

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI
Original Application No.08 of 2021 (SZ)**

Meenava Thanthai K.R.Selvaraj
Kumar, Meenavar Nala Sangam,
Rep by its President,
M.R. Thiyagarajan

...Applicant

-Vs-

1. State of Tamil Nadu
Through the Chief Secretary,
Government of Tamil Nadu, Secretariat,
Chennai – 600 009
& 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 – 6
2.	Annexures	7 – 20



Advocate for the Respondent: TNPCB
Thiru. S. SaiSathya Jith,
Advocate, Chennai

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

Original Application No.08 of 2021 (SZ)

Meenava Thanthai K.R.Selvaraj
Kumar, Meenavar Nala Sangam,
Rep by its President,
M.R. Thiyagarajan

...Applicant

-Vs-

1. State of Tamil Nadu
Through the Chief Secretary,
Government of Tamil Nadu, Secretariat,
Chennai – 600 009
Ph: 2567 1555,
email: cs@tn.gov.in
2. The Tamil Nadu Pollution Control Board,
Rep. by its Chairman
76, Mount Salai, Guindy,
Chennai – 600 032.
3. Tamil Nadu State Environment Impact Assessment Authority
Through the Chairman,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai – 600 015.
4. M/s. Velammal Educational Trust
(Hospital and Medical College)
Through the Chairman,
Velammal Village,
Madurai – Tuticorin Ring Road,
Anuppanadi, Madurai – 600 009

...Respondents

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

I, R.Sarasavani, D/o. J. Raghavan, 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 and I am filing this Report on behalf of the 2nd Respondent

Jan
11/4/23
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

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 Hon'ble Tribunal in its order dt.16.03.2023 directed inter alia as follows:

"Para 5: It appears that even the said case was initiated only after the above original application was filed before this Tribunal. The regulators viz., the State Government, State Pollution Control Board and SEIAA are aware of these facts and have not taken any steps to inspect or have a check. It is not only the project proponent who has violated, but the officials concerned by their inaction have contributed to such violations and they are also equally responsible. Let the authorities file a report on the said line also".

3. It is respectfully submitted that, the 4th respondent unit of M/s Velammal Medical College and Research Institute Hospital located at S.F.No.61/1,61/2 etc, Anuppanadi Village, Madurai South Taluk, Madurai District has applied for consent to operate through offline on 02.01.2014 and the same was returned for additional particular. Further the Board has issued show cause notice to the unit on 13.02.2014 since the unit constructed and commissioned the hospital without obtaining consent of the Board. The copy of show cause notice dt.13.02.2014 is submitted herewith as **Annexure- I**

4. It is respectfully submitted that the State Level Environment Impact Assessment Authority (TNSEIAA), Tamil Nadu, accorded Environmental Clearance vide Lr.No.SEIAA/TN/F.518/ EC/8(a)/143/2012 Dated 17.04.2013 for the unit's project at Anuppanadi village, comprising of the Hospital Main Block to accommodate 900 beds, Institute Block, Animal House building, Mortuary building, Workshop, Dining & Kitchen, Staff quarters, Boys Hostel, Girls Hostel, Library building having overall build-up area of 1,43,163.015M² in 151605.36M² plot area. The 3rd respondent TN-SEIAA requested the Environment & Forest Department, Government of Tamil Nadu to initiate action against M/s. Velammal Educational Trust by invoking powers under Section 19 of the Environment (Protection) Act, 1986 vide Lr. No. SEIAA-TN/F.518/2012 dated 20.02.2013 as the proponent had made substantial progress in the construction of the project without obtaining prior Environmental Clearance as it mandated under EIA Notification 2006.

Olav
11/4/23
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

In this regard, the Government of Tamil Nadu, Environment & Forest Department vide letter no.5117/EC-3/2013-1 dated 01.04.2013 directed the Tamil Nadu Pollution Control Board to take legal action against M/s. Velammal Educational Trust for having commenced the construction work without obtaining prior Environmental Clearance. Hence, the TNPC Board has issued show cause notice to the unit of M/s. Velammal Educational Trust vide proceeding dated 13.02.2014 as to why the prosecution should not be launched by filing a complaint as per the powers conferred under section 19(a) of the Environment (Protection) Act, 1986 and offence committed in violation of the provisions of the Environmental Impact Assessment Notification, 2006 .

In the meantime, based on the resubmission of the application by the unit on 23.07.2016, the hospital was inspected on 27.07.2016 and Inspection Report for the issue of CTO was submitted to the Board vide IR No.F.0895MDU/RL/DEE/MDU/2016 dated 16.08.2016 and the same was returned by the Board. Meanwhile, the unit M/s.Velammal Medical College and Research Institute a 900 bedded Hospital with Medical College has applied for Consent to Operate-Direct through online on 19.04.2016 and resubmitted their application again on 18.04.2017.

Thereafter, the unit simply resubmitted the online application so many times even without furnishing the Environmental Clearance by incorporating the additional areas constructed by them or relevant amendments.

5. It is further submitted that, show cause notices were issued to the unit under the provision of Water (P&CP) Act 1974 as amended and the Air (P&CP) Act 1981 vide O/o. DEE, TNPCB, Madurai proceeding dated 19.03.2020 (The copy of show cause notice is submitted herewith as **Annexure- II**) in view of the following violations noticed during inspection of the unit on 13.03.2020

i. The unit was under operation without obtaining consent of the Board as required under section 25 of the Water (P&CP) Act 1974 as amended and section 21 the Air (P&CP) Act 1981.

ii. The unit has not obtained authorization as required the Bio Medical Waste Management Rules 2016.

iii. The Sewage Treatment Plant I & II were not under operation except aeration tank.

iv. Disposal of partly treated effluent in the adjacent areas.

Mani
11/4/23
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

v. Effluent Treatment Plant provided for the laundry has not been operated and maintained by the unit.

vi. The solid waste was found to be dumped in the open yard without proper segregation.

vii. The unit has not obtained Authorization under the Hazardous and other Waste Management Rules.

viii. Trade effluent from the hospital has not been collected and treated in the treatment plant.

The unit has also been addressed to furnish certain additional details including the copy of the amendment or clarification obtained if any for the additional built-up area from the State Level Environment Impact Assessment Authority vide DEE, TNPCB, Madurai letter dated 17.04.2020. (The copy of the DEE letter is submitted herewith as **Annexure-III**). The unit has furnished their reply for the show cause notice on 20.05.2020. (The copy of the unit's reply is submitted herewith as **Annexure- IV**)

6. It is further submitted that the unit was again inspected on 05.06.2020 & 04.07.2020 and the following violations were noticed during inspection of the unit with respect to the Environmental Clearance:

i. Buildings and other infrastructure facilities established by the unit at present is enlisted in **Annexure- V**. Though the unit has been permitted for built-up area of 1,43,163.015m² in the Environmental Clearance, the constructed built-up area covers 171184.67m².

ii. In addition to that the unit has constructed a nursing block building within the hospital premises and its built-up area has not been furnished so far. Further such information has not been included in the application seeking consent of the Board. Further the corresponding SF numbers has not been furnished by the applicant.

iii. The unit has constructed and commissioned one laundry building and the built-up area and its corresponding SF Numbers has also not been included in the application form seeking consent of the Board.

11/5/23
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAJ, CHENNAI-600 032.

7. It is further submitted that, in the meantime, the Hon'ble National Green Tribunal (Southern Zone) in its order dated 17.09.2021 stated that the TNPCB have assessed the Environmental Compensation to the tune of Rs.86,62,500/- and issued show cause notice as to why this amount should not be imposed by the proceeding dated 20.07.2021. The unit has remitted the Environmental Compensation amount of Rs. Rs.86,62,500/- on 30.09.2021 as per the said NGT (SZ) orders.

8. It is respectfully submitted that the Health Care Facility has applied for Environmental Clearance to the Tamil Nadu State Environment Impact Assessment Authority and it has observed that the proponent has made substantial progress in the construction of the project without obtaining prior Environmental Clearance as mandated under Environment Impact Assessment Notification, 2006 and hence the same has been considered as violation under the provisions of Environment (Protection), Act 1986.

In this regard, credible action under the section 19 of Environment (Protection) Act, 1986 was initiated against the Health Care Facility based on the Government Order vide letter No. 5117/EC3/2013-1 dated: 01/04/2013 and Criminal case was filed in the Judicial Magistrate Court, Madurai in Criminal Case No.2503/2022. The Hon'ble Court vide order its dated 12.07.2022 imposed a penalty of Rs.20,000/- and disposed the case.

9. It is respectfully submitted that the Hon'ble NGT in its order dated 19.01.2023 has directed as follows:

"Para 2. The objection of the learned counsel for the applicant is that the environmental compensation arrived at by the Joint Committee is only up to a particular date and the project proponent is continuing to violate and that also should be taken into account.

Para 3. So, the Tamil Nadu Pollution Control Board is directed to make note of the same and appropriately take action as per law. The Tamil Nadu Pollution Control Board is also directed to furnish a report regarding the action taken and action to be taken".

Aban
11/4/23
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

10. It is further submitted that, the respondent unit was inspected on 13.02.2023. During inspection, Sewage Treatment Plants were in operation. Treated sewage is partly utilized for Heating, Ventilation and Air Conditioning System and remaining is utilized for gardening purpose within the Health Care Facility campus. It is ascertained that Bio Medical Waste is disposed through Common Bio Medical Waste Treatment and Disposal Facility M/s. Resustainability Health Care Solutions Limited, UnduruniKidakulam Village, Thiruchuli Taluk, Virudhunagar District.

In compliance of the above said order dated 19.01.2023, the Board has issued Show Cause Notice to the unit under section 5 of the Environment (Protection) Act, 1986 for the violations of the provisions of the Bio Medical Waste Management Rules, 2016 for the further period from 17.06.2021 to 14.03.2023 as to why the Board shall not levy the environmental compensation of Rs.35,77,500 /- vide Board proceeding dated 10.04.2023.(The copy of the Proceeding dt.10.04.2023 is submitted herewith as **Annexure- VI**)

11. It is further submitted that the operation of sewage treatment plants provided in this respondent unit and disposal of Bio Medical Waste from this unit are being monitored continuously by the TNPC Board.

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.

Jan 11/4/23
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU 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, do hereby verify that the contents of above report are true to the best of my knowledge through records.

Jan 11/4/23
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD,
 No.76, MOUNT SALAI, CHENNAI-600 032.

Annexure I

Proc.No:- F.1821/RL/MDU SOUTH/DEE/MDU/2014 Dated:- 13.02.2014

Sub:- TNPCB- M/s.VELAMMAL EDUCATION TRUST, Velammal Medical College Hospital & Research Institute , Anuppanadi, Madurai South Taluk, Madurai District – violation of the provisions of the EIA Notification, 2006 for an offence under section 15(1) read with Section 16(1) and punishable under Section 15(1) of the Environment (Protection)Act,1986 – Prosecution under Section 19(a) of the Environment (Protection) Act, 1986 – Show Cause Notice – Issued.

- Ref:-
1. The Environment (Protection)Act,1986, as amended.
 2. The Environmental Impact Assessment Notification, 2006, Dated: 14.09.2006
 3. Office Memorandum No. J-11013/41/2006-1A II (I), Dated 14th September 2010, from the Ministry of Environment and Forest, New Delhi.
 4. Office Memorandum No. J-11013/41/2006-1A II (I), Dated 12th December 2012, from the Ministry of Environment and Forest, New Delhi.
 5. Resolution dated 07.02.2013 of the Board of M/s. Velammal Educational Trust and furnished to the SEIAA.
 6. Inspection of the unit on 13.02.2014 By the DEE/ TNPCB/Madurai

Whereas, your company of M/s. VELAMMAL EDUCATION TRUST, has undertaken Project in the name and style of Velammal Medical College Hospital& Research Institute, Madurai at S.Nos.61/1 to 10 etc Anuppanadi Village, Madurai South Taluk, Madurai District, with a total built-up area of 14.3163 square meters.

Whereas, the above project involves construction of building/construction project/area development and Township of more than 20,000 square meters area, the same requires Environmental Clearance, as stipulated in the Environmental Impact Assessment Notification,2006, dated 14.09.2006, notified under the provisions of the Environment (Protection) Act, 1986.

Whereas, Paragraph 1 of the Environmental Impact Assessment Notification, 2006, dated 14.09.2006, stipulates that the construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the schedule of the notification, shall be undertaken in any part of India, only after the prior Environmental Clearance. Any violation of the provisions of the Environmental Impact Assessment Notification, 2006 by any company or person, is an offence punishable under section 15(1) read with section 16(1) of the Environment (Protection) Act, 1986.

97 17/2/14

8

Whereas, section 15(1) of the Environment (Protection) Act, 1986, provides that "Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both" and section 16(1) of the said Act provides that "Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly".

Whereas, in the context of commencing the construction of your project, without obtaining the prior Environmental Clearance, as required under the Environmental Impact Assessment Notification, 2006, your company vide Resolution No _____ dated 07.02.2013 has made a written commitment that the violation would not be repeated.

Whereas, the action of your company and you as the person directly in charge of, and was responsible to, the company for the conduct of the business of the company, having commenced the construction without obtaining the prior Environmental Clearance, as required under the Environmental Impact Assessment Notification, 2006 is an offence under section 15(1) read with section 16(1) of the Environment (Protection) Act, 1986, and punishable under section 15(1) of the Environment (Protection) Act, 1986.

Whereas TNPCB official has inspected your unit on 13.02.2014 and found that the Construction Works are completed and hospital is under functioning .

Whereas, the office memorandums of the Ministry of Environment and Forest in the reference third and fourth cited, stipulated that credible action should be initiated on the violation of the provisions of the Environmental Impact Assessment Notification, 2006, by invoking the powers conferred under section 19(1) of the Environment (Protection) Act, 1986. Accordingly, the state Environmental Impact Assessment Authority for the State of Tamil Nadu, has advised to launch prosecution, for the violation of the provisions of the Environmental Impact Assessment Notification, 2006.

In view of the above, in exercise of the powers conferred under Section 19(a) of the Environment (Protection) Act, 1986, it is proposed to initiate action to file complaint against your company and against you and to launch prosecution against the company and against you as the person directly in charge of, and was responsible to the company for the conduct of the business of the company, when the offence was committed.

Therefore, you are hereby directed to show cause, within 15(Fifteen) days as to why prosecution should not be launched by filling a complaint, as per the powers conferred under section 19(a) of the Environment (Protection) Act, 1986, against your company and against you for the offence committed in violation of the provisions of the Environmental Impact Assessment Notification, 2006, which is an offence under section 15(1) read with section 16(1) of the Environment (Protection) Act, 1986, and punishable under section 15(1) of the said Act.

It is informed if no reply is received within the time limit fixed above it would be construed that your company and you do not have any satisfactory explanation to offer in this matter, and appropriate action would be initiated in accordance with law.

Co - 20220417/17/2/14
District Environmental Engineer,
Tamil Nadu Pollution Control Board
Madurai

To

(17/2/14)

1. M/s. Velammal Educational Trust,
Velammal Medical College Hospital & Research Institute
Represented by its Chairman Cum Managing Trustees Thiru M.V.Muthuramalingam
Having Office at Velammal Village, Madurai, Tutucorin Ring Road,
Anupandi, Madurai 625 009.
2. Thiru, M.V. Muthuramalingam
Chairman Cum Managing Trustees
M/s. Velammal Medical College Hospital & Research Institute
Velammal Village, Madurai, Tutucorin Ring Road,
Anupandi, Madurai 625 009.



TAMIL NADU POLLUTION CONTROL BOARD

On The District Environmental Engineer,
TNPC Board, Kappalur, Madurai - 625008

Proc.No.F.NA.MDU/RI/DEE/TNPCB/MDU/W/2020, Dated: 19/03/2020.

Sir,

Sub: TNPC Board - Madurai - Industries - Issue of Show Cause under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 to the unit of M/s Velammal Medical College and Hospital, S.F.No. 61/1, 61/2 etc., Anuppanadi Village, Madurai South Taluk, Madurai District - regarding.

Ref: (1) The Water (P&CP) Act, 1974 as amended in 1988.
(2) Biomedical Waste Management Rules, 2016
(3) Inspection of the unit by DEE, & AEE, TNPCB, Madurai on 13.03.2020.

Tamilnadu Pollution Control Board serves this Notice to you for contravention of Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 as amended.

Whereas as per Section 25 of Water (Prevention & Control of Pollution) Act, 1974 as amended, no person shall without prior consent of the State Board to establish or take any steps to establish any industry, operation or process or any treatment and disposal system which is likely to discharge sewage or trade effluent into stream or well or sewer or land.

Whereas during inspection of the unit of M/s Velammal Medical College and Hospita, S.F.No. 61/1, 61/2 etc., Anuppanadi Village, Madurai South Taluk, Madurai District, on 13.03.2020, the following were observed.

- (1) The unit was under operation without obtaining Consent of the Board as required under Section 25 of Water (Prevention & Control of Pollution) Act, 1974.
- (2) The unit has not obtained authorization from the Board as required under Biomedical Waste Authorisation Rules 2016 for the handling and disposal of Biomedical waste.
- (3) The sewage treatment plant I & II was not under operation except the aeration tank.
- (4) Disposal of partially treated effluent was also noticed in the adjacent areas.
- (5) The Effluent Treatment Plant provided for the Laundry has not been properly operated and maintained by the unit.
- (6) The other solid waste was found to be dumped in the open yard without proper segregation.
- (7) The unit has not obtained / applied for Authorisation under Hazardous and Other Waste Management and Handling Rules for the disposal of Hazardous waste.
- (8) Trade effluent from the hospital has not been collected and treated in the treatment plant.

Thereby, the unit is contravening under Section 25 of Water (Prevention and Control of Pollution) Act 1974 as amended in 1988 which is an offence punishable under Section 44 read with 45A of the Act with Imprisonment for a term which shall not be less than one year and

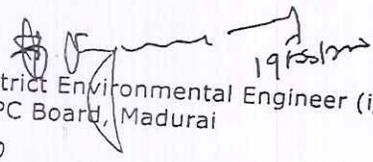
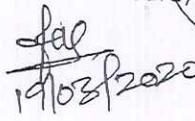
11

six months, but which may extent for six years and with fine and in case the failure continues with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

Hence, you are requested to show cause within seven days from the date of receipt of the notice as to why penal action for the offence under Section 44 read with 45A of the Act should not be taken against you as occupier from the contraventions of conditions under Section 25 of Water (Prevention and Control of Pollution) Act 1974 as amended in 1988 and issue of direction under Section 33 A of the Act for the closure of the unit and stoppage of power supply etc. to the unit.

It is informed that non receipt of any reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above said contravention and action will be taken on merits in accordance with law.

The receipt of this proceeding shall be acknowledged.


District Environmental Engineer (i/c),
TNPC Board, Madurai

19/03/2020

To
The Managing Director,
M/s Velammal Medical College and Hospital,
Anuppanadi Village,
Madurai South Taluk,
Madurai District

Site copy



TAMIL NADU POLLUTION CONTROL BOARD

O/o. The District Environmental Engineer,
TNPC Board, Kappalur, Madurai - 625008

Proc.No.F.NA.MDU/RL/DEE/TNPCB/MDU/A/2020, Dated: 19/03/2020,

Sir,

Sub: TNPC Board - Madurai - Industries - Issue of Show Cause Notice under Section 21 of the Air (Prevention and Control Of Pollution) Act, 1981 as amended in 1987 to the unit of M/s Velammal Medical College and Hospital, S.F.No. 61/1, 61/2 etc., Anuppanadi Village, Madurai South Taluk, Madurai District - regarding

Ref: (1) The Air (P&CP) Act, 1981 as amended in 1987.
(2) Biomedical Waste Management Rules, 2016
(3) Inspection of the unit by DEE, & AEE, TNPCB, Madurai on 13.03.2020.

Tamilnadu Pollution Control Board serves this Notice to you for contravention of Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987.

Whereas as per Section 21 of Air (Prevention & Control of Pollution) Act, 1981 as amended, no person shall without the prior Consent of the Board, to establish or operate any Industrial plant in the Air Pollution Control area. The entire state of Tamil Nadu is declared as Air Pollution control area with the date effect from the 1st day of October 1983.

Whereas during inspection of the unit of M/s Velammal Medical College and Hospital, S.F.No. 61/1, 61/2 etc., Anuppanadi Village, Madurai South Taluk, Madurai District, on 13.03.2020 the following were observed.

1. The unit was under operation without obtaining consent of the Board as required under Section 21 of the Air (P&CP) Act 1981 as amended.

Thereby, you have violated the provisions of the Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 which is an offence punishable under section 37 of the said Act with imprisonment for a term which shall not be less than one year and six months but which may extended to six years and with fine.

Hence you are directed to show cause within seven days from the date of receipt of this notice as to why penal action for offences punishable under section 37 read with Section 31A of the Act should be initiated against you as violator of the provisions of the Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987.

It is informed that non receipt of any reply within the prescribed period will be considered that you have no satisfactory explanation to offer for the above said contravention and action will be taken for the disconnection of Electricity Board power supply, water connection etc., to your unit under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987.

The receipt of this proceeding shall be acknowledged.

District Environmental Engineer (I/c),
TNPC Board, Madurai
19/03/2020

13

To

The Managing Director,
M/s Velammal Medical College and Hospital,
Anuppanadi Village,
Madurai South Taluk,
Madurai District

File copy

14

Annexure - III

~~Annexure - III~~



TAMIL NADU POLLUTION CONTROL BOARD

From

Dr. R. Jayamurugan M.E., Ph.D.,
District Environmental Engineer (i/c),
Tamil Nadu Pollution Control Board,
Kappalur,
Madurai - 625008.

To

The Managing Director,
M/s Velammal Medical College, Hospital
and Research Institute,
Anuppanadi Village,
Madurai South Taluk,

Lr.No: F.1821MDU/DEE/TNPCB/HCF/MDU/2020 dated 17.04.2020

Sir,

Sub: O/o DEE, TNPC Board, Madurai – Health Care Facility – M/s Velammal Medical College Hospital and Research Institute, S.F.No. 61/1, 61/2, etc., Anuppanadi Village, Madurai South Taluk, Madurai District – Details requested - regarding

Ref: Your application for CTO Direct No. 4297687 dated 24.06.2016.

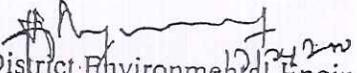
It is informed that, the unit M/s Velammal Medical College, Hospital and Research Institute, Anuppanadi Village, Madurai South Taluk, Madurai District was inspected on 13.03.2020. During inspection, the unit was instructed to furnish, certain details in connection with the unit's application seeking Consent of the Board. But the unit has not furnished the details as per the instruction. Hence you are requested to furnish the following details to this Office immediately.

1. Survey numbers of the medical college, hospital and research institute permitted as per the Environmental Clearance, and survey numbers covered by the entire medical college, hospital and research institute at present.
2. Total built up area in the Environmental Clearance and total built up area as per the construction project executed at present.
3. Name of blocks permitted in the Environmental Clearance and actually constructed.
4. Built up area for each block along with built up area permitted in the Environmental Clearance.
5. Details on additional buildings constructed by the Management, other than permitted in the Environmental Clearance.

15

6. Copy of the building plans approved Local planning authority / other statutory departments to be furnished.
7. Built up area of the additional buildings which are under construction stage at present if any.
8. Copy of the amendment or clarifications obtained if any for the additional built-up area with respect to the Environmental Clearance obtained earlier.

Receipt of this letter may kindly be acknowledged.


District Environmental Engineer (i/c),
TNPC Board, Madurai


17/09/2020

Copy submitted to

1. The Member Secretary,
Tamilnadu Pollution Control Board,
No. 76, Mount Salai,
Guindy, Chennai - 600 032

File copy

Annexure - IV

16

Annexure - I

20/5/2020



VELAMMAL EDUCATIONAL TRUST driven by a thought

Date: 20.5.2020

To
The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Madurai District.

Dear Sir,

Sub: Reply to your Show cause notice - reg.

Ref: Proc.No.F.NA.MDU/RL/DEE/TNPCB/MDU/A/2020. Dated: 19/03/2020

Proc.No.F.NA.MDU/RL/DEE/TNPCB/MDU/W/2020. Dated: 19/03/2020

We as, M/s. Velammal Medical College Hospital and Research Institute, S.F. No. 61/1,61/2,61/3,61/4,61/5,61/6,61/7,61/8,61/9,61/10,62/4,62/5A,62/6,62/7,63/1,63/3,63/6,63/9A,63/9B,63/9C,63/10,63/11,64/1,64/2,64/3,64/4,64/6,64/7A,64/7B,64/8B,65/2,65/8A,65/11,65/12A,65/12B,65/13,65/14A,66/1,66/4,66/5,70/1A,70/1B,70/2A,70/2B,70/4A,70/6(P),71/1,71/2A,71/2B,71/3,71/4A,71/4B,71/5,71/6B1A,71/6B1B,71/6B2,72/1,72/2,72/3A,72/3B,72/4A,72/4B,72/4C,72/4D,72/5,72/6,72/7,72/8,72/9A,72/9B2,72/10,72/11A,72/11B,72/12,72/13,73/3(P),73/4A(P),73/4B,73/10(P),73/11(P),73/12(P),73/13,73/14(P),80/3A,80/5,81/7(P),80/8,80/9,80/10,80/11,80/19, 80/20A, Anuppanadi Village, Madurai South Taluk, Madurai District. The following are the Reply for the Show cause notice.

1.	The unit was under operation without obtaining Consent of the Board as required under Section 25 of Water (Prevention & Control of Pollution) Ac, 1974.	We have applied for obtaining consent of the Board through OCMMS with application number 4297687 which is In progress.
2.	The unit was under operation without obtaining Consent of the Board as required under Section 21 of Air (Prevention & Control of Pollution) Ac, 1981.	We have applied for obtaining consent of the Board through OCMMS with application number 4297687 which is In progress.
3.	The unit has not obtained authorization from the Board as required under Biomedical Waste Authorization Rules 2016 for the handling and disposal of Biomedical waste.	We have applied for Biomedical Waste Authorization through OCMMS with application number 6729128 which is In progress.
4.	The sewage treatment plant I & II was not under operation except the acration tank.	During the time of inspection, our sewage treatment plant I & II are under maintenance work. Right now, we are operating and maintaining the plant properly.
5.	Disposal of partially treated effluent was also noticed in the adjacent areas.	Due to failure of pump in our treatment plant, some partially treated effluent was spilled in adjacent areas. We have replaced the pump



VELAMMAL EDUCATIONAL TRUST
driven by a thought

6.	The Effluent Treatment Plant provided for the Laundry has not been properly operated and maintained by the unit.	and spilled water is cleaned. During the time of inspection, our Effluent Treatment Plant was under pump failure problem. Right now, we have replaced the pump with new one and operating and maintaining the plant properly.
7.	The other solid waste was found to be dumped in the open yard without proper segregation.	We are collecting other solid waste in our collection point and then segregated and disposed.
8.	The unit has not obtained / applied for Authorization under Hazardous and Other Waste Management and Handling Rules for the disposal of Hazardous waste.	We will apply for Hazardous Waste Authorization once after getting the consent order.
9.	Trade effluent from the hospital has not been collected and treated in the treatment plant.	As per TNPCB instructions, We are collecting and treating the Trade effluent from our hospital.

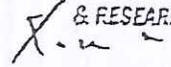
Hence, we request your good selves to don't take any further actions against us.

Thanking you,

Authorized Signatory, 

For Velammal Medical College Hospital and Research Institute,

For VELAMMAL MEDICAL COLLEGE HOSPITAL
& RESEARCH INSTITUTE, MADURAI


R. MANIVANNAN
Chief Administrator

18

353

ANNEXURE - V

S.N	Buildings covered in Environmental Clearance		Approval issued as per the Local body		Present Status Remarks
	Facility	Area m ²	Facility	Area m ²	
1	Hospital Main Block (B+G+3 Floors) -1 No Number of beds-900	-	Hospital Main Block (B+G+3 Floors) - 1 Nos	62132.64	Completed-Under operation
1a	-	-	Hospital Main Block 4 & 5 th Floors	27777.65	<ul style="list-style-type: none"> • Constructed witho • Obtaining EC • Completed-and under operation
2	Institute Block (G+4 Floors) -1 No	-	Institute Block (G+3 Floors)-1 No	23805.18	Completed-Under operation
3	Animal house building (G Floor) - 1 No	-	Animal house building (G Floor) - 1 No	232.31	Completed-Under operation
4	Mortuary Building (G Floor) - 1 No	-	Mortuary Building (G Floor) - 1 No	423.50	Completed-Under operation
5	Work shop (G Floor) - 1 No	-	Work shop (G Floor)- Not constructed	328.05	
6	Dining& Kitchen Building (G+3 Floors) - 2 Nos	-	Dining& Kitchen Building (G+3 Floors) - 2 Nos	11910.06	Completed-Under operation
7	Staff Quarters 3 BHK (Stilt + 7 Floors) - 1 No	-	Staff Quarters 3 BHK (Stilt + 7 Floors) - 1 No	5053.86	Completed-Under operation
8	Staff Quarters 2 BHK (Stilt + 5 Floors) - 3 Nos	-	Staff Quarters 2 BHK (Stilt + 7 Floors) - 3 Nos	7010.4	Completed-Under operation
9	Staff Quarters 2 BHK (Stilt + 6 Floors) - 2 Nos	-	Staff Quarters 2 BHK (Stilt + 7 Floors) - 2 Nos	5118.2	Completed-Under operation
9a	-	-	Staff Quarters 2 BHK (Ground + 3Floors) - 1Nos	1244.00	Completed-Under operation
10	Boys hostel (G+3 Floors) - 2 Nos	-	Boys hostel (G+3 Floors) - 2 Nos	3716.16	Completed-Under operation
11	Boys hostel (G+6 Floors) - 1 No	-	Boys hostel (G+7 Floors) - 1 No	6896.96	Completed-Under operation
12	Girls hostel (G+4 Floors) - 1 No	-	Girls hostel (G+7 Floors) - 1 No	4141.42	Completed-Under operation
13	Girls hostel (G+4 Floors) - 1 No	-	Girls hostel (G+4 Floors) - 1 No	4776.88	Completed-Under operation
14	Library Building (G+3 Floors) - 1 No	-	Library Building (G+4 Floors) - 1 No	6595.76	Completed-Under operation
15	Individual House (G+1 Floor) - 3 No	-	Individual House (G+1 Floor) - 3 No	777.9	Completed-Under operation
16	Maintenance Office (G+1 Floor) - 1 No	-	Maintenance Office (G+1 Floor) - 1 No	243.74	Completed-Under operation
17	-	-	Nursing Collage Block	Not Furnished	Completed-Under operation
18	-	-	Laundry Building	Not Furnished	Completed-Under operation
	Built up area : 143163.015 sq.m		Actual Built up area : Not Furnished	171184.67 sqm.	



TAMIL NADU POLLUTION CONTROL BOARD

Proc No.: T1 /TNPCB/F.20973 & F.02453/BMW/MDU/2023 dt: 10.04.2023

Sub: TNPCB – BMW – M/s. Velammal Medical College Hospital and Research Institute, Anuppanadi, Madurai South Taluk, Madurai District– Showcause under Section 5 of the Environment (Protection) Act, 1986 issued for the violation of provisions of the Bio-medical Waste Management Rules, 2016 as amended - Regarding.

- Ref:**
1. Bio-medical Waste Management Rules, 2016
 2. Orders of the Hon'ble NGT in O.A. No. 08 of 2021 dated 19.01.2023
 3. Lr. No F.MDU-1821/DEE/TNPCB/MDU/2023 dated 14.02.2023
 4. E-mail received from DEE/MDU dated: 15.03.2023

Whereas, the Ministry of Environment, Forest and Climate Change, Government of India, in exercise of the powers conferred by Section 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) notified the Bio-Medical Waste Management Rules, 2016 and amended in 2019.

Whereas, the HCF M/s. Velammal Medical College Hospital and Research Institute, Anuppanadi, Madurai South Taluk, Madurai District has remitted the Environmental Compensation (for the period 13.03.2020 to 17.06.2021) of Rs. 86,62,500/- on 30.09.2021 levied under section 5 of E(P) Act, 1986 for the non-compliance of the provisions of the BMW Rules, 2016.

Whereas, the Hon'ble NGT in its order dated 19.01.2023 has directed the following:

"Para 2: The objection of the learned counsel for the applicant is that the environmental compensation arrived by the Joint Committee is only upto a particular date and the project proponent is continuing to violate and that also should be taken into account.

Para 3: So the TNPCB is directed to make note of the same and appropriately take action as per law. The TNPCB is also directed to furnish a report regarding the action taken and action to be taken".

Whereas, the DEE/MDU has inspected the said HCF on 13/02/2023 and vide reference 2nd cited has reported the following non-compliances:

- The HCF is yet to obtain Consent under the Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981.
- The HCF is yet to obtain Bio Medical Waste authorization under BMW Rules, 2016

Based on the above, the DEE/MDU vide email dated: 15.03.2023 has recommended for the levy of Environmental Compensation for the period from 17.06.2021 to 14.03.2023 for the said non-compliance of the provisions of the BMWM Rules, 2016.

Whereas, as per the G.O (Ms.) No.77 dated 28.10.2020, the TNPCB has assessed the Environmental Compensation of Rs. 35,77,500/- (Rupees Thirty Five lakhs Seventy Seven Thousand and Five Hundred only) to the HCF for the period from 17.06.2021 to 14.03.2023 based on the CPCB methodology for assessing Environmental Compensation for the Health Care Facilities for the non-compliances of the Bio-medical waste Management Rules, 2016.

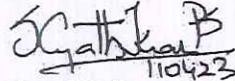
Now, therefore, in view of the above facts and in exercise of the powers delegated to TNPCB, under Section 5 of the Environment (Protection) Act 1986, you are hereby directed to show cause as to why the Board shall not recover the Environmental Compensation of Rs. **35,77,500/- for the period from 17.06.2021 to 14.03.2023** against you for the non compliance of the provisions of the Biomedical Waste Management Rules, 2016 as amended. A reply to the show cause notice shall be furnished so as to reach to this office within 15 days from the receipt of this notice, failing which the TNPCB will be constrained to initiate action as deemed necessary and appropriate in the circumstances under the Environment (Protection) Act 1986, as amended.

The receipt of the proceedings shall be acknowledged.

To
The Managing Director
M/s. Velammal Medical College and Research Institute,
Anuppanadi Village, Madurai South Taluk, Madurai District

Copy to

1. The Joint Chief Environmental Engineer (M),
Tamil Nadu Pollution Control Board,
Madurai
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Madurai


11/4/23
For Chairperson


11/4/23

**BEFORE THE HON'BLE NGT (SZ),
CHENNAI**

Original Application No.08 of 2021 (SZ)

Meenava Thanthai K.R.Selvaraj
Kumar, Meenavar Nala Sangam,
Rep by its President,
M.R. Thiyagarajan

...Applicant

Versus

State of Tamil Nadu
Through the Chief Secretary,
Government of Tamil Nadu, Secretariat,
Chennai – 600 009
and 3 Others.

...Respondents

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

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

Dated: 11.04.2023

Date of hearing: 12.04.2023

