

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

**Original Application No. 62 of 2020**

Environment Protection and  
Anti Pollution Group Trust

...Applicant

**Vs**

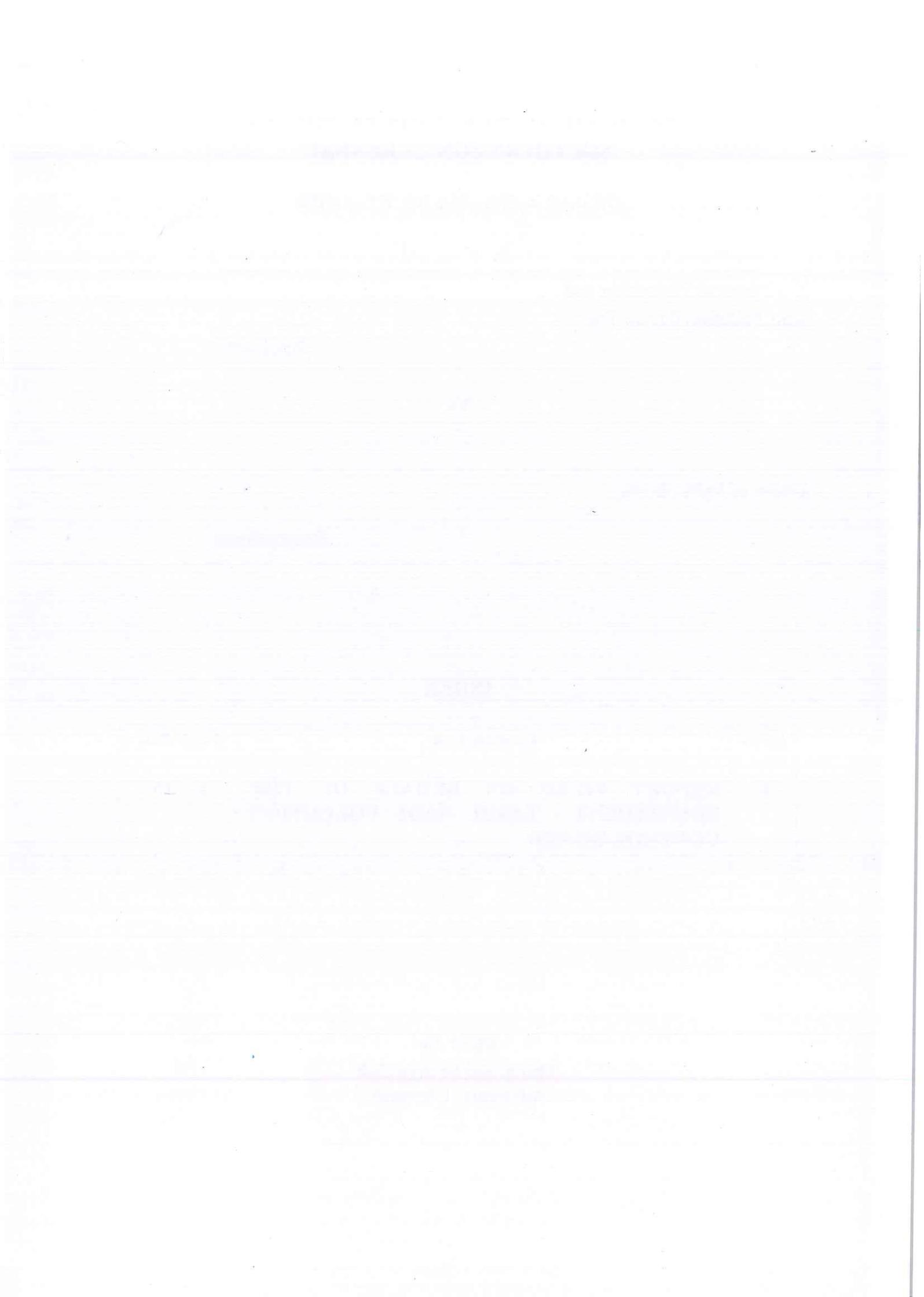
Union of India & ors

...Respondents

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



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

**Original Application No. 62 of 2020**

Environment Protection and  
Anti Pollution Group Trust

...Applicant

Vs

Union of India  
& Ors

...Respondents

**REPORT FILED ON BEHALF OF THE RESPONDENT –  
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R. Rajamanickam, S/o. P.M.Ramasamy, Hindu, aged about 58 years, having my office at No. 76, Mount Salai, Guindy, Chennai -600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032, and I am filing this Action Taken Report on behalf of the Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case from the records.

2. It is submitted that the Hon'ble NGT (PB) has passed order dated 01.12.2021 and directed inter alia that:

*“ Para 8. The learned counsel appearing for the Tamil Nadu Pollution Control Board wanted some time to file further*

  
6/7/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

*report, as even in the earlier report mentioned above, they have stated that they will have to take further action in this regard and they will be able to file the report subsequently. They have not mentioned as to whether they have imposed the environmental compensation for the violation.*

2. It is respectfully submitted that, as per the Hon'ble NGT (PB), New Delhi in its order dt.15.07.2019 in O.A.710-713 of 2017 directed that the compensation regime suggested by the Central Pollution Control Board has to be adopted. Hence environmental compensation is worked out to the ERRING units as per the guidelines prescribed in the G.O.Ms.NO.77, Environment and Forest (EC-2) Department dated 28.10.2020 as follows:

$$EC = HR \times T \times S \times R \times N$$

Where,

HR – Health Risk factor

T – Type of Healthcare Facility

S – Size of Health Care Facility

R – Environmental Compensation factor

N – Number of days of violation.

HR to the HCF is calculated as below

**Assessment of Environmental Compensation to the Medical College and Hospitals, Salem District is as follows:**

*R. Kumar*  
6/11/22  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

**I. M/s. Sivaraj Homoeopathic Medical College and Research Institute**

The unit of M/s. Sivaraj Homoeopathic Medical College And Research Institute located at SF No. 43/3A Part, Thumbathulipatti Village, Salem West Taluk and Salem District an existing Homoeopathic Medical College And Research Institute.

Show cause notice was issued to this unit vide Proc. dated 12.11.19 for operating the college without obtaining consent orders of the Board under the Water (P&CP) Act 1974 , as amended & Air (P &CP) Act, 1981 as amended and without obtaining authorization under the Bio-Medical Waste Management Rules, 2016, as amended.

The built-up area is less than 20,000Sq.M. Hence, there is no violation under the provisions of the EIA Notification, 2006.

Subsequently, the unit has applied and obtained CTO vide Proc. No. F.2333SLM/OS/DEE/TNPCB/SLM/W&A/2019 Dt: 23/11/2019 for Beds – 25 Nos, Out patients – 20 Nos/Day, In patients – 25 Nos & Educational Institution for Students with total build-up area of 2845.9 Sq.m with a validity upto 31.03.2026. Also, the unit has obtained Bio Medical Waste Authorization vide Proc.No.F.2333SLM/BMW/OS/DEE/TNPCB/SLM/2016 Dt:27/11/2019 with a validity upto 31.03.2026.

Hence, the environmental compensation is worked out to the unit as per the guidelines prescribed in G.O.Ms.No.77 Environment and Forest (EC.2) Department dated: 28.10.2020.

HR to the HCF is calculated as below

*R. Rajan*  
6/7/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.75, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

S.No	Health Risk Score	
1.	Not applied for Authorization	10
2.	Improper segregation	20
3.	On –site storage not provided or not adequate	10
4.	Score for each other violation of BMW Rules, 2016	
	a. Annual report	5
	b. Maintenance of records	5
	c. Bar code system	5
	d. Duties of the occupier	
<b>Total Health Risk Score</b>		<b>55</b>

Since, the unit is a bedded ayush hospital, **T Factor is 0.5**

Since, the no of beds is **25** which is between 10 to 50, **S Factor is 0.3**

**R factor is 250**

**N** = Number of days for which violation took place (from 12.11.2019 to

27.11.2019) = **16 days.**

**Therefore EC = 55 x 0.5 x 0.3 x 250 x 16 = Rs.33,000/-**

## **II. M/s. Sivaraj Siddha Medical College**

M/s. Sivaraj Siddha Medical College is an existing medical college with hospital and located at Thumbathulipatti Village, Salem West Taluk, Salem District. The unit was issued with Show Cause notice vide Proc. Dt. 12.11.2019 for not obtaining consent of the Board under Water (P&CP) act 1974, as amended and under Air (P&CP) act 1981, as amended and not obtaining authorization

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

under the Bio Medical Waste Management (BMW) Rules, 2016 amended. Subsequently, the unit has applied and obtained CTO vide Proc. No. F.2332SLM/OS/DEE/TNPCB/SLM/W&A/2019 Dt: 23/11/2019 for Beds – 75 Nos, Out patients – 50 Nos/Day & educational Institution for Students with total build-up area of 4981.4 Sq.m with a validity upto 31.03.2026. Also, the unit has obtained Bio Medical Waste Authorization vide Proc. No. F.2332SLM/BMW/OS/DEE/TNPCB/ SLM/2016 Dt:27/11/2019 with a validity upto 31.03.2026.

Hence, the environmental compensation is worked out to the unit as per the guidelines prescribed in G.O.Ms.No.77 Environment and Forest (EC.2) Department dated: 28.10.2020.

$$EC = HR \times T \times S \times R \times N$$

HR to the HCF is calculated as below

S.No	Health Risk Score	
1.	Not applied for Authorization	10
2.	Improper segregation	20
3.	On –site storage not provided or not adequate	10
4.	Score for each other violation of BMW Rules, 2016	
	a. Annual report	5
	b. Maintenance of records	5
	c. Bar code system	5
	d. Duties of the occupier	
<b>Total Health Risk Score</b>		<b>55</b>

*R. Jayaram*  
6/7/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

Since, the unit is a bedded ayush hospital, T Factor is **0.5**

Since, the no of beds are **75** which is between 50 to 100, S Factor is **0.5**

R Factor is **250**

N = Number of days for which violation took place (from 12.11.2019 to 27.11.2019) = **16** days.

**Therefore EC = 55 x 0.5 x 0.5 x 250 x 16 = Rs.55,000/-**

### **III. M/s. Vinayaga Mission's Sankarachariyar Dental College**

M/s. Vinayaga Mission's Sankarachariyar Dental College is an existing dental college with hospital located at S.F.No. 211/1 etc, Veerapandi village, Salem South Taluk and Salem District.

Show cause notice was issued to the unit vide Proc dated 07.05.2019 for operating the unit without obtaining CTO under the both the Acts & without having valid BMW authorization for handling of the Bio medical wastes.

The built-up area is less than 20,000Sq.M. Hence, there is no violations under the provisions of EIA Notification,2006.

Subsequently, the unit has applied and obtained CTO vide Procs.No. F.1963SLM/OM/DEE/TNPCB/SLM/W&A/2019 Dt: 01/08/2019 for Dental College students – 560 Nos, Out Patient – 100 Nos/Day with a validity upto 31.03.2022.

Also, the unit has obtained Bio Medical Waste Authorization vide Proc. No. JCEE-M/SMZ/TNPCB/F.1963SLM/BWA/OM /SLM/2016 Dt: 27/11/2019 with a validity upto 31.03.2022.

*R. Rajan* 6/7/2022  
 JOINT CHIEF ENVIRONMENTAL ENGINEER  
 TAMIL NADU POLLUTION CONTROL BOARD  
 No.76, MOUNT SALAI, GUINDY,  
 CHENNAI-600 032.

Hence, the environmental compensation is worked out to the unit as per the guidelines prescribed in G.O.Ms.No.77 Environment and Forest (EC.2) Department dated: 28.10.2020.

$$EC = HR \times T \times S \times R \times N$$

HR to the HCF is calculated as below

S.No	Health Risk Score	
1.	Not applied for Authorization	10
2.	Improper segregation	20
3.	On –site storage not provided or not adequate	10
4.	Score for each other violation of BMW Rules, 2016	
	a. Annual report	5
	b. Maintenance of records	5
	c. Bar code system	5
	d. Duties of the occupier	
<b>Total Health Risk Score</b>		<b>55</b>

Since, the unit is a non bedded clinic, T Factor is **0.5**

Since, the unit is non-bedded clinic, S Factor is **0.15**

R = Factor is **250**

N=Number of days for which violation took place (from **06.05.2019** to **27.11.2019**) = **206** days.

**Therefore EC = 55 x 0.5 x 0.15 x 250 x 206 = Rs. 2,12,438/-**

*R. Jayaram* 6/17/2022  
 JOINT CHIEF ENVIRONMENTAL ENGINEER  
 TAMIL NADU POLLUTION CONTROL BOARD  
 No.76, MOUNT SALAI, GUINDY,  
 CHENNAI-600 032.

**IV. M/s. Vinayaka Mission's Homoeopathic Medical College & Hospital**

The unit of M/s. Vinayaka Mission's- Homoeopathic Medical College & Hospital, SF No. 88/1B1B etc, Veerapandi Village, Salem South Taluk and Salem District is an existing Homoeopathic Medical College & Hospital.

Earlier, show cause notice has been issued to this unit vide Proc. dated 09.10.19 for operating the college without obtaining consent orders of the Board and without obtaining authorization under the Bio-Medical Waste Management Rules, 2016, as amended.

The built-up area is less than 20,000Sq.M. Hence, there is no violations under the provisions of EIA Notification,2006.

Subsequently, the unit has applied and obtained CTO vide Procs.No. F.2324SLM/OS/DEE/TNPCB/SLM/W&A/2019 Dt: 20/11/2019 for Students – 600 Nos, Bed – 46 Nos &Out Patient – 260 Nos/Day and renewed upto 31.03.2028.

Also, the unit has obtained Bio Medical Waste Authorization vide Proc. No. F.2324SLM/BWA/OS/DEE/TNPCB/SLM/2016 Dt: 27/11/2019 with a validity upto 31.03.2020 & renewed upto 31.03.2028.

Hence, the environmental compensation is worked out to the unit as per the guidelines prescribed in G.O.Ms.No.77 Environment and Forest (EC.2) Department dated: 28.10.2020.

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

$$EC = HR \times T \times S \times R \times N$$

HR to the HCF is calculated as below

S.No	Health Risk Score	
1.	Not applied for Authorization	10
2.	Improper segregation	20
3.	On –site storage not provided or not adequate	10
4.	Score for each other violation of BMW Rules, 2016	
	a. Annual report	5
	b. Maintenance of records	5
	c. Bar code system	5
	d. Duties of the occupier	
<b>Total Health Risk Score</b>		<b>55</b>

Since, the unit is a bedded ayush hospital, **T Factor is 0.5**

Since, the no of beds are **46** which is between 10 to 50, **S Factor is 0.3**

**R Factor is 250**

**N = Number of days for which violation took place (from 09.10.2019 to 27.11.2019) = 50 days.**

**Therefore EC = 55 x 0.5 x 0.3 x 250 x 50 = Rs. 1,03,125/-**

**V. M/s. Vinayaka Mission's Kirupananda Variyar Medical College & Hospitals**

The unit is an existing M/s. Vinayaka Mission's Kirupananda Variyar Medical College & Hospitals, S.F.No.88/1B1 etc., Veerapandi Village, S.No.38, Nalrayanpatti village,

  
 6/7/2012  
 JOINT CHIEF ENVIRONMENTAL ENGINEER  
 TAMIL NADU POLLUTION CONTROL BOARD  
 No.76, MOUNT SALAI, GUINDY,  
 CHENNAI-600 032.

S.No.37/2C, Chinnaseeragapadi village, Salem South Taluk, Salem District.

The buildup area of the unit was more than 20000 sq.m and requires Environmental Clearance as per the EIA notification, 2006 as amended. The unit has not obtained the necessary Environmental Clearance. Also, the unit was in operation without obtaining the consent of the Board under the Water (P&CP) Act, 1974 as amended and the Air (P&CP) Act, 1981 as amended. Further the unit has not obtained authorization under the Bio Medical Waste Management Rules, 2016 as amended.

In view of the above said violations of the provisions of the EIA Notification 2006. Show cause notice has been issued to this unit vide Proc. dated 24.12.2013 for its EC violation under the provisions of the Environment (Protection) Act, 1986. To take credible action against the unit for the EIA violation, a case has been filed against the unit in Hon'ble Judicial Magistrate Court, Salem in CC.No.148/2014, by invoking powers under section 19 of the E (P) Act, 1986 and to take legal action under section 15 of the E (P) Act, 1986 Act for the period for which violation has taken place. The case is pending before the court.

The unit has obtained Environmental Clearance vide Letter dated 30.10.2021 from SEIAA. However, the unit has not applied for consent of the Board and authorization under the bio medical waste management Rules, 2016 as amended.

  
6/7/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

Hence, the environmental compensation is worked out to the unit as per the guidelines prescribed in G.O.Ms.No.77 Environment and Forest (EC.2) Department dated: 28.10.2020.

$$EC = HR \times T \times S \times R \times N$$

HR to the HCF is calculated as below

S.No	Health Risk Score	
1.	Not applied for Authorization	10
2.	Score for each other violation of BMW Rules, 2016	
	Annual report	5
<b>Total Health Risk Score</b>		<b>15</b>

Since, the unit is a bedded hospital, *T Factor is 1.0*

Since, the no of beds more than 500, *S Factor is 1.5*

*R Factor is 250*

*N = Number of days for which violation took place (from 23.12.2013 to 15.02.2022) = 2977 days*

**Therefore EC = 15 x 1 x 1.5 x 250 x 2977 = Rs. 1,67,45,625/-**

#### **VI. M/s. Annapoorna Medical College Hospital**

The unit of M/s. Annapoorna Medical College and Hospital is located at Rakkipatti and Kadattur Agraharam, Salem South Taluk, Salem District.

Show cause notice was issued to the unit vide Proceeding dated 07.05.2019 for operating the unit without consent of the Board.

*R. Jeyaraj*  
6/11/22  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

Further, direction under Water and Air Acts were issued to the unit vide Proceeding dated 07.02.2020 to comply the conditions stated therein.

Subsequently, the unit has been levied with Environmental Compensation of Rs. 8,55,000/- for the period upto 15.09.2019 for operating the hospital without obtaining authorization under the Bio-Medical Waste Management Rules, 2016 as amended. The unit has remitted the amount of Rs. 8,55,000/- vide Demand Draft No. 706890 dated 15.02.2020.

The built-up area of the unit was more than 20,000 m<sup>2</sup> and requires Environmental Clearance as per the EIA notification 2006 as amended.

A case has been filed in the Hon'ble Judicial Magistrate Court No. IV, Salem with respect to C.C.No. 66 of 2021 to take credible action against the unit on the violation by invoking powers under Section 19 of the E (P) Act, 1986 and to take legal action under Section 15 of the E (P) Act, 1986.

Subsequently, M/s. Annapoorna Medical College Hospital has obtained Environmental Clearance vide SEIAA Lr.No. SEIAA-TN/F.No. 7232/EC/8/718/2020 dated 30.09.2020 and submitted application for consent order of the Board after obtaining EC from the SEIAA.

Subsequently, the DEE, Salem has inspected the HCF on 29.11.2021 and reported that the HCF was in operation without obtaining bio medical waste authorization of the Board.

  
6/7/2022  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

Hence, the environmental compensation is worked out to the unit as per the guidelines prescribed in G.O.Ms.No.77 Environment and Forest (EC.2) Department dated 28.10.2020.

$$EC = HR \times T \times S \times R \times N$$

Where,

HR – Health Risk Factor

T – Type of Healthcare Facility

S – Size of Health Care Facility

R – Environmental Compensation Factor

N – Number of days of Violation

HR to the HCF is calculated as below:

S.No.	Health Risk Score		
1.	Not applied for authorization		10
2.	Score of each other violation of BMW Rules, 2016	1. Operating without Consent of the Board. 2. Non submission of Annual Report	10
Total Health Risk Score			20

Since the unit is a bedded hospital, T factor is 1.0

Since the no. of beds is 730 which is more than 500, S factor is 1.5

R factor is 250

N= Number of days (from 31.12.2019 to 30.11.2021) = 701 days,

since EC was already levied upto 30.12.2019.

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

On account of incremental effect on environmental compensation charges, two times of the compensation charges has been taken into account since the unit is going to pay EC second time.

Therefore EC = 20 x 1 x 1.5 x 250 x 701 x 2 = Rs. 1,05,15,000/-

The unit has obtained consent of the Board vide proc. dated 14.03.2022 with validity upto 31.03.2026.

4. It is respectfully submitted that as explained in Para (3) above, environmental compensation are calculated. The Consolidated statement is given below:

S.No	Name and Address of the Facility	Assessment of Environmental Compensation in Rs.
1.	M/s. Sivaraj Homoeopathic Medical College and Research Institute	33,000/-
2.	M/s. Sivaraj Siddha Medical College	55,000/-
3.	M/s. Vinayaga Mission's Sankarachariyar Dental College	2,12,438/-
4.	M/s. Vinayaka Mission's Homoeopathic Medical College & Hospital	1,03,125/-
5.	M/s. Vinayaka Mission's Kirupananda Variyar Medical College & Hospitals	1,67,45,652/-
6.	M/s. Annapoorna Medical College and Hospital	1,05,15,000/-

The TNPC Board has issued directions to all the six units under Section 5 of Environment (Protection) Act, 1986 directed to

  
 6/7/2022  
 JOINT CHIEF ENVIRONMENTAL ENGINEER  
 TAMIL NADU POLLUTION CONTROL BOARD  
 No.76, MOUNT SALAI, GUINDY,  
 CHENNAI-600 032.

show cause as to why the Board shall not recover the Environmental Compensation against the unit for the non compliance of the provisions of the Biomedical Waste Management Rules, 2016. Sl. No. 1 to 5 were issued vide proceeding dated 12.05.2022. Sl. No. 6 was issued vide Proceeding dated 30.06.2022. On receipt of reply from the units, further action will be taken by the Board.

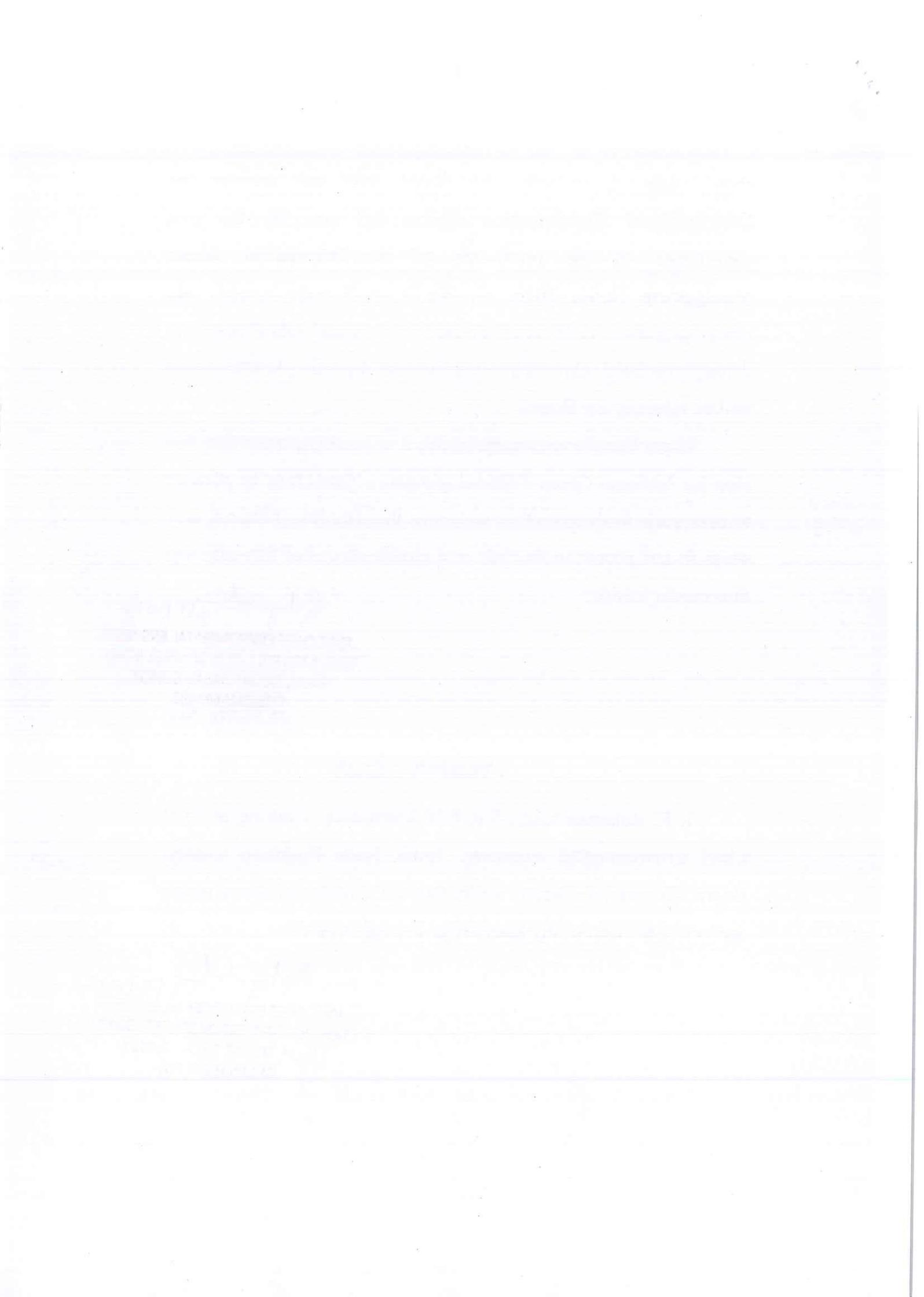
Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

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

### VERIFICATION

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

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



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

**Original Application No. 62 of 2020**

Environment Protection and  
Anti Pollution Group Trust

...Applicant

**Vs**

Union of India & ors

...Respondents

**REPORT FILED ON BEHALF OF  
THE RESPONDENT - TAMIL  
NADU POLLUTION CONTROL  
BOARD**

**Advocate for Respondent  
No.TNPCB  
Thiru.Sai Sathya Jith,  
Advocate, Chennai.**

**Date:06.07.2022.**

**Date of hearing on :07.07.2022**

