

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

**Original Application No. 66 of 2024(SZ)  
(Earlier in O.A.No.757 of 2023 (PB))**

A. Gunasekar, Chennai.

**...Applicant**

**Vs**

Tamil Nadu Pollution Control Board & Ors.

**....Respondents**

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

**Joint Committee Report submitted to Hon'ble National Green Tribunal (SZ), in the matter of Original Application No.66 of 2024 (SZ) with respect to order dated 19/01/2024 in Earlier O.A. No. 757 of 2023 (PB) filed by Thiru. Gunasekar, Chennai.**

**1. Background:**

Hon'ble NGT(PB), New Delhi had registered a Suo Motu Original Application No. 757 of 2023 based on the petition of Sh. Gunashekar, resident of 7-16, Eveready colony, Raghavan Nagar, Kodangaiyan, Chennai and passed an order dated 19.01.2024 (**Annexure – I**) Inter Alia that;

*“Para 4: we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Tamil Nadu Pollution Control Board (TNPCB), CPCB and District Collector, Tirunelveli and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action. The TNPCB will be the nodal agency for coordination and compliance.*

*Para 7: Factual and Action taken Report may be submitted before the Southern Zone Bench of this Tribunal at Chennai within two months preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF”*

**2. Inspection of Industries by the Joint Committee**

The Joint Committee as constituted by the Hon'ble NGT (PB) comprising the following officials. the Joint committee inspected the industry M/s. Subam Papers Private Ltd, on 19.03.2024.

1.	Sub Collector, Cheranmahadevi (Representative of District Collector, Tirunelveli.)	Member
2.	Dr. R.Rajkumar, Scientist E, Central Pollution Control Board, Regional Directorate, Chennai.	Member
3.	District Environmental Engineer, TNPCB, Tirunelveli	Nodal Officer cum member

Hon'ble Tribunal directed to associate the applicant and representative of the concerned project proponent. So, TNPCB vide Letter.No. DEE/TNPCB/TNVF.TNV0292/RL/2024 dated: 21.03.2024 has communicated to the petitioner Thiru. Gunasekar, requesting to appear before the committee on 10.04.2024 in the Office of Sub-collector, Cheranmahadevi to express his grievances if any on the allegations raised in the said complaint and to associate with the committee. The letter sent to the petitioner was returned undelivered on 27.03.2024 due to insufficient address.

During the committee inspection, Shri. T.Balakumar, Managing Director representative of the M/s. Subam Papers Private Ltd, was also present.

Sampling of wastewater from ETP and source emission from boiler was also carried out by the Advance Environmental Laboratory, TNPCB, Tirunelveli on the day of committee visit.

### **3. About M/s. Subam Papers Private Ltd,**

M/s. Subam Papers Private Ltd, S.F.No. 144,145,146,151/1,2,152/1,2, VADUGAMPATTI village, Tirunelveli Taluk and Tirunelveli District involved in production of Kraft Paper & Packaging Board from waste paper. The industry is consented for manufacturing of 9000 TPM of Kraft Paper & Packaging Board. The industry has obtained Consents under Water Act & Air Act having validity up to 31.03.2025 and Hazardous Waste Authorization having validity up to 31.03.2026

#### ***Waste Water Management:***

The industry is allowed for generation of 300 KLD of effluent and same shall be recycled back to the process after treatment. The present effluent generation is around 300 KLD, which is treated in the ETP consists of Ceri Cell, Anaerobic Digester, Aeration tank followed by secondary clarifier. The treated effluent is reused in the process.

#### ***Source Emission Management:***

The unit has installed five boilers having capacities of 15 TPH (2 nos.), 6 TPH, 5 TPH and 4 TPH using Coal & Agro waste (saw dust, wood chips) as fuel. The 15 TPH boilers is connected to bag filters followed by the common stack of height 30 mts and Other boilers 6 TPH, 5 TPH & 4 TPH connected with individual mechanical dust collector system followed by the common stack of height 18 mts.

***Solid Waste Management:***

The industry has obtained authorization for generation, storage & disposal of the following Hazardous waste and other waste

Used or Spent Oil	0.6 TPA	Disposed to Authorized Recycler
Chemical sludge from waste water treatment	30 TPA	Dispose to sundry board paper industries for reuse
Paper, paperboard and paper product wastes, provided they are not mixed with hazardous-Waste and scrap of paper or paperboard of other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass	1188000 TPA	Captive Consumption

The plastic wastes segregated from mixed raw materials of imported/local waste papers are being disposed to cement factories namely M/s. Ultratech and M/s. Dalmia for co-incineration in the cement kiln for which the unit has executed valid agreement with these two cement factories. The unit has executed agreement with M/s. Ultratech Cements Ltd, Ariyalur during April 2017 valid for 10 years. The unit has also made agreement with M/s. Dalmia Cement (Bharat) Ltd, Thichirapalli during 16.08.2020 valid for a period of 2 years and further executed on 14.08.2022 valid for a period of 10 years.

**4. Action taken Report of TNPCB based on the representation from Gunasekar**

Earlier, the complaint dated Nil was directly received by the TNPCB on 10.07.2023 from Gunasekar, 7-16, Everady colony, Raghavan nagar, Kodangaiyur, Chennai against the unit of M/s. Subam Papers Private Ltd, with mentioning the following allegation with making copy to many Departments such as National Human Rights Commission, Hon'ble NGT etc

1. Combustion of plastic wastes in all of the 4 boilers instead of PCB approved fuels, which releases toxic gases.
2. M/s. Subam papers (P) Ltd is illegally operating a De-inking plant without Environmental Clearance and requested to stop the pollution immediately.

In this regard, the complaint unit of M/s. Subam Papers Private Ltd., was inspected by the official of O/o. DEE, TNPCB on 18.07.2023 and 28.07.2023 and following were observed.

1. No plastic wastes were found used as fuel in the boiler.
2. The unit has not carried out any de-inking process as reported in the complaint
3. Also, there is a sister concern unit namely M/s. Subam Paper and Boards (P) Ltd is under the establishment adjoining the unit, which was also inspected by the Assistant Environmental Engineer of this office on 09.08.2023 and found that the unit is yet to be commissioned. No bleaching process or de-inking process were carried out in this unit.

Further, TNPCB vide letter dated. 12.09.2023 sent reply to the petitioner Thiru. Gunasekar and the same was returned and undelivered on 20.09.2023.

Also, National Human Rights Commission had earlier issued directions dated. 18.07.2023 to the District Magistrate, Tirunelveli in Case. No. 1977/22/13/2023 dated. 18.07.2023 on the complaint dated -Nil- from name not mentioned, 2<sup>nd</sup> cross street, Sriram united colony, Madavakkam, Chennai against the unit regarding the same allegation and copy of detailed investigation report sent already to the District Collector is submitted herewith.

The detailed report is attached as (**Annexure – II**)

#### **5. Joint Committee's Observation:**

The observations of the joint committee based on the grievance raised in the compliant and other shortcomings noticed during the inspection are detailed below;

*(i) Combustion of plastic wastes in all of the 4 boilers instead of PCB approved fuels, which releases toxic gases:*

The complainant in his grievance application stated that combustion/usage of highly polluting plastic waste as hazardous fuel in all of the 4 boilers instead of the PCB approved fuels and produced the photograph of one boiler using plastic, which are given below



The photographs provided by the complainant purportedly depict the utilization of plastic waste as fuel in one of the boilers. However, during the committee visit to the site, it was confirmed that the location shown in the photographs matched the site inspected, However, the

boiler was not in operation during the committee visit and as per the information of unit representative the boiler was not in operation since Feb, 2023.



During the inspection, only one 15 TPH boiler was in operation in which Coal & Agro waste (saw dust, wood chips) used as fuel. No plastic waste used as fuel in the boiler.

As per the industry record, the segregated plastic wastes mixed in the raw materials of imported/local waste papers are being disposed to cement factories namely M/s. Ultratech and M/s. Dalmia for co-incineration in the cement kiln. Details on quantity of plastic wastes the unit has sent to cement industries are detailed as below

<b>QUANTITY OF PLASTIC WASTE SUPPLIED / DISPOSED TO CEMENT INDUSTRIES IN TONS</b>			
<b>Year</b>	<b>Ultratech Cements Ltd, Ariyalur</b>	<b>Dalmia Cement (Bharat) Thichirapalli Ltd,</b>	<b>Total QTY in Tons.</b>
2018-2019	89.81	0	89.81
2019-2020	105.50	0	105.50
2020-2021	288.58	133.27	421.85
2021-2022	6.79	344.78	351.57
2022-2023	23.87	175.94	199.81
2023-2024	0	263.03	263.03

As per the inspection report of TNPCB conducted on 18.07.2023 and 28.07.2023 stated that no plastic waste was found used as fuel in the boiler.

The generation of plastic waste is not a fixed quantity; rather, it fluctuates depending on the quality of the waste paper obtained as raw material. This variability poses a challenge for the committee to conduct an exact mass balance in order to cross-verify and ensure that the plastic waste indeed utilized as raw material in the boiler.

*(ii) M/s. Subam papers (P) Ltd is illegally operating a De-inking plant without Environmental Clearance.*

The complainant in his grievance application stated that the unit is illegally operating a De-inking plant without environmental clearance.

M/s. Subam papers (P) Ltd is involved in production of Kraft paper in which de-inking process is not involved

Next to M/s Subam papers (P) Ltd ., CTE for a new unit M/s Subam paper and boards Private limited was obtained from TNPCB for production of Kraft paper and establishment is under progress, no machinery's was erected for production, since it is a waste paper based production environmental clearance is not attracted.

De-inking process is involved in production of white/ writing paper etc., since the unit involved only in production of Kraft Paper & Packaging Board de-inking process is not carried out.

*(iii) Other Observations*

- Source Emission monitoring of 15 TPH boiler and waste water samples at the ETP inlet & outlet were collected and analyzed by AEL, TNPCB, Tirunelveli. The analysis report are given in below table;

Stack Attached to	Pollutants (mg/m <sup>3</sup> )		
	PM	SO <sub>2</sub>	NO <sub>x</sub>
Boiler 15 TPH	94	75	68
<b>TNPCB Standard</b>	<b>150</b>	<b>200</b>	<b>200</b>

Sl. No.	Parameter	Unit	Inlet of ETP	Outlet of ETP
1	pH @ 25°C		6.2	7.65
2	Total suspended Solids	mg/l	280	54
3	Total Dissolved Solids	mg/l	4784	2428
4	Chlorides (as Cl)	mg/l	2298	975
5	Sulphate (as SO <sub>4</sub> )	mg/l	285	273
6	BOD for 3 days @ 27 °C	mg/l	361	29
7	COD	mg/l	2800	248
8	Hexavalent Chromium	mg/l	<0.01	<0.01
9	Manganese (as Mn)	mg/l	0.292	0.076
10	Copper	mg/l	0.120	0.076
11	Cadmium (as Cd)	mg/l	0.076	0.032
12	Lead	mg/l	0.043	0.024
13	Nickel	mg/l	0.094	0.041
14	Zinc	mg/l	0.656	0.290

The treated effluent quality achieved is suitable for re using in the process.

- During inspection open dumping of plastic waste and ETP sludge was observed at the back side of the unit's premises.



## 6. CONCLUSION/SUGGESTIONS

- i. The unit use Agro waste & coal as fuel in the boiler, no plastic waste usage as fuel is observed by the committee. According to industry records, segregated plastic wastes mixed in raw materials such as imported or local waste papers are disposed of to cement factories like M/s. Ultratech and M/s. Dalmia for co-incineration in the cement kiln. However, the generation of plastic waste is not consistent; it varies depending on the quality of the waste paper used as raw material. This fluctuation in plastic waste generation presents a challenge for the committee tasked with conducting an accurate mass balance to verify the utilization of plastic waste as fuel in the boiler.
- ii. M/s. Subam papers (P) Ltd (operational) and M/s Subam paper and boards Private limited (obtained CTE) are based on waste paper as raw material and does not involve in the process of deinking process, so Environmental Clearance does not attract.
- iii. The unit shall remove the ETP sludge from the open land and provide appropriate/adequate closed storage facility.

- iv. The unit shall ensure proper disposal of ETP sludge to sundry board paper industries as per consented condition and maintain proper records for generation storage and disposal.
- v. The plastic waste dumped shall be removed by the unit and dispose it to cement industry properly. Proper storage facility shall be provided by the unit.

*Arpit*  
2/5/24

**Shri. Arpit Jain, I.A.S.,**  
[Sub-Collector,  
Cheranmahadevi]

**Member, Joint Committee**

*R. Rajkumar*  
29/4/24

**Dr. R. Rajkumar**  
[Scientist 'E', CPCB, Regional  
Directorate, Chennai]

**Member, Joint Committee**

*C. S. Thangarani*

**Tmt. C. S. Thangarani**  
[District Environmental  
Engineer  
Tamilnadu Pollution Control  
Board, Tirunelveli]  
**Nodal officer cum Member,  
Joint Committee**

Item No.1

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No.757/2023

Gunashekhar

...Applicant

Versus

State of Tamil Nadu &amp; Ors.

...Respondents

Date of hearing: 19.01.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the Applicant.

**Application is registered based on a complaint received by Post.****ORDER**

1. Mr. Gunashekhar resident of 7, 16, Eveready Colony, Raghavan Nagar, Kodungaiyur, Chennai, Tamil Nadu has sent by post the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 757/2023.

2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

*“Sir/Madam,  
Despite repeated complaints to the local pollution control board authorities regarding gross violation of pollution norms by:  
M/s. Subam Papers Private Limited,  
located at: 143, Vaduganpatti Village, Tirunelveli - 627010. Tamil Nadu, India.*

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*NO actions were taken to prevent the unit from polluting the environment and violating the following pollution control norms:*

*1. Combustion/usage of HIGHLY POLLUTING PLASTIC WASTE as HAZARDOUS FUEL in all of the 4 boilers instead of the PCB approved fuels. This combustion of plastic waste releases toxic chemicals such as nitrogen oxides, sulfur dioxide, volatile organic chemicals (VOCs) and polycyclic organic matter (POMs), in addition to heavy metals and toxic chemicals, such as dioxin. Other chemicals released while burning plastic include benzo(a)pyrene (BAP) and polyaromatic hydrocarbons (PAHs), which have both been shown to cause CANCER. The photo proof of the combustion of plastics in one of the boilers of M/s. Subam Papers Private Limited is shown below:*

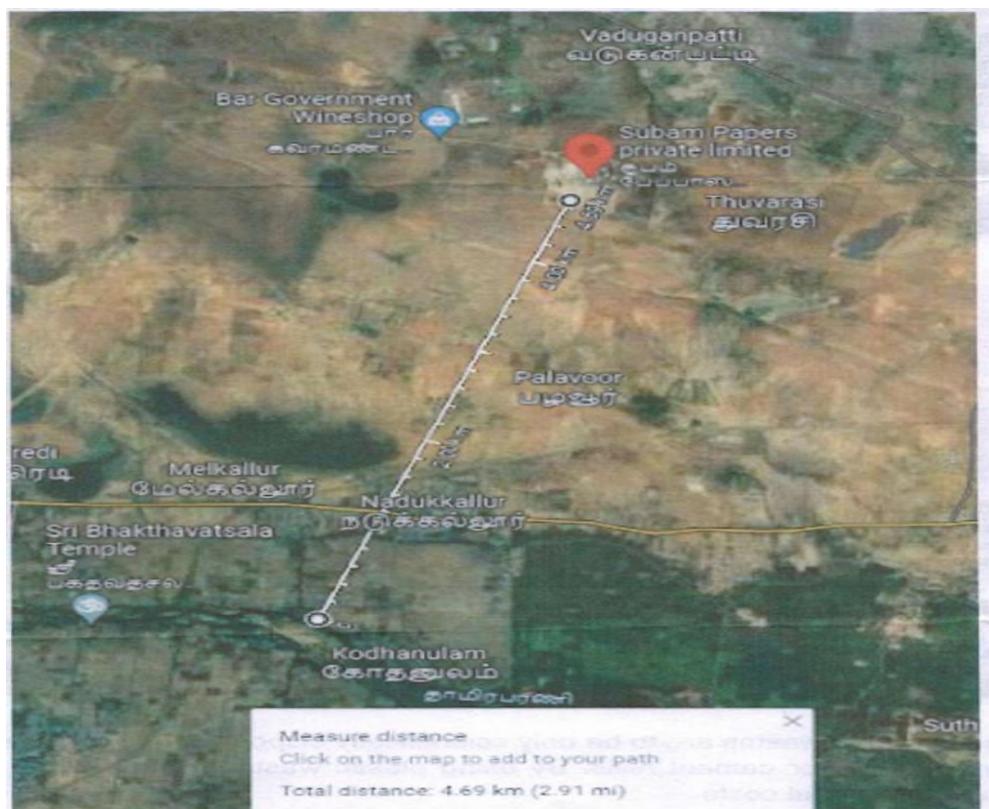


*As per rules, these plastic wastes are to be only scientifically disposed via authorized hazardous waste treatment facilities or cement mills. By using plastic waste, the mill saves on both the disposal costs and boiler fuel costs.*

*2. M/s. Subam Papers is ILLEGALLY operating a DE-INKING Plant without ENVIRONMENTAL CLEARANCE. If the distance between a river and the mill boundary, is less than 5.0 kilo meters, M/s. Subam Papers cannot operate the HAZARDOUS DE-INKING PLANT*

-3-

*WITHOUT ENVIRONMENTAL CLEARANCE. The GPS distance between Thamarabarani river and the mill site boundary is measured in google maps and is shown below.*



*Despite repeated warning to all the above concerned authorities, there is no action taken to:*

1. *STOP THE POLLUTION IMMEDIATELY.*
2. *PREVENT THE OCCURRENCE OF THE POLLUTION BOTH AT DAY AND NIGHT TIME AT A LATER DATE.*

*If this continues, we have no option but to leak the video proof of the above gross violations to the media.”*

3. *Prima facie* the averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.
4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Tamil Nadu Pollution Control Board (TNPCB), CPCB and District Collector, Tirunelveli and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the

-4-

concerned project proponent, verify the factual position and take appropriate remedial action. The TNPCB will be the nodal agency for coordination and compliance.

5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Southern Zone Bench of this Tribunal at Chennai, we are of the considered view that it will be appropriate if the case is further heard by the Southern Zone Bench of this Tribunal at Chennai.

6. Accordingly, the Registry is directed to list the matter before the Southern Zone Bench of this Tribunal at Chennai on 23.04.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

7. Factual and Action taken Report may be submitted before the Southern Zone Bench of this Tribunal at Chennai within two months preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. A copy of this order be forwarded by email to the Tamil Nadu Pollution Control Board (TNPCB), CPCB and District Collector, Tirunelveli for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 19<sup>th</sup>, 2024



## TAMILNADU POLLUTION CONTROL BOARD

From, C. Suyambu Thangarani, M.E., District Environmental Engineer, Tamil Nadu Pollution Control Board 30/2, SIDCO Industrial Estate, Pettai, Tirunelveli-627010	To, The District Collector, Tirunelveli District, Tirunelveli.
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**Letter No.: DEE/TNPCB/TNV/F-TECH0194/RL/NHRC/2023 dated: 13/09/2023**

Sir,

**Sub:** TNPCB – Industries – O/o, DEE, Tirunelveli – Directions of National Human Rights Commission (LAW Division), New Delhi issued in Case No. 1977/22/13/2023 dated 18.07.2023 - Report submitted – Regarding.

**Ref:** National Human Rights Commission, New Delhi Directions in Case No. 1677/22/13/2023 dated 18.07.2023 enclosed with the complaint dated NIL from Not mentioned, 2<sup>nd</sup> cross street, Sriram United colony, Madavakkam, Chennai-600100 received in this office through District Collector's Tirunelveli E-mail dated: 18.07.2023.

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I submit that National Human Rights Commission has issued direction dated 18.07.2023 to the District Magistrate, Tirunelveli in Case No. 1977/22/13/2023 dated 18.07.2023 on the complaint dated Nil from not mentioned, 2<sup>nd</sup> cross street, Sriram United Colony, Medavakkam, Chennai, wherein the complainant alleged that M/s. Subam Papers (Pvt), Ltd used highly polluting plastic wastes as hazardous fuel instead of Pollution Control Board approved fuel and this plastic wastes release toxic chemical, which caused cancer and directing this complaint be transferred to the concerned authority to take appropriate action within 8 weeks associating the complaint / victim and to inform him/her of the action taken in the matter.

செய்துள்ளேன்

13/09/23 In this regard, I submit that the complaint was also received on 10.07.2023 from the same address against the unit of M/s. Subam Papers (Pvt) Ltd, S.F.No. 144, 145. 146 etc Vaduganpatti village, Tirunelveli Taluk & District.

The allegation mentioned in the petitions are

1. Combustion of plastic wastes in all of the 4 boilers instead of PCB approved fuels, which releases toxic gases.
2. M/s. Subam papers (P) Ltd is illegally operating a De-inking plant without Environmental Clearance and requested to stop the pollution immediately.

M/s. Subam Paper (P) Ltd, S.F.No. 144, 145 etc, Vaduganpatti Village, Tirunelveli District is an existing industry manufactures Kraft paper & Packing Board – 9000 T/m from imported paper wastes, for which consent of TNPCB was issued and renewed with validity upto 31.03.2024. Plastic wastes mixed in the paper wastes is the source of generation of plastic wastes.

In this regard, the complaint unit was inspected by the Assistant Environmental Engineer of this office on 18.07.2023 and 28.07.2023 and following were observed

1. No plastic wastes were found used as fuel in the boiler.
2. The unit was utilising coal, saw dust and wood chips as fuel in all 4 boilers.
3. The unit has segregated the plastic waste mixed in the raw material of imported waste paper and segregated plastic wastes are being disposed to cement factories namely M/s. Ultratech and M/s. Dalmia for co-incineration in the cement kiln, for which the unit has valid agreement with these two cement factories.
4. About 20 tons of plastic waste were found accumulated inside the premises.
5. The unit has not carried out any de-inking process as reported in the complaint.
6. No Trade effluent was found discharged outside the premises.
7. Trade effluent generated is completely recycled into the process.

Also, there is a sister concern unit namely M/s. subam Paper and Boards (P) Ltd is under the establishment in the same premises, which was also inspected by the Assistant Environmental Engineer of this office on 09.08.2023 and found that the unit is

yet to be commissioned. No bleaching process or de-inking process were carried out in this unit.

Further, the unit vide its reply dated 09.08.2023 has furnished details of plastic wastes handled / disposed by the unit for the last one year 2022-23 along with supporting documents, in which it is ascertained that the unit has made agreement with M/s. Dalmia cements, Dalmiapuram, Trichy for the disposal of process plastic waste as co- incineration /co-process in their cement factory. The unit has also furnished a copy of acknowledgment for having the receipt of plastic wastes by M/s. Dalmia cements Ltd, Dalmiapuram from the year 2022-23 till date, which is 259 Tonnes. The unit has also furnished a letter of undertaking dated: 09.08.2023 that they have not used plastic wastes as fuel and they will not use plastic as fuel.

Following the complaint petitions received against the unit, Advance Environmental Laboratory, Tamilnadu Pollution Control Board, Tirunelveli has conducted AAQ/Stack survey during 09.08.2023 and 10.08.2023 and report of Analysis of AAQ/stack survey vide report F.No.4/AEL-TNV/AAQS/Sn&Sm/2023-2024 dated 23.08.2023 as received from Deputy Chief Scientific Officer, AEL, TNPCB, Tirunelveli is within the limits prescribed by the Board. (copy submitted)

The unit has also furnished a copy of report of analysis of Boiler-stack survey conducted for toxic gases on 10.08.2023 by GLans Innovation Labs Pvt. Ltd, Chennai (NABL Accredited) vide their letter Dated 24.08.2023 in which report of Analysis for flue gases are within the limits/standards prescribed by Board. (copy submitted)

The above details of action taken on the complaint was sent to the petitioner vide this office letter dated 12.09.2023 (Copy is submitted)

This is submitted to the District Collector's kind perusal and information please.

Encl: As above

  
District Environmental Engineer  
Tamilnadu Pollution Control Board,  
Tirunelveli

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

**Original Application No. 66 of 2024(SZ)  
(Earlier in O.A.No.757 of 2023 (PB))**

A. Gunasekar, Chennai.

**...Applicant**

**Vs**

Tamil Nadu Pollution Control Board & Ors.

**...Respondents**

**JOINT COMMITTEE REPORT SUBMITTED TO  
HON'BLE NATIONAL GREEN TRIBUNAL (SZ),  
IN THE MATTER OF ORIGINAL APPLICATION  
NO. 66 OF 2024 (SZ) WITH RESPECT  
TO ORDER DATED 19/01/2024 IN EARLIER  
O.A. NO. 757 OF 2023 (PB)**

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

**Date:03.05.2024.**

**Date of hearing on:08.05.2024**