

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI
ORIGINAL APPLICATION NO. 88 OF 2020(SZ)**

IN THE MATTER OF:

**MEENAVA THANTHAI K.R.SELVARAJ KUMAR
MEENAVAR NALA SANGAM**

Represented by its President,
M.R.Thiyagarajan

...APPELLANT

Versus

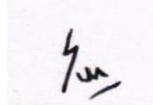
UNION OF INDIA & OTHERS

...RESPONDENTS

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PLACE: CHENNAI/NEW DELHI

DATE: 08.07.2020

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**OBJECTIONS ON BEHALF OF THE APPLICANT TO THE JOINT
COMMITTEE'S REPORT DATED 04.11.2020**

MOST RESPECTFULLY SHOWETH:

1. That Southern Zone Bench of this Hon'ble Tribunal vide Order dated 26.06.2020 constituted a Joint Committee to inspect the unit in question and submit a factual and action taken report, if there is any violation found. Subsequently, vide it's Order dated 30.06.2020 the composition of the Joint Committee was revised. The Joint Committee on 04.11.2020 submitted it's report. To this Report the Applicant is submitting it's Objections which are as follows:-
2. The Unit of the Project Proponent has been set up in 1992 with production of 3 products.

1992	1	Furgemide
	2	Analgin
	3	Mebendezol

3. However, by 2005 the unit enhanced it's products to 10 and also abandoned the earlier 3 products,, which is corroborated by Annexure-H of Additional Information submitted by the Project to the EAC on 08.02.2022 during the process for applying for EC. The said document also shows that the Project was granted CTE on 30.11.2005 on new products by the TNPCB. The

Annexure-H of Additional Information submitted by the Project to the EAC states as follows:-

2005	1	Sodium valproate
	2	Oxetacaine
	3	Clomipramine
	4	Flurbiprofen
	5	Analgin Magnesium
	6	Carbamazapine
	7	Metoprolol Tartrate
	8	Tramodol Hydrochloride
	9	Metadoxine
	10	Danazol

4. It is important to mention here that the Schedule I of the EIA, Notification, 1994 "Bulk drugs and Pharmaceuticals" is mentioned at S.No.8 and the Unit was required to obtain mandatory EC as per the EIA Notification, 1994 which it failed to do. Even after the EIA Notification, 2006 the Unit continued to work without the mandatory EC. In 2017 the production of the unit also increased. As per the EIA Notification, 1994.

"2)

I. (a) Any person who desires to undertake any new project in any part of India or the expansion or modernisation of any industry or project listed in Schedule I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi."

Copy of the EIA Notification is already annexed with the Joint Committee's Report which maybe perused in this regard.

Copy of the Annexure-H of Additional Information submitted by the Project to the EAC on 08.02.2022 is annexed herewith as **ANNEXURE-VIII.**

5. That the Joint Committee on the requirement of EC mentions in it's page 7 that:-

4.2. Committee's observation:

From the above facts, it is observed that the unit started its production before 1994 and Consent was obtained from the respective State Pollution Control Board (SPCB) in 1992. As per the EIA Notification, 1994, exemption from obtaining EC, was granted to projects that were already initiated before 1994 (**ANNEXURE-10**).The Sun Pharma is operating its unit based on Consents were issued in 2005, 2006 and 2020 by the SPCB and also based on the findings of the Anna University study that the waste generated by the products / process of the Sun Pharma are less than the permitted amount of waste generation.EC requirement was not applicable for the existing operation. But, for the proposed production of the bulk drug intermediates, EC is required under the current EIA 2006 and draft EIA 2020.

6. That it is stated that the Joint Committee's Report gives an erroneous reason for the project not getting the mandatory EC by saying that, "Sun Pharma is operating its unit based on Consents were issued in 2005, 2006 and 2020 by the SPCB and also based on the findings of the Anna University study that the waste generated by the products / process of the Sun Pharma are less than the permitted amount of waste generation.EC requirement was not applicable for the existing operation is erroneous". Anna University's study that the waste generated by the products / process of the Sun Pharma are less than the permitted amount of waste generation cannot be ground for non-requirement of EC. Once the EIA Notification, 1994 had come into being and the number of products enhanced/added/introduced, as per para 2 any person who desired to undertake any new project in any part of India or the expansion or modernisation of any industry or project listed in Schedule I needed to get the mandatory EC which has not been done in this case. However, it is also admitted by the Committee that "Sun Pharma is operating its unit based on Consents were issued in 2005, 2006 and 2020 by the SPCB".

7. That another important observation made by the Joint Committee is at page 195 of the Report wherein a letter dated 20.08.2020 has been annexed written by Mrs. C.H.Padma, IFS, Wildlife Warden, Tamil Nadu Forest Department to the Representative of the Joint Committee. The letter at page 196 of the Report states:-

“ The Petitioner submits to Hon’ble NGT in the para 10 of the O.A 88/2020 that M/s Sun Pharmaceuticals Pvt. Ltd. is close to the core zone of the Vedathangal Bird Sanctuary.

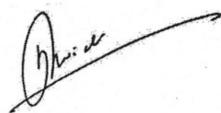
There is no core zone and buffer zone demarcations in the Vedathangal Bird Sanctuary Notification vide G.O. Ms. No.199, E&F Dept. dated 03.07.1999. Sanctuary notification includes the water body/lake with 29.5 ha area and surrounding 5 Km area (private land holdings, villages, town with intense human activity). **Sun Pharma is located at a distance of 3.7 kms. from the Sanctuary Lake and is within the limits of 5 km zone notified sanctuary.”**

(Emphasis supplied)

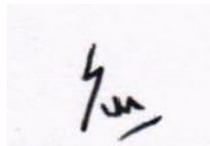
8. The Applicant totally agrees with the Joint Committee on the above point that ***"Sun Pharma is located at a distance of 3.7 kms. from the Sanctuary Lake and is within the limits of 5 km zone notified sanctuary."***

It is therefore prayed that in view of the abovementioned facts and circumstances this Hon’ble Tribunal maybe pleased to allow the prayer in the present Original Application.

FILED BY



RITWICK DUTTA



SAURABH SHARMA

APPLICANT



**G.STANLY HEBZON SINGH
COUNSELS FOR THE APPLICANT**

PLACE: CHENNAI/NEW DELHI

DATE: 08.07.2020

Annexure-H

Project Chronology (All EC/CTE/CTO) -M/s. Sun Pharmaceutical Industry Ltd, Madhuranthagam.						
Year	S. No	Products	Total Production (As per Consent) T/M	Total Production T/M	CTE	CTO
1992	1	Furgemide	3.0		-	CTO no. 8850 dated: 07.04.1992
	2	Analgin	30.0			
	3	Mebendezol	3.0			
1992	1	Furgemide	3.0		-	CTO no. 8850 dated: 02.06.1992
	2	Analgin	30.0			
	3	Mebendezol	5.0			
2005	1	Sodium valproate	8.0		CTE no. for Air 3094 dated: 30.11.2005 CTE no. for Water 3150 dated: 30.11.2005	
	2	Oxetacaine	1.0			
	3	Clomipramine	1.0			
	4	Flurbiprofen	1.0			
	5	Analgin magnesium	6.0			
	6	Carbamazapine	4.0			
	7	Metoprolol tartrate	3.0			
	8	Tramadol hydrochloride	1.0			
	9	Metadoxine	0.4			
	10	Danazol	0.1			
2006	1	Sodium valproate	8.0			CTO no. for Air 16641 dated: 19.06.2006 CTO no. for Water 20607 dated: 19.06.2006
	2	Oxetacaine	1.0			
	3	Clomipramine	1.0			
	4	Flurbiprofen	1.0			
	5	Analgin magnesium	6.0			
	6	Carbamazapine	4.0			
	7	Metoprolol tartrate	3.0			
	8	Tramadol hydrochloride	1.0			
	9	Metadoxine	0.4			
	10	Danazol	0.1			
2007	1	Sodium valproate	8.0			CTO (R) Air 6219. dated: 19.05.2007 CTO (R) Water 8830. dated: 19.05.2007
	2	Oxetacaine	1.0			
	3	Clomipramine	1.0			
	4	Flurbiprofen	1.0			
	5	Analgin magnesium	6.0			
	6	Carbamazapine	4.0			
	7	Metoprolol tartrate	3.0			
	8	Tramadol hydrochloride	1.0			
	9	Metadoxine	0.4			
	10	Danazol	0.1			
2011	1	Sodium valproate	8.0			CTO (R) no. for Air 6219. dated: 06.05.2011 & 21.09.2011 CTO no. for Water 8830. dated: 06.05.2011 & 21.09.2011
	2	Oxetacaine	1.0			
	3	Clomipramine	1.0			
	4	Flurbiprofen	1.0			
	5	Analgin magnesium	6.0			
	6	Carbamazapine	4.0			
	7	Metoprolol tartrate	3.0			
	8	Tramadol hydrochloride	1.0			
	9	Metadoxine	0.4			
	10	Danazol	0.1			
2012	1	Sodium valproate	8.0			CTO no. for Air 6219. dated: 11.06.2012 CTO no. for Water 8830. dated: 11.06.2012
	2	Oxetacaine	1.0			
	3	Clomipramine	1.0			
	4	Flurbiprofen	1.0			
	5	Analgin magnesium	6.0			
	6	Carbamazapine	4.0			
	7	Metoprolol tartrate	3.0			
	8	Tramadol hydrochloride	1.0			
	9	Metadoxine	0.4			
	10	Danazol	0.1			
2013	1	Sodium valproate	8.0			CTO (R) no. for Air 6219. dated: 13.09.2013
	2	Oxetacaine	1.0			
	3	Clomipramine	1.0			
	4	Flurbiprofen	1.0			
	5	Analgin magnesium	6.0	629		

2013	6	Carbamazapine	4.0		(R) no. for Water 8830. dated: 13.09.2013
	7	Metoprolol tartrate	3.0		
	8	Tramadol hydrochloride	1.0		
	9	Metadoxine	0.4		
	10	Danazol	0.1		
2014	1	Sodium valproate	8.0		
	2	Oxetacaine	1.0		
	3	Clomipramine	1.0		
	4	Flurbiprofen	1.0		
	5	Analgin magnesium	6.0		
	6	Carbamazapine	4.0		
	7	Metoprolol tartrate	3.0		
	8	Tramadol hydrochloride	1.0		
	9	Metadoxine	0.4		
	10	Danazol	0.1		
2015	1	Sodium valproate	8.0		
	2	Oxetacaine	1.0		
	3	Clomipramine	1.0		
	4	Flurbiprofen	1.0		
	5	Analgin magnesium	6.0		
	6	Carbamazapine	4.0		
	7	Metoprolol tartrate	3.0		
	8	Tramadol hydrochloride	1.0		
	9	Metadoxine	0.4		
	10	Danazol	0.1		
2016	1	Sodium valproate	8.0		
	2	Oxetacaine	1.0		
	3	Clomipramine	1.0		
	4	Flurbiprofen	1.0		
	5	Analgin magnesium	6.0		
	6	Carbamazapine	4.0		
	7	Metoprolol tartrate	3.0		
	8	Tramadol hydrochloride	1.0		
	9	Metadoxine	0.4		
	10	Danazol	0.1		
2017	1	Sodium valproate	8.0	5.80	
	2	Oxetacaine	1.0	0.61	
	3	Clomipramine	1.0	0.52	
	4	Flurbiprofen	1.0	0.00	
	5	Analgin magnesium	6.0	0.00	
	6	Carbamazapine	4.0	0.00	
	7	Metoprolol tartrate	3.0	0.00	
	8	Tramadol hydrochloride	1.0	0.00	
	9	Metadoxine	0.4	0.22	
	10	Danazol	0.1	0.00	
2018	1	Sodium valproate	8.0	7.77	CTO no. for Air 18082259653. dated: 13.04.2018 CTO no. for Water 18081259653. dated: 13.04.2018
	2	Oxetacaine	1.0	0.71	
	3	Clomipramine	1.0	0.94	
	4	Flurbiprofen	1.0	0.00	
	5	Analgin magnesium	6.0	0.00	
	6	Carbamazapine	4.0	0.00	
	7	Metoprolol tartrate	3.0	0.00	
	8	Tramadol hydrochloride	1.0	0.00	
	9	Metadoxine	0.4	0.25	
	10	Danazol	0.1	0.00	
2019	1	Sodium valproate	8.0	7.93	
	2	Oxetacaine	1.0	0.69	
	3	Clomipramine	1.0	0.78	
	4	Flurbiprofen	1.0	0.00	
	5	Analgin magnesium	6.0	0.00	
	6	Carbamazapine	4.0	0.00	
	7	Metoprolol tartrate	3.0	0.00	
	8	Tramadol hydrochloride	1.0	0.00	
	9	Metadoxine	0.4	0.00	
	10	Danazol	0.1	0.00	
	1	Sodium valproate	8.0	7.72	
	2	Oxetacaine	1.0	0.72	

2020	3	Clomipramine	1.0	0.93	CTO no. for Air 2005218846891. dated: 02.01.2020. CTO no. for Water 2005118846891. dated: 02.01.2020
	4	Flurbiprofen	1.0	0.00	
	5	Analgin magnesium	6.0	0.00	
	6	Carbamazapine	4.0	0.00	
	7	Metoprolol tartrate	3.0	0.00	
	8	Tramodol hydrochloride	1.0	0.00	
	9	Metadoxine	0.4	0.00	
	10	Danazol	0.1	0.00	

