

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

Original Application No. 07 of 2022

Meenavathanthai K.R.Selvaraj Kumar, Meenavar Nala Sangam,
Office at No.15/8, A.J.Colony,
Royapuram, Chennai – 600 013.

...Applicant

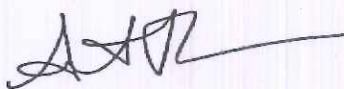
Versus

Tamil Nadu State Environment Impact
Assessment Authority,
No.1, Jeenis Road, Saidapet,
Chennai-600 015 & 3 others.

...Respondents

INDEX

S.No	Description	Page No.
1.	REPORT FILED ON BEHALF OF THE 2 ND RESPONDENT -TAMIL NADU POLLUTION CONTROL BOARD .	1- 11



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

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

Original Application No. 07 of 2022 (SZ)

MeenavaThanthai K.R. Selvaraj Kumar
Meenavar Nala Sangam,
Represented by its President,
M.R. Thiyagarajan, S/o. Late C. Rajalingam,
Office at No.15/B, A.J. Colony,
Royapuram, Chennai – 600 013.

...Applicant

VERSUS

1. Tamil Nadu State Environment Impact
Assessment Authority,
Through the Chairman,
3rd, Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai – 600 015.

2. Tamil Nadu Pollution Control Board
Represented by its Chairman,
No.765, Mount Salai, Guindy,
Chennai – 600 032.

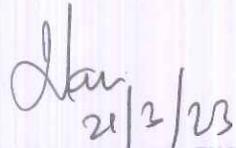
3. The District Collector,
Thiruvallur District,
Master Plan Complex NH – 205,
Chennai – Tiruttani Highway,
Thiruvallur- 602001.

4. ACS Medical College and Hospital,
Through the president,
Numbal Village,
Poonnamallee,
Thiruvallur – 600 077.

...Respondents

**REPORT FILED ON BEHALF OF THE 2ND RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R. Sarasavani, D/o. J. Raghavan, Hindu, aged about 57 year, having
office at No.76, Mount Salai, Guindy, Chennai - 600 032, do hereby
solemnly affirm and sincerely state as under;


21/2/23
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No. 76, MOUNT SALAI, CHENNAI-600 032

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board and I am filing this Report on behalf of the 2nd respondent and as such I am well acquainted with the facts of the case from the records.

2. I am authorized to file this report on behalf of the respondent and the answering respondents deny all the averments contained in the application except those that are specifically admitted hereinafter. None of the allegations contained in the said application shall be deemed to be admitted merely for want of a specific denial/traverse.

3. It is respectfully submitted that, the Consent to Establish (CTE) was issued to the Health Care Facility (HFC) and educational institution the 4th respondent M/s. ACS Medical College and Hospital (Dr.M.G.R. University), S.F No.35/1,2,3,63/2, 64/1A, Noombal Village, Poonamallee Taluk, Tiruvallur District vide Board Proceeding dated 14.02.2008 under the Water (P&CP) Act, 1974 as amended and the Air (P&CP) Act, 1981 as amended for the following subject to certain conditions:

- i) Hospital to treat Patients-350 Beds,
- ii) Inpatients-250 Nos/day,
- iii) Out patients and Institution-600 Nos./day with validity up to 13.02.2010.

4. It is respectfully submitted that, the Health Care Facility was inspected on 21.01.2019. During the inspection the following were observed:

- i. the unit has commissioned the Hospital and the same was under operation without obtaining consent to operate from the TNPC Board and without obtaining Environmental Clearance for its activity under EIA Notification, 2006.

Based on that, show cause notice was issued to M/s. ACS Medical College and Hospital (Dr.M.G.R. University) vide DEE proceeding dated 22.01.2019 for operating the Hospital and Medical College without obtaining Consent to Operate (CTO) under the provisions of the Water & Air (P&CP)

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21/3/23
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No. 76, MOUNT SALAI, CHENNAI-600 032

Acts and also without obtaining Environmental Clearance as required under the EIA Notification, 2006.

5. It is further submitted that, subsequently, the Board has issued the directions to the said HCF vide Board Proceeding dated 25.02.2019 under Section 33A of the Water (P&CP) Act, 1974 as amended and under Section 31A of the Air (P&CP) Act, 1981 as amended as follows:.

- i) The unit shall obtain Environmental Clearance under EIA notification, 2006 within a period of one month.
- ii) The unit shall apply and obtain Consent to Operate of the Board within a period of 2 months.

6. It is respectfully submitted that, a telephone complaint was received on 19.11.2021 from the Public of Thiruverkadu regarding discharge of sewage mixed with rain water from M/s. ACS Medical College and Hospital (Dr. M.G.R. University), SF. No.35/1,2,3 64/1A,63/2, Noombal Village, Poonamallee Taluk, Tiruvallur District into the nearby residential areas of Kaveri Nagar, Madhiravedu in Thiruverkadu Municipality causing public nuisance & health issues to the nearby residents. Also another complaint was received from the District Collector, Tiruvallur on 19.11.2021 through e-mail regarding discharge of sewage from the HCF into M/s. Sindhi College campus causing nuisance & health issues to the students and staff.

Based on the complaint, the said Health Care Facility (HCF) was inspected on 19.11.2021 and it was noticed that the HCF and Institution were in operation without obtaining necessary consent of the Board and without obtaining Environmental clearance as required under EIA Notification, 2006. Bio Medical waste generated from the said HCF was disposed through CBMWTF of M/s. Tamilnadu Waste Management Limited, Kinnar Village, Madhuranthagam Taluk, Chengalpattu District without obtaining Bio-medical waste authorization from the Board.

7. It is respectfully submitted that, further the Board issued Show cause notice to the M/s. ACS Medical College and Hospital (Dr. M.G.R.

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TAMIL NADU POLLUTION CONTROL BOARD
No. 76, MOUNT SALAI, CHENNAI-600 032

University), SF. No.35/1,2,3 64/1A,63/2, Noombal Village, Poonamallee Taluk, Tiruvallur District vide Board proceeding dated 24.01.2022 under Section 5 of the Environmental (Protection) Act, 1986 for the said violations.

8. It is respectfully submitted that, also, the Board had issued the following directions vide Board proceeding dated 24.01.2022 to the Medical College cum Hospital M/s. ACS Medical College and Hospital (Dr. M.G.R. University), SF. No.35/1,2,3 64/1A,63/2, Noombal Village, Poonamallee Taluk, Tiruvallur District under Section 33A of the Water (P&CP) Act, 1974 as amended and under Section 31A of the Air (P&CP) Act, 1981 as amended.

- (i) The HCF shall obtain Environmental Clearance under EIA Notification, 2006 within a period of 2 months.
- (ii) The said HCF & Medical institute shall apply and obtain Consent to Operate of the Board within a period of 3 months.
- (iii) The HCF shall ensure that no treated/untreated sewage and trade effluent shall gain access to the nearby land/water source at any point of time.

9. It is respectfully submitted that, M/s. ACS Medical College and Hospital (Dr. M.G.R. University) vide its letter dated 28.01.2022 has replied to the show cause notice that the HCF has obtained CTE consent order under Water and Air Acts from the TNPCB vide Board Proc. dated 14.02.2008. It is also reported that the HCF had applied for Environmental Clearance in the SEIAA on 28.04.2010. The proposal sent to Government of India was returned to State Government for disposal at State level. Again the HCF had submitted the proposal to the SEIAA. Subsequently the SEIAA issued order for ToR vide letter No. SEIAA-TN/F.No.226/Violation/ToR-821/2020 dated 23.11.2020 and it is pending before the Committee and after obtaining EC the HCF will apply and obtain CTO from TNPCB. The HCF also reported that it will ensure no treated/untreated sewage and trade effluent shall gain access to the nearby land/water source at any point of time.

10. It is respectfully submitted that, the Hon'ble National Green Tribunal (Southern Zone), Chennai in its order dated: 24.01.2022 in Original Application No. 07 of 2022 (SZ) & I.A.No. 17/2022 (SZ) filed by

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21/3/23
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No. 76, MOUNT SALAI, CHENNAI-600 032

MeenavaThanthai K.R. Selvaraj Kumar, against M/s. ACS Medical College and Hospital has constituted a Joint Committee comprising of i. The District Collector, Thiruvallur, ii. Senior officer from Integrated Regional Office, MOEF &CC iii. A senior officer from SEIAA and iv. A senior officer from TNPCB to inspect the area in question and submit the report. In this regard, the Joint Committee Report was filed by the TNPCB during March, 2022.

11. It is respectfully submitted that, subsequently, the Hon'ble NGT (SZ) in the Order dated 04.03.2022 has directed inter alia as follows:

"7. The parties are at liberty to file their independent statement before the next hearing date. They are directed to file their respective independent statement and objections (if any) to the Joint Committee report".

12. It is respectfully submitted that the said Health Care facility and education institution, the 4th respondent unit was inspected by the officials of the O/o. DEE, TNPCB, Tiruvallur on 15.12.2021 and 01.02.2023. During inspection the following were noticed:

a. Consent to Establishment was issued in the name and style of M/s. ACS Medical College and Hospital (Dr.M.G.R. University), S.F No.35/1,2,3, 63/2, 64/1A, Noombal Village, Poonamallee Taluk, Tiruvallur District both Acts for the following subject to certain conditions vide proceeding dated 14.02.2008 and no further application was received from the HCF.

i) Hospital to treat Patients-350 Beds,

ii) Inpatients-250 Nos/day

iii) Out patients and Institution-600 Nos./day with validity upto 13.02.2010

b. The HCF and educational institution was in operation having 550 bedded hospital [Hospital block I & II] with other amenities such as Girls Hostel, Boys Hostel, Nursing quarters, Staff quarters, Canteen, Residential quarters, Auditorium, Dental block etc., without obtaining necessary consent of the Board.

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21/3/23
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No. 76, MOUNT SALAI, CHENNAI-600 032

c. The Medical College with Hospital M/s. ACS Medical College and Hospital (Dr. M.G.R. University), SF. No.35/1,2,3 etc., Noombal Village, Poonamallee Taluk, Tiruvallur District was in operation without obtaining Environmental clearance as required under EIA Notification, 2006.

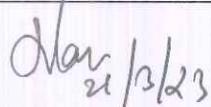
d. Additional Construction of 3 blocks such as college building [G+3 floors] and Residential quarters [G+3 floors] etc., were in progress without obtaining necessary consent of the Board and without obtaining Environmental clearance as required under EIA Notification, 2006.

13. It is respectfully submitted that, the TNPC Board has issued Show cause notice to the Medical College with Hospital M/s. ACS Medical College and Hospital (Dr. M.G.R. University), SF. No.35/1,2,3 64/1A,63/2, Noombal Village, Poonamallee Taluk, Tiruvallur District vide Board proceeding dated 02.02.2023 under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 as amended for operating the Health Care Facility and education institution and other amenities without obtaining prior consent of the TNPC Board.

In this regard the 4th respondent unit M/s. ACS Medical College and Hospital (Dr.M.G.R. University) has replied vide its letter dated 03.02.2023 to the show cause notice issued by the Board.

14. It is respectfully submitted that, compliance of the direction issued by the Board and Show cause notice dated 02-02-2023 under both Acts are furnished as follows:

Directions of the Board under the Air (P&CP) Act, 1981 vide proceeding dated 02.02.2023	Compliance Report
a. Consent to Establishment was issued in the name and style of M/s. ACS Medical College and Hospital (Dr.M.G.R. University), S.F No.35/1,2,3, 63/2, 64/1A, Noombal Village, Poonamallee Taluk, Tiruvallur District both Acts for carrying out i) Hospital to treat Patients-350 Beds, ii) Inpatients-250 Nos/day, iii) Out patients and Institution-600 Nos./day with validity upto 13.02.2010 subject to certain conditions and no further application was received from the HCF.	The HCF with Educational institution has not applied for CTO and operating without consent of the Board.


 21/3/23
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 TAMIL NADU POLLUTION CONTROL BOARD
 No. 76, MOUNT SALAI, CHENNAI-600 032

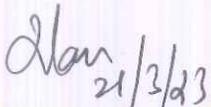
b. The HCF and educational institution was in operation having 550 bedded hospital [Hospital block I & II] with other amenities such as Girls Hostel, Boys Hostel, Nursing quarters, Staff quarters, Canteen, Residential quarters, Auditorium, Dental block etc., without obtaining necessary consent of the Board.	The HCF with Educational institution has not applied for CTO and operating without consent of the Board.
c. The Medical College with Hospital M/s. ACS Medical College and Hospital (Dr. M.G.R. University), SF. No.35/1,2,3 etc., Noombal Village, Poonamallee Taluk, Tiruvallur District was in operation without obtaining Environmental clearance as required under EIA Notification, 2006.	The HCF with Educational institution has stated that they are not coming under purview of EIA notification 2006 and furnished representation Ir dated 31-1-2023 to SEIAA is enclosed for reference.
d. Additional Construction of 3 blocks such as college building [G+3 floors] and Residential quarters [G+3 floors] etc., was in progress without obtaining necessary consent of the Board and without obtaining Environmental clearance as required under EIA Notification, 2006.	The HCF with Educational institution has not applied for CTO after CTE, CTE expansion etc., and operating without consent of the Board.
Directions of the Board under the Water (P&CP) Act, 1974 vide proceeding dated 02-02-2023	
a. Consent to Establishment was issued in the name and style of M/s. ACS Medical College and Hospital (Dr.M.G.R. University), S.F No.35/1,2,3, 63/2, 64/1A, Noombal Village, Poonamallee Taluk, Tiruvallur District both Acts for carrying out i) Hospital to treat Patients-350 Beds, ii) Inpatients-250 Nos/day, iii) Out patients and Institution-600 Nos./day with validity upto 13.02.2010 subject to certain conditions and no further application was received from the HCF.	The HCF with Educational institution has not applied for CTO and operating without consent of the Board.
b. The HCF and educational institution was in operation having 550 bedded hospital [Hospital block I & II] with other amenities such as Girls Hostel, Boys Hostel, Nursing quarters, Staff quarters, Canteen, Residential quarters, Auditorium, Dental block etc., without obtaining necessary consent of the Board.	The HCF with Educational institution has not applied for CTO and operating without consent of the Board.
c. The Medical College with Hospital M/s. ACS Medical College and Hospital (Dr. M.G.R. University), SF. No.35/1,2,3 etc., Noombal Village, Poonamallee Taluk, Tiruvallur	The HCF with Educational institution has stated that they are not coming under purview of EIA notification 2006 and furnished

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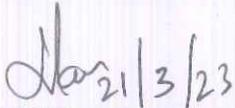
District was in operation without obtaining Environmental clearance as required under EIA Notification, 2006.	representation Ir dated 31-1-2023 to SEIAA is enclosed for reference.
d. Additional Construction of 3 blocks such as college building [G+3 floors] and Residential quarters [G+3 floors] etc., was in progress without obtaining necessary consent of the Board and without obtaining Environmental clearance as required under EIA Notification, 2006.	The HCF with Educational institution has not applied for CTO after CTE, CTE expansion etc., and operating without consent of the Board.
e. The HCF and educational institution generates more than 450 KLD of sewage and trade effluent and there is no MLSS in the aeration tank and seems that ground water is being filled and the same was found aerated. It was also noticed that sewage and trade effluent from the treatment plant is discharged directly back side of the treatment plant on open land for percolation as well as into the storm water drain within the premises.	The STP & ETP provided in the HCF was not properly maintained and operated.
f. It was noticed that there is no sufficient area for utilisation of treated sewage and trade effluent as per the hydraulic loading rate of 35 cum/hect.	The HCF and educational institution generates more than 450 KLD of sewage and trade effluent and there is no MLSS in the aeration tank and seems that ground water is being filled and the same was found aerated. It was also noticed that sewage and trade effluent from the treatment plant is discharged directly back side of the treatment plant on open land for percolation as well as into the storm water drain within the premises.
g. Sludge drying bed was not in operation and green vegetation was found grown over the bed.	The HCF and educational institution generates more than 450 KLD of sewage and trade effluent and there is no MLSS in the aeration tank and seems that ground water is being filled and the same was found aerated. It was also noticed that sewage and trade effluent from the treatment plant is discharged directly back side of the treatment plant on open land for percolation as well as into the storm water drain within the premises.
h. The Bio Medical Solid Waste generated from the health care facility is disposed through	The HCF has not applied and obtained authorization under the Bio-

Common Bio Medical Waste Treatment facility of M/s. Tamilnadu Waste Management Limited, Kinnar Village, Madhuranthagam Taluk, Chengalpattu District without obtaining authorization under the Bio-Medical Waste Management Rules' 2016 from the Board.	Medical Waste Management Rules' 2016 from the Board.
Bd Proc. No. T1/TNPCB/F.022435/RL/TLR/W&A/2022-1 dt 24.01.2022	Compliance Report
1) The HCF shall obtain Environmental Clearance under EIA Notification, 2006 within a period of 2 months.	Not complied. The HCF with Educational institution has stated that they are not coming under purview of EIA notification 2006 and furnished representation Ir dated 31-1-2023 to SEIAA is enclosed for reference.
2) The said HCF & Medical institute shall apply and obtain Consent to Operate of the Board within a period of 3 months.	Not complied
3) The HCF shall ensure that no treated/untreated sewage and trade effluent shall gain access to the nearby land/water source at any point of time.	The HCF with Educational institution has stated that they are not coming under purview of EIA notification 2006 and furnished representation Ir dated 31-1-2023 to SEIAA is enclosed for reference. The HCF and educational institution generates more than 450 KLD of sewage and trade effluent and there is no MLSS in the aeration tank and seems that ground water is being filled and the same was found aerated. It was also noticed that sewage and trade effluent from the treatment plant is discharged directly back side of the treatment plant on open land for percolation as well as into the storm water drain within the premises. It was noticed that there is no sufficient area for utilisation of treated sewage and trade effluent as per the hydraulic loading rate of 35 cum/hect.


 21/3/23
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No. 76, MOUNT SALAI, CHENNAI-600 032

REPLY ON MERITS:

- a) Consent to Establishment was issued in the name and style of M/s. ACS Medical College and Hospital (Dr.M.G.R. University), S.F No.35/1,2,3, 63/2, 64/1A, Noombal Village, Poonamallee Taluk, Tiruvallur District both Acts for carrying out i) Hospital to treat Patients-350 Beds, ii) Inpatients-250 Nos/day, iii) Out patients and Institution-600 Nos./day with validity upto 13.02.2010 subject to certain conditions and no further application was received from the HCF.
- b) The HCF and educational institution was in operation having 550 bedded hospital [Hospital block I & II] with other amenities such as Girls Hostel, Boys Hostel, Nursing quarters, Staff quarters, Canteen, Residential quarters, Auditorium, Dental block etc., without obtaining necessary consent of the Board.
- c) The Medical College with Hospital M/s. ACS Medical College and Hospital (Dr. M.G.R. University), SF. No.35/1,2,3 etc., Noombal Village, Poonamallee Taluk, Tiruvallur District was in operation without obtaining Environmental clearance as required under EIA Notification, 2006.
- d) Additional Construction of 3 blocks such as college building [G+3 floors] and Residential quarters [G+3 floors] etc., was in progress without obtaining necessary consent of the Board and without obtaining Environmental clearance as required under EIA Notification, 2006.
- e) The HCF and educational institution generates more than 450 KLD of sewage and trade effluent and there is no MLSS in the aeration tank and seems that ground water is being filled and the same was found aerated. It was also noticed that sewage and trade effluent from the treatment plant is discharged directly back side of the treatment plant on open land for percolation as well as into the storm water drain within the premises.
- f) It was noticed that there is no sufficient area for utilisation of treated sewage and trade effluent as per the hydraulic loading rate of 35 cum/hect.


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

- g) Sludge drying bed was not in operation and green vegetation was found grown over the bed.
- h) The Bio Medical Solid Waste generated from the health care facility is disposed through Common Bio Medical Waste Treatment facility M/s. Tamilnadu Waste Management Limited, Kinnar Village, Madhuranthagam Taluk, Chengalpattu District without obtaining authorization under the Bio-Medical Waste Management Rules, 2016 from the Board.

In view of the above, the Board vide memo dated 16.03.2023 has requested the Joint Chief Environmental Engineer (Monitoring), TNPCB, Chennai to conduct personal hearing with the unit and to furnish a detailed report.

Under the above circumstances it is prayed that this Hon'ble National Green Tribunal may be pleased to pass such further orders as this Hon'ble Tribunal deem fit and proper in facts and circumstances of this case and thus under justice.

Jan 21/3/23
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No. 76, MOUNT SALAI, CHENNAI-600 032

BEFORE ME

VERIFICATION

I, R. Sarasavani, D/o. J. Raghavan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, do hereby submit that the contents of the above report are true to the best of my knowledge through records.

Jan 21/3/23
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No. 76, MOUNT SALAI, CHENNAI-600 032

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

Original Application No. 07 of 2022

Meenavathanthai K.R.Selvaraj Kumar, Meenavar
Nala Sangam,
Office at No.15/8, A.J.Colony,
Royapuram, Chennai – 600 013.

...Applicant

Versus

Tamil Nadu State Environment Impact
Assessment Authority,
No.1, Jeenis Road, Saidapet,
Chennai-600 015 & 3 others.

...Respondents

**REPORT FILED ON BEHALF OF
THE 2ND RESPONDENT-TAMIL
NADU POLLUTION CONTROL
BOARD.**

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

Date:23.03.2023.

Date of hearing on: .2023