental Engineer, TNPCB that the Board vide Proc. dated 16.02.2023 has issued certain directions to the unit to comply with.
6. Further, the appeal filed by the unit vide Appeal No.77 of 2022 is pending before the Hon'ble NGT (SZ).
7. The industry extracts water from the rainwater harvesting pond dug inside the premises for its industrial use, which was located adjacent to the Peeniyaru.
8. Further, it was informed by the Executive Engineer, WRD that the bed of the pond dug inside the unit (which was dug 25 years back) is lower than the bed of the peeniyaru, which flows adjacent to the unit's boundary. In this regard, the Executive Engineer is instructed to get explanation from the unit for the pond dug without any permission from the Water Resources Department.
9. Based on that, the Executive Engineer, WRD, vide letter dated 16.10.2023 has called for explanation from the unit regarding the dug of rain water harvesting pond without obtaining necessary prior permission. Further, it was stated that the level of pond dugged is lower than the level of Peeniyaaru and hence, there is a possibility of water flow from Peeniyaru to the pond inside the premises. In this regard the unit was instructed to furnish their explanation along with necessary documents.
10. The unit M/s. Varalakshmi Starch Industries Pvt. Ltd has submitted its reply vide its letter dated 01.11.2023 to the Executive engineer, WRD by stating that the unit has obtained NOC dated 03.12.2008 from the Executive Engineer, PWD, Ground Water Division, Vellore to use the

rainwater stored in the rainwater harvesting pond for industrial purpose with a condition that Ground water should not be drawn for expansion activity of the factory.

11. Further, the Executive Engineer, WRD, vide letter dated 09.11.2023 has requested the Executive Engineer, Ground Water Division to furnish the detailed report to the District Collector, Dharmapuri regarding the NOC given to the unit without any dimension of pond and also the said unit has constructed a massive pond.
12. Also, it was informed by the Executive Engineer, WRD that the industry's request to draw water from Peeniyaru got rejected and it was instructed to obtain necessary permission to draw water from vaniyaru instead of peeniyaru.
13. The Executive Engineer, Ground Water Division was instructed to offer the explanation for the permission issued to the unit for commercial extraction of water from the rain water harvesting pond, the alternate source of water requirement for industrial use and the details of bore wells located inside the rainwater harvesting pond.
14. In this regard, the Executive Engineer, WRD, Groundwater Division vide letter dated 18.10.2023 and 18.11.2023 has informed the following
  - i. *"The pond size is approximately 165m X 108m with an average depth of 12m and the quantum of water available in the pond is around 124.74 million litres. This massive quantity of water has to be pumped out in order to identify the bore wells as alleged. So it is not possible to ascertain the existence of the bore wells inside the pond.*
  - ii. *Regarding alternate source of industrial purposes, it is possible to extract permissible quantity of ground water as per norms from the existing open wells/bore wells located within the premises after conducting detailed field investigation.*
  - iii. *The harvested water in the pond is meant for recharging the aquifer which will have a positive impact on the ground water levels in the zone of influence if not extracted.*

- iv. *The permission granted during 2008 to the unit vide letter dated 03.12.2008 was to extract stored water from the pond and not for digging the pond. Further, Groundwater regulation has been issued in 2014 vide G.O (Ms) No.142 Public works (R2) Department, dated: 23.07.2014 wherein it is mentioned that Chief Engineer, State Ground and Surface Water Resources Data Centre, Chennai is the authority for issuing NOC for groundwater extraction. Hence, need not to consider the NOC granted to the unit vide letter dated 03.12.2008. Also in the joint inspection report dated 29.12.2022 it is concluded not to extract water from the harvesting pond.*
- v. *In the Chennai Metropolitan Area Groundwater (Regulation) Act 1987, page 22 it is mentioned that “water bodies, whether public or private, shall be used only for the purpose of storing water and not for any other purposes as such water bodies are contributing to groundwater recharge”.*
- vi. *The Tamilnadu Groundwater (Development and Management) Act 2003 was repealed in 2013; there is no provision in the present government order to collect penalties for the illegal extraction of the groundwater.*
- vii. *Legislation of Tamilnadu Water Resources (Regulation, Management and augmentation) act is prepared by this department and submitted to the Government for approval.*

### **Suggestions& Recommendations**

1. The industry shall obtain necessary permission from the Groundwater Department for drawl of groundwater from the open wells/bore wells as per the norms.
2. The industry shall explore the possibility for drawl of water for its industrial usage from alternate source such as Vaniyaaru after obtaining necessary permission from the Water Resource Department
3. The unit shall not illegally tap water from the Peeniyaru as earlier the water was tapped from Peeniyaru by side borewells, which were further closed by the WRD in the presence of complainants.

4. The industry shall treat the effluent generated from its manufacturing process so as to meet the standards prescribed by the Tamil Nadu Pollution Control Board.
5. The unit shall comply with all the directions issued by the Tamil Nadu Pollution Control Board then and there.
6. The unit shall ensure that the treated waste water disposal area shall be planted with native tree saplings by removing existing Prosopis juliflora (Seemaikaruvelam) trees as recommended by Agriculture Department ~~within the stipulated time.~~ <sup>before</sup> ~~the~~ ~~stipulated~~ ~~time.~~ ~~March~~ ~~2024~~ ~~.~~ ~~March 2024~~ ~~.~~

  
**District Collector**  
**Dharmapuri**

21/11/23.