

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

Original Application No. 82 of 2020 (SZ)

Tribunal on its own motion SUO MOTU
Based on the News Item in the Dinamalar
Newspaper dated 13.06.2020, "Will
Guduvancheri Lake turns out to be an Eco-park?"

Vs

The Principal Secretary to Government,
Public Works Department,
Secretariat, Fort St. George,
Chennai 600 009.
and Ors.

... Respondents

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Advocate for the Respondent: TNPCB

Tr. S. Sai Sathya Jith,
Advocate, Chennai

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI

Original Application No. 82 of 2020 (SZ)

Tribunal on its own motion SUO MOTU
Based on the News Item in the Dinamalar
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Vs

The Principal Secretary to Government,
Public Works Department,
Secretariat, Fort St. George,
Chennai 600 009.
and Ors.

... Respondents

REPORT FILED ON BEHALF OF THE RESPONDENT –
TAMILNADU 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-32, do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, and I am filing this Report on behalf of the Respondent, Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per the records.

2. It is respectfully submitted that the Hon'ble National Green Tribunal (Southern Zone) in its order dated 24.11.2020 in Original Application No. 82 of 2020 has stated

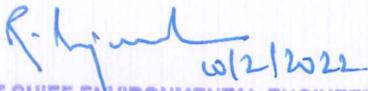

10/2/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032

"Under these circumstances, we feel that the matter can be disposed of, accepting the report and recommendations of the committee and directing the authorities to implement the same and submit the compliance report periodically regarding the implementation of the recommendations.

So the application is disposed of as follows".

3. It is respectfully submitted that earlier in O.A. No. 90 of 2015 filed by the Zion Nagar Plot Owners Welfare Association and in OA No. 104 of 2016 filed by the Nandivaram Radha Nagar Residents Welfare Association before the Hon'ble NGT (SZ) Chennai, the Board has already issued show cause notice to the Nandivaram-Guduvanchery Town panchayat under Section 5 of the Environment (Protection) Act, 1986 as to why the Board shall not recover Interim Environmental Compensation of Rs. 11 Lakhs (from April 2020 to February 2021) for the non-compliance of Solid Waste Management Rules, 2016 vide Board's Proc.No.T1/TNPCB/LAW/NGT/SWM/F.014708/MMN/2015-1 Dated: 12.03.2021 (Copy enclosed as Annexure – I) and also issued directions under section 5 of Environment (Protection) Act, 1986 to comply with certain conditions as stated therein vide Board's Proc.No.T1/TNPCB/LAW/NGT/SWM /F.014708/MMN/2015-2 Dated: 12.03.2021 (Copy enclosed as Annexure – II).

Whereas, the said Town Panchayat has not furnished any reply for the same and also not complied with the directions issued by the Board vide Proc. dated 12.03.2021 and hence the Board has issued direction to the Executive Officer, Nandhivaram-Guduvanchery Town


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Panchayat to remit the Interim Environmental Compensation of Rs.32 lakhs and to remit the Environmental Compensation till the compliance of the conditions as stated therein vide Board's Proc.No.T1/TNPCB/LAW/NGT/SWM/F.014708/MMN/2015/2021

Dated: 05.08.2021(Copy enclosed as Annexure – III)

4. It is respectfully submitted in due compliance to the Hon'ble National Green Tribunal (Southern Zone) in its order dated 24.11.2020 in O.A.No. 82 of 2020, the said area in question was inspected by the officials of the TNPCB on 10.12.2021 and the compliance status of the directions issued by the Hon'ble NGT(SZ) is furnished as below

S.No	Directions of the Hon'ble NGT(SZ) in its order dated 24.11.2020	Compliance status
1	The Guduvancheri Town Panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules, 2016	The said local body is collecting unsegregated solid wastes from the households located in the said panchayat area by 100% door to door collection mechanism. The collected unsegregated solid wastes are being disposed to the dump site located at Kolathur Village of Kattankolathur Block
2	Guduvancheri Town Panchayat shall not dump solid waste under any circumstances in the said area in question.	No solid waste is being dumped in the said area in question. The collected unsegregated solid wastes are being disposed to the dump site located at Kolathur Village of Kattankolathur Block
3	Guduvancheri Town Panchayat shall dispose of the non degradable waste of 4.5 MT/day including plastic waste as provided in the Rules and shall be sent to cement factories for co-processing complying with the provisions of the Solid Waste	The unsegregated solid wastes are collected and dumped in the dump site at Kolathur Village of Kattankolathur Block.


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	Management Rules, 2016	
4	Guduvancheri Town Panchayat shall stop the disposal of sullage into the Guduvancheri Lake within a period of 3 months	The sullage/sewage generated from the Guduvancheri Town Panchayat is being disposed into the Guduvancheri Lake
5	The Guduvancheri Town Panchayat shall identify the violators who are discharging sullage into the storm water drain leading to the lake and also levy environmental compensation /fine on the violators under the provisions of the Local Body Acts within a month's time	The said local body has ensured to comply with
6	The Public Works Department shall evict the encroachments from the lake with the help of revenue officials within a period of 6 months in accordance with law by following the procedure provided under the respective Acts under which they are proposed to evict the encroachers from the lake	The PWD has ensured to comply with

5. It is respectfully submitted that, from the compliance status of the recommendation points of the Joint Committee/Directions of the Hon'ble NGT(SZ) in its order dated 24.11.2020, it was observed that the said local body has not complied with some of the recommendation points and the Nandhivaram-Guduvancheri Town Panchayat is not properly implementing the Solid Waste Management Rules, 2016.

6. It is respectfully submitted that, in spite of the issue of show cause notice and directions, the Nandhivaram-Guduvanchery Town Panchayat is not properly implementing the Solid Waste Management


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Rules, 2016 and has not yet remitted the interim Environmental Compensation (EC) amount so far.

Therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, the Board has issued direction vide Board's Proc.No.T1/TNPCB/LAW/LA-III/NGT/F.27713/SWM/2021, Dated: 24.01.2022 to the Executive Officer, Nandhivaram-Guduvancheri Town Panchayat for strict compliance of the following,

- i. The Nandhivaram-Guduvanchery Town Panchayat shall comply with the conditions stipulated in the directions issued by the Board vide Proc. dated 12.03.2021 & 05.08.2021.
- ii. The Nandhivaram-Guduvancheri Town Panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules, 2016
- iii. The Nandhivaram-Guduvancheri Town Panchayat shall not dump solid waste under any circumstances in the said area in question/water bodies.
- iv. The Nandhivaram-Guduvancheri Town Panchayat shall comply with the provisions of the Solid Waste Management Rules, 2016 and shall comply with the orders passed by the Hon'ble NGT in OA No.606 of 2018 from time to time.
- v. The Nandhivaram-Guduvancheri Town Panchayat shall remit the Interim Environmental Compensation of Rs.32 lakhs for not properly implementing the Solid Waste Management Rules, 2016 as per the directions issued by the Board vide proceeding dt. 05.08.2021
- vi. Failure to comply with the said directions, will attract action as per the provisions of section 5 (Closure and Stoppage of electricity), section 15 (Penalty provision) and section 17 (Offences and punishment to Head of Government Departments) of Environment (Protection) Act, 1986 as amended.

7. It is respectfully submitted that action is being taken by the TNPCB to issue directions to the Nandhivaram – Guduvanchery town


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panchayat to stop the disposal of sullage/sewage into the Guduvancheri lake.

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 circumstance of this case and thus render justice.


10/2/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

BEFORE ME

VERIFICATION

I, R. Rajamanickam, S/o. P.M. Ramasamy, Working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, do hereby submit that the contents of the above report are true to the best of my knowledge through records.


10/2/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.



TAMIL NADU POLLUTION CONTROL BOARD

Proc. No. T1/TNPCB/LAW/NGT/SWM/F.014708/MMN/2015-1 Dated: 12.03.2021

Sub: TNPCB – Solid Waste Management – Hon'ble NGT orders in O.A.No. 90 of 2015 & OA No. 104 of 2016–Non-compliance of Solid Waste Management Rules, 2016 by Nandivaram Guduvancheri Town Panchayat - Levy of Environmental compensation for non compliance under section 5 of the Environment (Protection) Act, 1986 as amended – Show cause notice - Issued - Regarding.

- Ref:**
1. Hon'ble National Green Tribunal (SZ), Chennai order dated 04.02.2020, 17.11.2020, 23.12.2020 & 28.01.2021 in O.A. No. 90 of 2015 & OA No. 104 of 2016
 2. Lr. No. DEE/TNPCB/MMN/Hon'ble NGT Appl. No. 90 of 2015 & 104 of 2016 dated 17.02.2021
 3. Hon'ble National Green Tribunal (Principal Bench) order dated 02.07.2020 in OA No. 606 of 2018
 4. Letter No. 18583/MA.IV(2)/2018-54 dated 09.09.2020 received from the Deputy Secretary to Govt., Municipal Administration & Water Supply Department, Secretariat, Chennai
 5. Template for Assessment of SWM facilities and legacy waste remediation furnished by the Jambai Town Panchayat dated 05.09.2020

Whereas the Ministry of Environment Forest and Climate Change, Government of India, in exercise of the powers conferred under section 3, 6, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Municipal Solid Waste (Management and Handling) Rules, 2000, has notified the Solid Waste Management Rules, 2016. As per Rule 15 of Solid Waste Management Rules, the role of local body has been specified for the implementation of solid waste management in the respective local bodies.

Whereas, necessary infrastructure for implementation of the Rules shall be created by the local bodies within the specified timeframe as mentioned in Serial No. 1 to 10 in Rule 22 of the Solid Waste Management Rules, 2016.

Whereas, applications have been filed by the Zion Nagar Plot Owners Welfare Association in O.A. No. 90 of 2015 and by the Nandivaram Radha Nagar Residents Welfare Association in OA No. 104 of 2016 before the Hon'ble NGT (SZ) Chennai with respect to the dumping and burning of garbage and municipal solid wastes in the Nandivaram Lake adjacent to Radha Nagar and Zion Nagar.

Whereas, as per Hon'ble NGT (SZ) order dated 04.02.2020, a joint committee has been constituted comprising District Collector, Chengalpattu District, Tamil Nadu Pollution Control Board, and Public Works Department & Water Resources Organization to inspect the area in question and to submit a report on the extent of legacy waste kept undisposed and action taken in compliance of the SWM Rules, 2016. The Committee has inspected the area in question (i.e.) Nandivaram lake on 24.08.2020 and submitted report to the Hon'ble NGT(SZ).

Whereas the Hon'ble NGT (SZ) in its order dated 17.11.2020 has directed the TNPCB to take action in compliance with the directions issued by the Principal Bench of National Green Tribunal, New Delhi in O.A. No. 606 of 2018.

Whereas, the Hon'ble NGT in its order dated 23.12.2020 has directed the TNPCB and the District Collector to submit report regarding the status and the steps taken for implementation of the Solid Waste Management Rules, 2016 in this area strictly in compliance with the provisions provided therein including the disposal of the legacy waste already accumulated in the dump yard as noticed by the committee.

Whereas, the DEE, TNPCB, MM Nagar has inspected the Micro Composting facility located at SF No.375/1 etc, Kanniyappa Nagar, Nandivaram Village, Chengalpattu Taluk and District on 19.12.2020 & 17.02.2021, and noticed that the said local body has dumped the solid wastes within the composting facility premises.

Whereas, the Hon'ble NGT, Principal Bench, New Delhi vide order dated 02.07.2020 in OA No. 606 of 2018 has directed the State Pollution Control Boards to assess and recover interim compensation against the local bodies with respect to non-compliance of Solid Waste Management Rules, 2016

Whereas, the Municipal Administration & Water Supply Department and the Executive Officer, Nandivaram Guduvancheri Town Panchayat vide reference 4th & 5th cited have furnished the details on the status of solid waste management facilities and legacy waste remediation as per the CPCB's prescribed template. As per the details provided, it is observed that out of 14.4 tons of solid waste generated, 8.78 tons/day of solid waste are processed and there exists a gap in solid waste management of 5.78 tons/day. Also, the Town Panchayat has not carried out 100% segregation of waste at all wards and has not provided adequate capacities for material recovery facilities.

Whereas in compliance of the Hon'ble NGT orders, the District Environmental Engineer, TNPCB, Maraimalai Nagar has assessed Interim Compensation to be levied to the Nandivaram Guduvancheri Town Panchayat (population is 50000) as Rs.11 lakhs from April 2020 to February 2021 for dumping the solid wastes within the composting facility located at SF No.375/1 etc, Kanniyappa Nagar, Nandivaram Village, Chengalpattu Taluk and District and not properly carrying out the implementation of the SWM Rules, 2016.



TAMIL NADU POLLUTION CONTROL BOARD

Whereas an amount of Rs.11 lakhs has been assessed as an interim environmental compensation for a period of 11 months (April 2020 to February 2021) to the Nandivaram Guduvancheri Town Panchayat for non-compliance of Solid Waste Management Rules, 2016.

Now therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, the Board hereby issues Show Cause Notice to the Executive Officer, Nandivaram Guduvancheri Town Panchayat as to why the Board shall not recover Interim Environmental Compensation of Rs. 11 Lakhs (from April 2020 to February 2021) for the non-compliance of Solid Waste Management Rules, 2016.

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 contraventions and action will be taken on merits in accordance with law.

Sd/-xxxx
Chairman

To
The Executive Officer,
Nandivaram Guduvancheri Town Panchayat.
Chengalpattu District

Copy submitted to

1. The Chairman,
State Monitoring Committee of NGT for Solid Waste Management in Tamil Nadu,
183, EVR Periyar Road,
Kilpauk,
Chennai – 600 010
2. The Additional Chief Secretary to the Government,
Environment & Forest Department,
Secretariat,
Chennai-600 009.
3. The Additional Chief Secretary to the Government,
Municipal Administration & Water Supply Department,
Secretariat,
Chennai-600 009.
4. The Director of Town Panchayats,
Urban Administrative Building Society,
Raja Annamalaipuram, MRC Nagar
Chennai – 600 028

Copy to

1. The Joint Chief Environmental Engineer (Monitoring),
Tamil Nadu Pollution Control Board,
Chennai
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Nagar

✓ 3. File Copy

Day
22/3/20
For Chairman
J. C. M.
22/3/20



TAMIL NADU POLLUTION CONTROL BOARD

Proc. No. T1/TNPCB/LAW/NGT/SWM/F.014708/MMN/2015-2 Dated: 12.03.2021

Sub: TNPCB – Solid Waste Management – Hon'ble NGT orders in O.A. No. 90 of 2015 & OA No. 104 of 2016–Non-compliance of Solid Waste Management Rules, 2016 by Nandivaram Guduvancheri Town Panchayat - Directions under section 5 of the Environment (Protection) Act, 1986 as amended – Orders Issued - Regarding.

- Ref:**
1. Hon'ble National Green Tribunal (SZ), Chennai order dated 04.02.2020, 17.11.2020, 23.12.2020 & 28.01.2021 in O.A. No. 90 of 2015 & OA No. 104 of 2016
 2. Lr. No. DEE/TNPCB/MMN/Hon'ble NGT Appl. No. 90 of 2015 & 104 of 2016 dated 17.02.2021
 3. Hon'ble National Green Tribunal (Principal Bench) order dated 02.07.2020 in OA No. 606 of 2018

Whereas, applications have been filed by the Zion Nagar Plot Owners Welfare Association in O.A. No. 90 of 2015 and by the Nandivaram Radha Nagar Residents Welfare Association in OA No. 104 of 2016 before the Hon'ble NGT (SZ) Chennai with respect to the dumping and burning of garbage and municipal solid wastes in the Nandivaram Lake adjacent to Radha Nagar and Zion Nagar.

Whereas, as per Hon'ble NGT (SZ) orders dated 04.02.2020, a joint committee has been constituted comprising of the District Collector, Chengalpattu District, Tamil Nadu Pollution Control Board, and Public Works Department & Water Resources Organization to inspect the area in question and to submit a report on the extent of legacy waste kept undisposed and action taken in compliance of the SWM Rules, 2016. The Committee has inspected the area in question (i.e.) Nandivaram lake on 24.08.2020 and submitted report to the Hon'ble NGT(SZ).

Whereas the Hon'ble NGT (SZ) in its order dated 17.11.2020 has directed the TNPCB to take action in compliance with the directions issued by the Principal Bench of National Green Tribunal, New Delhi in O.A. No. 606 of 2018.

Whereas, the Hon'ble NGT in its order dated 23.12.2020 has directed the TNPCB and the District Collector to submit report regarding the status and the steps taken for implementation of the Solid Waste Management Rules, 2016 in this area strictly in compliance with the provisions provided therein including the disposal of the legacy waste already accumulated in the dump yard as noticed by the committee.

Whereas, the DEE, TNPCB, MM Nagar has inspected the Micro Composting facility located at SF No.375/1 etc, Kanniyappa Nagar, Nandivaram Village, Chengalpattu Taluk and District on 19.12.2020 & 17.02.2021, and noticed that the said local body has dumped the solid wastes within the composting facility premises.

Whereas, the Town Panchayat is not handling the solid wastes in a scientific manner in accordance with the provisions of SWM Rules, 2016

Therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, the Board hereby issues direction to the Executive Officer, Nandivaram Guduvancheri Town Panchayat for strict compliance

1. The town panchayat shall comply with the provisions of Solid Waste Management Rules, 2016 and shall comply with the orders passed by the Hon'ble NGT in OA 606 of 2018 from time to time.
2. The town panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules, 2016.
3. The town panchayat shall effectively operate the Micro Composting Centre located at SF No.375/1 etc, Kanniyappa Nagar, Nandivaram Village, Chengalpattu Taluk and District complying with the provisions of the Solid Waste Management Rules, 2016.
4. The town Panchayat shall ensure that the legacy waste dumped in the MCC facility shall be removed immediately in accordance with the provisions of SWM Rules, 2016.
5. The town Panchayat shall levy fine on the violators dumping solid waste in the area in question under Local body Acts.
6. The town Panchayat shall create awareness regarding the source segregation of the solid wastes and to encourage the public to deposit only segregated wastes and shall deploy sanitary supervisors to conduct various demonstrations regarding the segregation of the solid wastes and to demonstrate the home composting process to the residents in all the residential areas in its jurisdiction.
7. The town panchayat is liable to pay Environmental Compensation for non-compliance of conditions stipulated in 1 to 6.



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TAMIL NADU POLLUTION CONTROL BOARD

Failure to comply with the said directions, will attract action as per provisions of section 5 (Closure and stoppage of electricity), section 15 (Penalty provision) and section 17 (Offences and punishment to Head of Government Departments) of the Environment (Protection) Act, 1986 as amended.

The receipt of this proceeding shall be acknowledged.

Sd/-xxxx
Chairman

To
The Executive Officer,
Nandivaram Guduvancheri Town Panchayat.
Chengalpattu District

Copy submitted to

1. The Chairman,
State Monitoring Committee of NGT for Solid Waste Management in Tamil Nadu,
183, EVR Periyar Road,
Kilpauk,
Chennai – 600 010
2. The Additional Chief Secretary to the Government,
Environment & Forest Department,
Secretariat,
Chennai-600 009.
3. The Additional Chief Secretary to the Government,
Municipal Administration & Water Supply Department,
Secretariat,
Chennai-600 009.
4. The Director of Town Panchayats,
Urban Administrative Building Society,
Raja Annamalaipuram, MRC Nagar
Chennai – 600 028

Copy to

1. The Joint Chief Environmental Engineer (Monitoring),
Tamil Nadu Pollution Control Board,
Chennai
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Nagar
3. File Copy

[Handwritten Signature]
22/3/2014
For Chairman
[Handwritten Signature]

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THE HISTORY OF THE UNITED STATES

OF THE UNITED STATES OF AMERICA

BY

W. H. RAY

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NEW YORK



TAMIL NADU POLLUTION CONTROL BOARD

Proc. No. T1/TNPCB/LAW/NGT/SWM/F.014708/MMN/2015/2021 Dated: 05.08.2021

- Sub:** TNPCB – Solid Waste Management – Hon'ble NGT orders in O.A. No. 90 of 2015 & OA No. 104 of 2016 – Non-compliance of Solid Waste Management Rules, 2016 by Nandivaram Guduvancheri Town Panchayat - To remit Interim Environmental Compensation of Rs. 32 lakhs - Directions under section 5 of the Environment (Protection) Act, 1986 as amended – Orders Issued - Regarding.
- Ref:**
1. Hon'ble National Green Tribunal (SZ), Chennai O.A. No. 90 of 2015 filed by Zion Nagar Plot Owners Welfare Association & O.A.No.104 of 2016 filed by Nandivaram Radha Nagar Residents Welfare Association
 2. Bd. Proc. No. T1/TNPCB/LAW/NGT/SWM/F.014708/MMN/2015-1 dt.12.03.2021
 3. Bd. Proc. No. T1/TNPCB/LAW/NGT/SWM/F.014708/MMN/2015-2 dt. 12.03.2021
 4. Hon'ble National Green Tribunal (SZ), Chennai order dated 23.12.2020, 20.05.2021 & 02.07.2021 in O.A. No. 90 of 2015 & O.A.No.104 of 2016.
 5. DEE, Lr.No. DEE/TNPCB/MMN/Hon'ble NGT Appl.No.90 of 2015 & 104 of 2016 /2021 dated:04.08.2021
 6. Hon'ble National Green Tribunal (Principal Bench) order dated 02.07.2020 in OA No. 606 of 2018

Whereas, applications have been filed by the Zion Nagar Plot Owners Welfare Association in O.A. No. 90 of 2015 and by the Nandivaram Radha Nagar Residents Welfare Association in OA No. 104 of 2016 before the Hon'ble NGT (SZ) Chennai with respect to the dumping and burning of garbage and municipal solid wastes in the Nandivaram Lake adjacent to Radha Nagar and Zion Nagar.

Whereas, the Hon'ble NGT in its order dated 23.12.2020 has directed the TNPCB and the District Collector to submit report regarding the status and the steps taken for implementation of the Solid Waste Management Rules, 2016 in this area strictly in compliance with the provisions provided therein including the disposal of the legacy waste already accumulated in the dump yard as noticed by the committee.

Whereas, the Board has issued show cause notice to the Nandivaram-Guduvanchery Town panchayat under Section 5 of the Environment (Protection) Act, 1986 as to why the Board shall not recover Interim Environmental Compensation of Rs. 11 Lakhs (from April 2020 to February 2021) for the non-compliance of Solid Waste Management Rules, 2016 vide reference 2nd cited and also issued directions under section 5 of Environment (Protection) Act, 1986 to comply with certain conditions as stated therein vide 3rd reference cited.

Whereas, in due compliance of the Hon'ble NGT order dated 20.05.2021 & 02.07.2021, the DEE, Maraimalai Nagar has inspected the questioned area viz., Radha Nagar, Zion Nagar and Kanniyappa Nagar on 03.08.2021 and reported the following vide reference 5th cited,

- i. No dumping of fresh solid waste was noticed at the questioned areas Radha Nagar and Zion Nagar.
- ii. Municipal Solid Wastes generated from the town panchayat area were collected through door to door mechanism and were earlier segregated in the solid waste processing site located at Kanniappa Nagar, Guduvanchery which is in an extent of 1Acre. Now no dumping of fresh solid waste was noticed at the processing facility located at Kanniyappa Nagar.
- iii. Municipal solid waste which was earlier dumped at the processing facility located at Kanniyappa Nagar has not been removed and the MCC centre was not in operation during the time of inspection.
- iv. The Nandhivaram-Guduvanchery Town Panchayat generates about 13 T/day of Municipal Solid Wastes from its 18 wards and it was informed by the said local body that the municipal solid wastes generated from the said Town panchayat is sent to the dump site located at Appur Village, Kattankolathur Block.
- v. The Nandhivaram-Guduvanchery Town Panchayat has not complied with the directions issued by the Board vide Proc. dated 12.03.2021

Whereas, the Hon'ble National Green Tribunal (Principal Bench) vide order dated 28.02.2020 & 02.07.2020 in O.A.No.606 of 2018 vide para 41 (a) *has directed that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and Tribunal to comply with Solid Waste Management Rules, 2016 interim compensation scale is to be laid down for continued failure after 31.03.2020. Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance and vide para 41 (b) has directed that not commenced the legacy waste remediation process, the interim compensation of Rs.1 lakh per month to be paid by the local bodies having population less than 5 lakhs from 01.04.2020 till compliance.*

Whereas, in spite of issue of show cause notice and directions under section 5 of Environment (Protection) Act, 1986 for the non-compliance of Solid Waste Management Rules, 2016, the said Town Panchayat has not furnished any reply for the same and also not complied with the directions issued by the Board vide Proc. dated 12.03.2021.

Based on the above observations, TNPCB has assessed interim Environmental Compensation (EC) of Rs.32 Lakhs (population is about 48000) for the period April, 2020 to July, 2021 for not segregating and properly disposing the solid wastes generated from the said Panchayat area and for not removing the legacy waste dumped at the MCC processing facility at Kanniyappa Nagar as per the Hon'ble National Green Tribunal (Principal Bench) order dated.28.02.2020 in OA.No 606 of 2018.



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TAMIL NADU POLLUTION CONTROL BOARD

Now therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, the Board hereby issues direction to the Executive Officer, Nandhivaram-Guduvanchery Town Panchayat to remit the Interim Environmental Compensation of Rs.32 lakhs and the Nandhivaram-Guduvanchery Town Panchayat is liable to remit the Environmental Compensation till the compliance of the following directions:

1. The Nandhivaram-Guduvanchery Town Panchayat shall comply with the conditions stipulated in the directions issued by the Board vide Proc. dated 12.03.2021.
2. The town panchayat is liable to pay Environmental Compensation till the compliance of conditions stipulated in 1.

Failure to comply with the said directions, will attract action as per the provisions of section 5 (Closure and Stoppage of electricity), section 15 (Penalty provision) and section 17 (Offences and punishment to Head of Government Departments) of Environment (Protection) Act, 1986 as amended.

The receipt of this proceeding shall be acknowledged.

R. Jayaram
5/8/2024
For Chairman

R. Jayaram

To
The Executive Officer,
Nandivaram Guduvancheri Town Panchayat,
GST Road, Guduvancheri (near uzhar sandhai),
Chengalpattu District - 603202

Copy submitted to

1. The Chairman,
State Monitoring Committee of NGT for Solid Waste Management in Tamil Nadu,
183, EVR Periyar Road,
Kilpauk,
Chennai - 600 010
2. The Principal Secretary to Government,
Environment, Climate Change & Forests Department,
Secretariat,
Chennai-600 009.
3. The Additional Chief Secretary to the Government,
Municipal Administration & Water Supply Department,
Secretariat,
Chennai-600 009.

No. 76, MOUNT SALAI, GUINDY, CHENNAI - 600 032.

Telephone : 22353134 to 141, Fax : 044-22353068

Email : tnpcc-chn@gov.in Web : www.tnpcc.gov.in

4. The Director of Town Panchayats,
Urban Administrative Building Society,
Raja Annamalaipuram, MRC Nagar
Chennai – 600 028

Copy to

1. The Joint Chief Environmental Engineer (Monitoring),
Tamil Nadu Pollution Control Board,
Chennai
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Nagar
3. File Copy

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

Original Application No. 82 of 2020 (SZ)

Tribunal on its own motion SUO MOTU
Based on the News Item in the Dinamalar
Newspaper dated 13.06.2020, "Will
Guduvancheri Lake turns out to be an
Eco-park?"

Vs

The Principal Secretary to Government,
Public Works Department,
Secretariat, Fort St. George,
Chennai 600 009.
and Ors.

... Respondents

**REPORT FILED ON BEHALF OF THE
RESPONDENT – TAMILNADU
POLLUTION CONTROL BOARD.**

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

Date: 10.02.2022

Date of Hearing: 11.02.2022

