

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

**Original Application No. 91 of 2024(SZ)  
(Earlier in O.A.No.778 of 2023 (PB))**

Rakesh Jagadeesan

**...Applicant**

**Vs**

State of Tamil Nadu,  
Through its Chief Secretary and Ors.

**....Respondents**

**INDEX**

<b>S.No</b>	<b>Description</b>	<b>Page No.</b>
1.	REPORT OF THE JOINT COMMITTEE IN COMPLIANCE TO THE HON'BLE NGT (PB) ORDER DATED 09.02.2024 IN OA NO.778 OF 2023 (PB) AND RENUMBERED AS O.A.NO.91 OF 2024 (SZ).	1 - 5



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



1

**REPORT OF JOINT COMMITTEE IN COMPLIANCE TO THE HON'BLE NATIONAL GREEN TRIBUNAL (PB), DELHI ORDER DATED 09.02.2024 IN CASE OF O.A. NO.778 OF 2023RE-NUMBERED AS 91 OF 2024 (SZ).**

**1.0 Background:**

The Hon'ble National Green Tribunal (PB), Delhi, received an email from Thiru.Rakesh Jagadeesan, a Resident of Sri Selva Vinayagar Nagar, Alinjivakkam, Tiruvallur District, alleging that the nearby mask making company, was burning wastes in the open area, resulting black smoke, which was continued till night, and they (the company authorities) are not bothered about it, and hence requested to address the issue.

The Hon'ble NGT (PB), Delhi took cognizance of the matter, as Original Application No.: 778 of 2023, and vide its order dated 09<sup>th</sup> February, 2024, constituted a Joint Committee, comprising of representatives of the Central Pollution Control Board (CPCB), Tamil Nadu Pollution Control Board (TNPCB) and Collector, Tiruvallur and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due course of law. The Joint Committee was directed to submit the report within two months. TNPCB is the Nodal agency for coordination and compliance.

The Hon'ble NGT (PB) transferred the case to Southern Zone, Chennai and disposed of the case. The case is now re-numbered as OA No. 91 of 2024 at NGT (SZ), Chennai.

**2.0 Constitution of the Committee:**

In compliance to the order dated February 9, 2024, TNPCB as a nodal agency constituted Joint Committee after receiving the nomination from concerned departments as below:

<b>S. No.</b>	<b>Name &amp; Address</b>	<b>Department</b>
1	Smt Poornima B M, Scientist-D Regional Directorate-Chennai	Central Pollution Control Board
2	Er P S Livingston, District Environmental Engineer, Gummidipoondi	Tamil Nadu pollution Control Board
3	Tmt. J Chitra Fernando, Block Development Officer (VP)	Office of District Collector, Tiruvallur

### **3.0 Scope of the Committee:**

As per the NGT order dated February 09, 2024; the following are scope of the committee:

- a. To undertake site visit
- b. To look into grievances of applicant
- c. To associate the applicant and representative of the concerned project proponent
- d. To verify factual positions
- d. To take appropriate remedial action by following due process of law

### **4.0 Site visit by the Joint Committee:**

The committee visited the site on April 04, 2024 and interacted with applicant, company representatives, members of Sri Selva Vinayagar Nagar Residents Welfare Association and also interacted with people nearby the company and enquired about the grievances. The committee along with applicant, inspected the company and during inspection, the company was in operation.

During inspection Smt. B. Soni, Scientist-B, Regional Office -Chennai, CPCB, Smt. Pushpalatha, Assistant Engineer, TNPCB, Gummidipoondi and Smt. K Geetha, Revenue Inspector, Red Hills Firka were also present.

### **5.0 Grievances of the Applicant:**

The Joint Committee, visited Thiru Rakesh Jagadeesan at his residence, and enquired about the incident. Thiru Gunasekar, President, Sri Selva Vinayagar Nagar Residents Welfare Association and Thiru Bala Prakash, Secretary, Sri Selva Vinayagar Nagar Residents Welfare Association were also present. Thiru Rakesh Jagdeesan informed that during the month of August, 2023, waste materials, mainly face masks were burnt in the open land located opposite to his house. The same was brought to the notice of the Company, but still burning of the waste continued on the second day. Hence the matter was brought to the notice of the office bearers of the Sri Selva Vinayagar Nagar Residents Welfare Association, who in turn advised the company representatives not to carry out the burning of the waste. But in vain, the burning of the waste continued on the third day, hence the complaint was made to the

Police Department and on arrival of Police personnel, the burning of waste was stopped and since then, burning of waste is not been carried out.

The applicant also informed that for the past two days, instead of burning the waste in open area, the waste is being burned in the open terrace of the company. He showed a video of fumes coming from the chimney of the company in 2<sup>nd</sup> floor. He also urged that the area is meant for residential purpose, and establishing this type of industries using chemicals would be harmful for the health and well being of the residents.

#### **6.0 Response of the Company:**

In response to the complaint of the applicant, Thiru Bhavin Shah, the Managing Director of the company informed that the company is a small scale and operated in the name and style of M/s. Hesk Opto Care Lab Private Limited, in this location, since August, 2023. The company is engaged in making Spectacle packages and items for use in beauty parlor and prior to commencing operation in this location, his company was making clinical masks in the same area at different location and was stopped due to decline in the requirements.

He stated that after closing his company in different location, the remaining face masks were brought to this location and burnt in the open land opposite to the house of Thiru Rakesh Jagadeesan, and consequent to the complaint on day one, the burning of waste face masks were stopped. However, on the second day, he informed that maid servant after cleaning the company without his knowledge, inadvertently burnt the dry waste and subsequently burning of waste was completely stopped after the objection from the neighboring residents. He informed the Committee that at present the dry waste (paper & plastic waste materials) are disposed only through the Panchayat.

For the burning of waste in the open terrace of company, he informed that such activity is not carried out and that the fumes is due cooking by the workers in the open terrace and also informed that his company never uses any type of chemicals for making their products.

## 7.0 Inspection of the Company:

In order to ensure the reliability of the claims made by the company, the Committee inspected the premises of M/s. Heks Opto Labs Private Limited, along with Thiru Rakesh Jagadeesan (applicant), Thiru Gunasekar and Thiru Bala Prakash (Office bearers of Sri Selva Vinayagar Nagar Residents Welfare Association). The following are the observations made by the committee:

- a. During inspection, it was observed that the company is engaged in making/assembling the Spectacle Casings, Spectacles Boxes, Spectacles Display board, Fixing of Mirror in Spectacles casings, Assembling of Display Stand (Rods) for Spectacles, cutting and packing of spectacles wiping clothes and one-time usable aprons, head bands and wax strips used in beauty parlors.
- b. The main activity of the company is cutting of clothes and other material, stitching, pasting and assembling only and that no chemical is used in their production activity.
- c. The main raw materials used by the company are duplex boards, cardboards, ply boards, polyester fabric, acrylic sheets, metal rods, glue, non-woven materials of different GSM etc. The company is using laser cutting machines (2nos.), fabric cutting/punching machines (01no) and sewing machines (4nos.)
- d. The Committee also visited the open terrace, and found that cooking activities were done, and thereby confirmed that fumes that was shown by Thiru Rakesh, is only by cooking. Thiru Rakesh and the office bearers of the Residents Welfare association also agreed and convinced that the fumes recently noticed is only due to cooking by workers and the company is not involved in any of the activity which would generate waste water or emission.
- e. The waste materials generated is collected, stored in gunny bags and handover to Local body once in a week.
- f. The company's activity is falling under the Assembling unit industry type; hence it does not require Consent from State Pollution Control Board under Water & Air Acts.

## 8.0 Conclusions:

The observations made during the inspection and the discussions had with Thiru Rakesh Jagadeesan and Thiru Bhavin Shah, the Managing Director of the Company and the office bearers of the Residents Welfare Association, the committee arrived the following conclusions:

1. The burning of waste by the company was carried out in the open land for three days during the month of August, 2023. Henceforth the burning of waste is not carried out till now.
2. As alleged by the applicant that the burning of waste is done in the terrace of company building, it was verified and observed that it was due to cooking by workers and no waste is burned.
3. The company is engaged in assembling activity and no chemical is used in the making of the products.
4. The activities that are carried out in the company at present is unlikely to generate effluent or emissions.
5. During inspection, it was observed that the dry waste generated is being collected and stored in gunny bags in a room for disposal.

#### 9.0 Recommendation:

The Joint Committee advised the Managing Director of the Company that burning of the waste shall not be carried out under any circumstance and the waste generated should only be disposed through the Panchayat according to the Solid Waste Management Rules, 2016.

The Joint Committee is of the opinion that no further action is required in this matter.

  
(Chitra Fernando)  
BDO (V P), Puzhal Panchayat  
Union, Tiruvallur District

  
(P.S. Livingston)  
DEE, TNPCB  
Gummidipoondi

  
(Poornima B. M.)  
Scientist-D,  
CPCB, RD- Chennai

\*\*\*\*\*



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

**Original Application No. 91 of 2024(SZ)  
(Earlier in O.A.No.778 of 2023 (PB))**

Rakesh Jagadeesan

**...Applicant**

**Vs**

State of Tamil Nadu,  
Through its Chief Secretary and Ors.

**....Respondents**

**REPORT OF THE JOINT COMMITTEE  
IN COMPLIANCE TO THE HON'BLE  
NGT (PB) ORDER DATED 09.02.2024 IN  
OA NO.778 OF 2023 (PB) AND  
RENUMBERED AS O.A.NO.91 OF 2024  
(SZ).**

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

**Date:03.05.2024.**

**Date of hearing on:08.05.2024**

