

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

APPEAL No.66 of 2021 (SZ)

M/s. Sowshini Coating,
Rep. by its Proprietor,
Mr. S.Ramesh,
No.135, Gangai Amman Nagar Main Road,
Mogappair East, Chennai – 600 107

...Applicant

-Vs-

1. District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.77A, South Avenue Road,
Ambattur Industrial Estate,
Chennai – 600 058.
2. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai – 600 032.

...Respondents

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Advocate for the Respondent: TNPCB
Tr. S. Sai Sathya Jith,
Advocate, Chennai

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**REPORT FILED ON BEHALF OF 1ST and 2ND THE RESPONDENT
- TAMILNADU POLLUTION CONTROL BOARD.**

I, R. Rajamanickam, S/o. P.M. Ramasamy aged about 57 years, having 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-32 and I am filing this Report on behalf of the 1st and 2nd Respondents and as such I am well acquainted with the facts of the case from the records.

R. Rajamanickam
7/10/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

2. It is respectfully submitted that the Hon'ble NGT (SZ) has passed order dated 20.09.2021 and directed inter alia as follows:-

Para 4. The appellant is directed to serve a copy of the appeal memorandum to the standing counsel appearing for the respondents within a week, so that they can file their response to the allegations made in the appeal memorandum sustaining, the order of the closure issued by them within a further period of 10 days, so that, the appeal itself can be disposed of on the next hearing date.

3. It is respectfully submitted that a complaint was received against the unit of M/s. Sowshini Coating, No.135, Gangai Amman Nagar Main Road, Mogappair East, Chennai – 107 regarding the operation of paint blending unit causing odour nuisance to the nearby public. Based on that, the unit was inspected on 14.06.2021 and during inspection the following were noticed.

- i. The unit has installed the machineries for paint blending activity and found under operation without obtaining necessary consent from the Board.
- ii. The unit is carrying out the paint blending activity amidst residences.

4. It is respectfully submitted that as per Board Proc. No. 08 dt 02.08.2016, the paint blending activity is categorized under Orange category based on the pollution index [2055 –Paints and varnishes (mixing and blending)]. Hence, a Show Cause Notice was issued under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, by the DEE, TNPCB,


7/10/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

Ambattur vide Proceeding No. DEE/TNPCB/AMB/F.No.NA/OS /W/2021 dated 15.06.2021. The unit had replied for the show cause notice vide letter dated 24.06.2021 and stated that they are not disposing any waste or causing odour nuisance and chimney will be provided as per the instructions of the Sub Inspector of police, Nolambur police station. The reply furnished by the unit was found to be not satisfactory. Hence, a personal hearing was conducted by the DEE, TNPCB, Ambattur with the proprietor of M/s. Sowshini Coating, No.135, Gangai Amman Nagar Main Road, Mogappair East, Chennai – 107 on 16.07.2021 and requested to shift the operation to an industrial area since the unit is located in residential area.

5. It is respectfully submitted that subsequent to the personal hearing, the unit in its letter dated 27.07.2021 has requested to allow the operation in the said location itself expressing its inability to shift the unit to an industrial location.

6. It is respectfully submitted that, further to this, the unit was again inspected on 03.08.2021 and observed that the unit was continuing the paint blending operation without obtaining necessary consent of the Board. The unit is located in primary residential area as per CMDA land use classification and also located amidst residences. As the unit was operating the paint blending activity without obtaining necessary consent of the Board and carrying out the activity amidst residences and as complaints are being received


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TAMILNADU POLLUTION CONTROL BOARD,
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against the unit, directions for the closure and stoppage of power supply was issued to the unit of M/s. Sowshini Coating, No.135, Gangai Amman Nagar Main Road, Mogappair East, Chennai – 107 under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 and under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 as amended vide Board's Proc. No. TNPCB/T2/E16014/AMB/OS/Closure/W/2021 dated 31.08.2021 and power supply was disconnected on 18.09.2021.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to take this Report on record and 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.

R. Rajamanickam
7/10/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, 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 - 600 032 do hereby submit that the contents of above report are true to the best of my knowledge through records.

R. Rajamanickam
7/10/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

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REPORT FILED ON BEHALF OF THE 1ST
and 2ND RESPONDENT – TAMIL NADU
POLLUTION CONTROL BOARD

Advocate for Respondent: TNPCB
Thiru. Sai Sathyajith
Advocate, Chennai.

Date: 07.10.2021

Date of Hearing: 08.10.2021