

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI

ORIGINAL APPLICATION NO. 50 of 2022

S. Kalimuthu,
Coimbatore

...Applicant

Vs

The District Collector,
Coimbatore
& others .

...Respondents

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...Applicant

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...Respondents

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

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**REPORT FILED ON BEHALF OF THE RESPONDENT NO. 3 AND 5 –
TAMIL NADU POLLUTION CONTROL BOARD**

I, R. Rajamanickam, Son of P.M. Ramasamy, Hindu, aged about 57 years, having my office at No. 76, Mount Salai, Guindy, Chennai – 32, 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 Respondent Board and as such I am well acquainted with the facts of the case as per records.

2. It is submitted that Thiru.S. Kalimuthu, Coimbatore has filed a case before the Hon'ble National Green Tribunal (SZ), Chennai with O.A No. 50/2022 versus the District Collector, Coimbatore and Others regarding the illegal operation of quarry and crusher unit without obtaining proper license from the concerned authorities. In this regard, the Hon'ble NGT (SZ) vide its order dated: 04.05.2022 in O.A. No. 50/2022 has directed inter alia that:

“Para 1: Aggrieved by the act of 8th respondent of his activities of quarrying and crushing rough stones, the applicant who is the adjacent land owner has moved this Tribunal. It is pointedly argued that the 8th respondent has obtained only consent to establish for manufacturing sand and blue metal jelly whereas he has not obtained consent to operate Order from the 3rd respondent.


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Para 2: Though, originally the applicant was running a poultry business, he had ceased to operate the same. His only grievance is that unit is being operated without proper permission or licence.

Para 3: The consent to establish was issued to the 8th respondent in the year 2018. Therefore, without ascertaining, whether he has obtained the consent to operate, we do not propose to grant any interim order against the 8th respondent. However, having made out the case, in fact affecting the environment, we are of the view that notice has to be issued to the respondents.

Para 5: Notice returnable on 27.05.2022”

3. It is respectfully submitted that the unit of M/s. Balakrishnan Blue Metals is located at S.F No. 298/2A, Arasampalayam Village, Kinathukadavu Taluk, Coimbatore District. Earlier the unit has submitted application for Consent to Establish (CTE) under Water (Prevention & Control of Pollution) Act, 1974 as amended and Air (Prevention & Control of Pollution) Act, 1981, as amended through OCMMS on 05.08.2018. Based on the Application submitted by the unit, Consent to Establish orders under both the Acts were issued to the unit to manufacture the following products and for the discharge of Sewage & trade effluent on vide DEE, Coimbatore(South) Proceeding No.F.1967CBS/OS/DEE/TNPCB/CBS/W&A/2018 Dated: 06/09/2018 with validity up to 31.03.2023 after placing the subject before the District Level Consent Clearance Committee meeting held on 05.09.2018.

Products:

1. Manufactured Sand – 15000 T/Month &
2. Blue Metals Jelly of various sizes – 10000 T/Month

Sewage & Trade Effluent:

1. Sewage – 0.8 KLD – On industry’s own land
2. Trade effluent - 70 KLD – Recycling to process

The unit has not applied for CTO from the TNPCB so far.

4. It is respectfully submitted that a complaint petition from Thiru.S.Kalimuthu, S/o Saminathan, 3/150, Karachery, Kinathukadavu, Chettipalayam, Coimbatore dated: 11.03.2022 was received by DEE, Coimbatore (South) office on 15.03.2022 stating that the unit of M/s


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Balakrishnan Blue Metals located at S.F No. 298/2A was involved in mining and quarrying rough stones, crushing the same by stone crusher machines, manufacturing M-Sand and was illegally selling in market and also stated that due to blasting works carried out by the unit, the cement shed in the complainant land was damaged.

5. It is respectfully submitted that based on the complaint petition received, the unit was inspected by the officials of Tamilnadu Pollution Control Board, Coimbatore (South) on 31.03.2022 and during inspection the unit was found carrying out trial operation without obtaining prior consent of the Board. Hence show cause notices under the Water (Control and Prevention of Pollution) Act, 1974 as amended and the Air (Control and Prevention of Pollution) Act, 1981 as amended were issued to the unit vide DEE, Coimbatore(South) Proc. No. DEE/TNPCB/CBS/F.CBS0546/OS/W&A/2022 dated: 01.04.2022 for the reasons stated therein. The unit has furnished reply to the show cause notice issued (Copy enclosed).

6. It is respectfully submitted that based on the orders of the Hon'ble NGT (SZ), Chennai, the unit of M/s Balakrishnan Blue Metals located at S.F No. 298/2A, Arasampalayam Village, Kinathukadavu Taluk, Coimbatore District was inspected the District Environmental Engineer and Assistant Environmental Engineer, TNPCB, Coimbatore (South) on 23.05.2022 and the following were observed:

1. The unit has excavated soil up to 10 feet in the year 2012 and another 4 feet in 2019 and the unit has proposed to install the entire crusher activities below ground level so as to avoid Air pollution.
2. The unit has established primary and secondary crusher as per CTE issued.
3. The unit has provided conveyor belts, vibrators. The unit is yet to provide GI sheet enclosures as an air pollution control measure to the conveyor belts and other emission sources. The unit is yet to complete its entire crusher establishment works.
4. No excavation works were noticed during the time of inspection.


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5. The unit authorities have informed that earlier the unit has carried out trial operation in its primary jaw crusher to assess its performance. At present no manufacturing activities were noticed.

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.


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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.


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CONTROL BOARD**

...Respondents

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

Dated:27.05.2022.

Date of hearing on 27.05.2022.

