

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

**APPEAL NO. 73 & 74 of 2021 (SZ)**

Rajshree Sugars & Chemicals Limited,  
Rep by its Depy. General Manager,  
Mr.M..Thangathiruppathi,  
Theni District.

...Appellant

**Vs**

1. M/s. GKN Food Products,  
A. Partnership Firm,  
Rep. by its Managing Director,  
Theni District.

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



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...Appellant

**Vs**

1. M/s. GKN Food Products,  
A. Partnership Firm,  
Rep. by its Managing Director,  
Theni District.

2. The Tamil Nadu Pollution Control Board,  
Rep. by its Chairman,  
Chennai.

3. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Theni District.

...Respondents

**REPORT FILED ON BEHALF OF THE 2<sup>ND</sup> & 3<sup>RD</sup> RESPONDENTS**  
**TAMIL NADU POLLUTION CONTROL BOARD**

I, R. Rajamanickam , S/o. P.M. Ramasamy, Hindu, aged about 57 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 and I am filing this Report on behalf of the 2<sup>nd</sup> & 3<sup>rd</sup> Respondents Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the M/s. Rajshree Sugars & Chemical Limited has filed Appeal 73 & 74 of 2021 with a prayer to

*R. Rajamanickam* 20/11/2024  
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quash the Hon'ble Appellate Authority, TNPCB order dated 06.10.2021 in Appeal Nos.11 & 12 of 2021

3. It is respectfully submitted that the Hon'ble National Green Tribunal (South Zone) in its order dated 25.10.2021 in the said appeal has stated the following:

*"The Order passed by the Appellate Authority in Appeal No.10 and 12 of 2021, setting aside the order passed by the Tamil Nadu Pollution Control Board and issuing direction to the Tamil Nadu Pollution Control Board to issue Consent to Establish to the 1<sup>st</sup> Respondent herein is directed to kept in abeyance till next hearing date.(i.e.22.11.2021)"*

4. It is respectfully submitted that the respondent unit of M/s GKN Food Products, S.F. No. 892/3A of Kodankipatti Village, Bodinaickkaur Taluk, Theni District is a jaggery powder and jaggery cake manufacturing unit applied for "Consent To Establish" of the Tamil Nadu Pollution Control Board on 10.10.2020 vide OCMMS Application No. 35115377. The application was returned to the unit and then the unit resubmitted the application on 04.12.2020.

5. It is respectfully submitted that the unit's site was inspected by the officials of the Tamil Nadu Pollution Control Board on 16.12.2020 and found that the unit established an industrial shed and office buildings without obtaining prior consent of the Board to establish their industrial plant as required under section 25 of the Water (Prevention and Control of Pollution) Act 1974 as amended and Air (Prevention

  
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and Control of Pollution) Act 1981 as amended. Therefore, show cause notice was issued to the unit on 22.12.2020 for establishing an industry without obtaining consent of Board.

6. It is respectfully submitted that the unit has submitted their regrets for not obtaining Consent to Establish vide their letter dated 24.12.2020 and stated that they have not installed any machinery and assured that they will start any further activity after obtaining CTE of Board. The said unit was again inspected on 18.01.2021 and the followings were observed.

- i) The unit has installed 5 numbers of reaction vessels, cooling tower in the industrial shed and the civil works for the construction of foundation for the erection of boiler and stack were found under progress.
- ii) The unit has undertaken the construction of their industry in an agricultural land which is surrounded by agriculture lands on the North, Kodangipatti - Sadayalpatti village road followed by agricultural land on the East. Sadayalpatti village having population nearly about 500 to 600 is situated on southern side at a distance of 40 m from the unit's premises. Three houses with buildup area of approximately 250 - 350 sq.feet are located on western side of the unit premises.

7. It is respectfully submitted that the units site is located in the Non-planned area with respect to the land use classification made by the Directorate of Town and Country Planning Department vide letter

  
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dated 09.11.2020 issued by the Assistant Director, Directorate of Town and Country Planning, Theni.

8. It is respectfully submitted that the waste water letting out from sugar/Jaggery mill having very high Biological Oxygen Demand (BOD) and Chemical Oxygen Demand (COD) and considerable amount of chlorides, nitrates, and that would have an adverse impact on aquatic life, render the receiving water unfit for drinking and domestic purposes. Moreover the effluent from such units has an obnoxious odour and which could cause serious nuisance to the nearby habitations those who are enjoying the clean and peaceful environment at present.

9. It is respectfully submitted that the subject for the issue of consent to establish was deliberated in details in the District Level Consent Committee meeting held on 27.01.2021. As per the decision of the Committee, the unit's application for the "Consent to Establish" was rejected in view of the site conditions observed and for the reasons stated below. The same was communicated to the Managing Partner of the unit vide proceeding No F.0836TEN/OS/DEE/TNPCB/25/ W&A/2021 Dated on 29.01.2021.

i. The unit started its construction activities to establish their industrial plant in an Agricultural land without obtaining "Consent to Establish" of the Board.

ii. The unit has not furnished any approved building plan/building permit obtained from Competent Authority to

  
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establish the industry, at S.F.No. 892/3A of Kodangipatti Village, Bodinaickanur Taluk, Theni District, which is a non-planned area as per the letter issued by the Assistant Director, Directorate of Town and Country Planning, Theni dated 09/11/2020.

iii. The unit's site is located adjacent to three numbers of houses with a build-up area of approximately 250 – 350 sq.feet each, on western side, and a distance of 40 m from the Sadayalpatti area of Kodangipatti revenue village on southern side, which is having population of nearly about 500 numbers.

10. It is respectfully submitted that the managing partner of the unit of M/s GKN Food Products preferred an appeal before the Hon'ble Appellate Authority against order issued by the Tamilnadu Pollution Control Board for the rejection of units application seeking "Consent to Establish" vide Appeal No. 10 & 11 of 2021.

11. It is respectfully submitted that the petitioner M/s Rajshree Sugars and Chemicals limited, Kullpuram Village, Periyakulam Taluk, Theni District filed an appeal I.A. No. 61 & 62 of 2021 in the Appeal No. 10 & 11 of 2021 and stating that the respondent 1. M/s GKN Food Products was establishing a jaggery unit in the reserved area of M/s Rajshree Sugars and Chemicals limited, which is a violation under the Clause (6) of Sugarcane Control Order, 1966. However, the Sugarcane Control Order, 1966 is not exercised by Tamil Nadu

  
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Pollution Control Board and hence the Tamil nadu Pollution Control Board has not offered any remarks on the subject.

12. It is respectfully submitted that The Hon'ble Appellate Authority vide its order dated 06.10.2021 set aside the rejection order issued by the Board vide proceedings dated 29.01.2021 and directed the Board to grant CTE-NEW to the unit, M/s GKN Food Products for establishing their jaggery manufacturing unit in the area concerned with any general and/or special condition as they deem fit and proper .

13. It is respectfully submitted that subsequent to the orders passed by the Hon'ble Appellate Authority, unit of M/s GKN Food Products submitted application for consent to establish of Tamil Nadu Pollution Control Board on 20.10.2021 vide application No. 41639720 through online.

14. It is respectfully submitted that the unit's site was again inspected on 27.10.2021 and the subject was placed before the District Level Consent Clearance Committee Meeting on 27.10.2021 and consent to establish was issued to the unit vide proceedings dated 27.10.2021 as per the orders passed by the Hon'ble Appellate Authority dated 06.10.2021.

15. It is respectfully submitted that the Hon'ble National Green Tribunal (Southern Zone), Chennai in the order dated 25.10.2021 on the Appeal No. 73 of 2021 (SZ) & Appeal No. 74 of 2021 (SZ) has directed that "the order passed by the Appellate Authority in Appeal No.10 and 11 of 2021, setting aside the order passed by the Tamil Nadu Pollution Control Board and issuing direction to the Tamil Nadu

  
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Pollution Control Board to issue Consent to Establish to the 1<sup>st</sup> Respondent herein is directed to be kept in abeyance till next hearing date (i.e. 22.11.2021).

16. It is further submitted that the order of Hon'ble National Green Tribunal (SZ) dated 25.10.2021 in the matter of Appeal No. 73 & 74 of 2021 filed by M/s Rajshree Sugars and Chemicals Limited was received by the Board and the DEE on 30.10.2021.

17. It is respectfully submitted that before the receipt of the order of the Hon'ble National Green Tribunal (SZ), the Consent to Establish was issued to the unit of the M/s GKN Food Products on 27.10.2021 as per the orders of the Hon'ble Appellate Authority order dated 06.10.2021. However, the copy of the order of the Hon'ble National Green Tribunal (SZ) was communicated to the unit of M/s GKN Food Product vide DEE, TNPCB, Theni letter dated 01.11.2021.

17. Further, in order to comply with the orders of this Hon'ble Tribunal in its full letter and spirit, another communication has also been sent to the unit vide proceeding dated 20.11.2021 stating that in view of the order of this Hon'ble National Green Tribunal dated 25.10.2021, the CTE dated 27.10.2021 issued in favour of the unit is kept in abeyance by this Respondent TNPCB till 22.11.2021 and is further subject to the orders, if any, on 22.11.2021 and/or all such further/final orders in the present above appeals.

  
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Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal 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, 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.

  
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...Respondents

**REPORT FILED ON BEHALF OF  
THE 2<sup>ND</sup> & 3<sup>RD</sup> RESPONDENTS -  
THE TAMIL NADU POLLUTION  
CONTROL BOARD.**

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

**Date: 20.11.2021.**

**Date of hearing on:22.112021**

