

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

Original Application No. 09 of 2024

K.G.S. Jeevanandham,
Managing Trustee,
Hubris Wasteman Trust,
Dindigul - 624301.

...Applicant

VS

The Principal Secretary,
Department of Environment,
Climate Change and Forest,
Chennai - 600 001 & 5 ors.

...Respondents

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

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

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K.G.S. Jeevanandham,
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Dindigul - 624301.

..... Applicant

Vs

1. The Principal Secretary,
Department of Environment,
Climate Change and Forest,
Chennai-600 001.
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Ph.No. 044-25671511
2. The Chairman,
Tamil Nadu Pollution Control Board,
Anna Salai, Guindy,
Chennai- 600 032.
Email: grievance@tnpcb.gov.in
Ph.No. 044-22353076
3. The Member Secretary,
Tamil Nadu Pollution Control Board,
Anna Salai, Guindy,
Chennai- 600 032.
Email: grievance@tnpcb.gov.in
Ph.No. 044-22353145
4. The District Collector,
Dindigul District,
Dindigul - 624 001.
Email: collrdgl@nic.in
Ph.No. 0451-2461199
5. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Collector Office Campus,
Dindigul-624 001.
Email: deedgle.tnpcb.gov.in
Ph.No. 0451-2461868
6. Indo Carbon,
S.F.Nos.268/1,2,263,267/3A1,3A2
Muthu Naikkenpatti Village,
Palani Taluk,
Dindigul District.
Email: indocarbs@gmail.com
Ph.No. 09842267176

... Respondents


**JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.**

REPORT FILED ON BEHALF OF THE SECOND, THIRD AND FIFTH RESPONDENTS -TAMIL NADU POLLUTION CONTROL BOARD.

I, S.Palanisamy, S/o. Thiru.S.Santhappan, aged about 58 years, having office at No.76, Mount Salai, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I submit that I am working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai – 600 032 and I am authorized to file this report on behalf of the second, third and fifth respondents -Tamil Nadu Pollution Control Board (hereinafter referred to as Board) and as such I am well acquainted with the facts of the case as per office records.
2. It is respectfully submitted that the applicant has approached this Hon'ble Tribunal with a prayer to issue slew of directions including prayer's to permanently prohibit Respondent No.6 from operating it's charcoal kiln or any related activities unless and until they fully comply with the environmental norms, including the directives of the Hon'ble Tribunal and the expert committees and to direct respondent No. 6, to implement above-ground level, modern non-polluting technologies for charcoal production, in strict adherence to the mandates of this Hon'ble Tribunal and the guidelines issued by the Tamil Nadu Pollution Control Board and for other prayers.
3. It is respectfully submitted that the unit operated by the 6th respondent in the name and Style of M/s. Indo Carbon is situated at S.F. No 264/1,264/2,267/3A2, Kumaragoundanpudur, Muthunaickenpatty Village, Palani Taluk, Dindigul District. The unit was issued with consent to establish vide proceeding No.DEE/ F.DGL-1302/W&A/2010 dated:13.07.2010. Subsequently, Consent to Operate was issued to the unit vide Proc.F.DGL.0652/OS/DEE/TNPCB/DGL/A&W dated:15.05.2013 and further renewed up to 31.03.2022.
4. It is respectfully submitted that the unit products are as follows:-

Product:

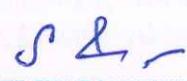
- i. Coconut shell charcoal - 1500 T/M

Previous Manufacturing Process:

- i. Coconut shell- Fed in chamber (below ground level)-fired under control temperature-closed for four hours-water sprayed and is collected in a separate masonry collection cum setting well-the charcoal is taken out.

Source of effluent and its Quantity:

- i. Waste water arising from quenching – 8.5 KLD


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- ii. Mode of disposal: Reused in the process – 8.5 KLD
- iii. Sewage and its disposal: 1.25 KLD – Septic Tank followed by dispersion trench-On industry's own load

APC measures:

- i. Kiln chamber 6 Nos. – Common Scrubber with Chimney – 30 meter height

ETP Components:

- i. Collection cum settling well – 1 No

5. It is respectfully submitted that this Hon'ble Tribunal in O.A. No. 17 and 24 of 2013 in its order dated 20.11.2020, has directed the following

“The charcoal units operating in the State of Tamil Nadu and other Southern States are directed to shift over to above ground level technology with the recommendation and the conditions imposed by the Joint Committee and the design approved either by the Indian Institute of Technology, Chennai or Anna University as suggested by the Board and till then they are directed not to operate such units”.

6. It is respectfully submitted that in compliance with the above orders, the Board has assigned the task of vetting the report on "Design and Guidelines prepared for charcoal units" to the Centre for Environmental Studies (CES) at Anna University. After a meeting with representatives of charcoal manufacturing units and DEE/Tiruppur North, Anna University has provided a vetted report along with technical opinions and recommended "Design and Guidelines prepared for Charcoal units" as suggested by the Joint Committee of the Board. This recommendation involves adhering to the guidelines and conditions outlined in the report. Subsequently, the Board issued a circular memorandum in Memo No. T3/TNPCB/F.08840/Charcoal units/2022, dated March 7, 2022.


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7. It is respectfully submitted that in pursuance to the orders of this Hon'ble Tribunal, action was taken against the unauthorized charcoal manufacturing units that found to be operating without the consent of the Board and those who failed to comply with Board's circular dated 07.03.2022. Subsequently, unauthorized charcoal manufacturing units were issued with direction for closure and disconnection of power supply vide Board's proceedings dated 10.06.2022. Furthermore, these units were evicted and demolished on September 26, 2022, as per the District Collector's proceedings dated September 23, 2022.
8. It is respectfully submitted that the averments in paragraph no. 8,9,10,11,12 and 13 invoke no response from this respondent and put the applicant to strictly prove the same. The applicant has filed this application on mere assumptions and presumptions without any material evidence to substantiate his claim and the application has to be dismissed for this reason alone. It is further submitted that it can be assumed from the application that the applicant being dissatisfied with the construction of the 6th respondent unit, had approached this Hon'ble Tribunal without initiating any steps to ascertain the facts. A plain reading of the application discloses only vague and illusory opinion of the applicant against the unit and deserves dismissal for filing application invoking baseless apprehensions. Issues pertaining to Charcoal manufacturing were discussed by this Hon'ble Tribunal and were sorted by constituting a Joint committee based on the direction of the Hon'ble Tribunal and accordingly institution like Anna University prepared "Designs and guidelines" for charcoal units and was finalized by this respondent.
9. It is respectfully submitted that in response to paragraph No. 15, the 6th respondent had been issued with Consent to Establish and the applicant had made his allegation in ignorance to the fact.


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10. It is respectfully submitted that the averments in paragraph no 14,16,17,18, 19 and 20 invoke no response from this respondent and put the applicant to strictly prove the same.

11. It is respectfully submitted that in response to paragraph no. 21,22,24,25,26 and 28, the 6th respondent unit was inspected by the officials of the Board on 31.01.2022. The 6th respondent unit was not under operation and was found in locked condition.

12. It is respectfully submitted that, surprise inspections were carried out in the 6th respondent unit by the officials of the Board on 12.09.2022 and 26.09.2022, and the following observations were made:-

- a. The unit was not under operation.
- b. The unit has not complied the Hon'ble NGT (SZ) order dated 20.11.2020 in O.A.No.17 and 24 of 2013 and the Board's guidelines issued to the charcoal units to switch over to the new technology.
- c. The unit is not having valid consent.

Hence, show cause notices, under both Acts, were issued to the unit on 30.09.2022. The unit replied, vide letter dated 12.10.2022 stated that they agree to switch over to new technology and assured that it will not operate the existing unit.

13. It is respectfully submitted that the 6th respondent unit vide its letter dated 07.12.2022, submitted its willingness to construct pilot plant at their premises and assured to adhere to the guidelines outlined in the Board's Circular dated March 7, 2022.

14. It is respectfully submitted that, willingness of the unit to construct a pilot plant was submitted to the DEE and DEE forwarded the same to Board vide letter dated: 24.02.2023. As per Board Proceedings No. 65, dt.22.08.2022, permission to install Pilot Plant to produce coconut shell charcoal of 50 T/day from Coconut shell (already consented quantity) of 150 T/day as raw material, was issued vide


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Letter No.T2/TNPCB/F.08840/Charcoal/2023 dated: 19.05.2023 to the 6th respondent unit. The unit was instructed to comply with the following conditions:-

- a) The pilot plant shall be constructed and adopted as per the Anna University vetted report on Design and guidelines prepared for Charcoal units by TNPCB Joint Committee.
- b) The unit shall ensure that the charcoal production plant shall have an elevated charcoal pit with its bottom 1000 mm above the ground level and the water quenching tank with its bottom 500 mm above ground level.
- c) The charcoal pit/pits firing chamber, oil mist eliminator and venture wet scrubber shall have pressure releasing values.
- d) Suitable non return valves to be provided in the system to prevent back fire.
- e) Ash tray is to be provided beneath the chimney to be provided in the system to prevent back fire.
- f) An ID fan attached to chimney to be provided with damper value.
- g) Platform with port hold arrangement in the chimney to monitor process emission.
- h) Refinements, if any, in the design may be considered based on the performance of the pilot plant. The project proponents may be permitted to develop and improvise their own design adopting all the modifications and general guidelines given by TNPCB and incorporating features of easy operation, higher safety, high efficiency, energy saving and environment protection.
- i) The modifications under taken in the plant shall be inspected and certified as authorized process by safety consultant for the same and efficient working.


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- j) The unit shall adopt guidelines of TNPCB joint committee developed for siting criteria, APC measures & fugitive control measures, emission standards for charcoal unit, Hazardous and non-hazardous waste management, green belt development and other requirements as vetted by the Anna University.
- k) The ash generated if any from the process shall be utilized for agriculture activities or any other beneficial purposes.
- l) The entire process area flooring shall be made impervious
- m) Closed shed shall be provided for the process area.
- n) Oily/tarry waste collected from the oil mist eliminator shall be reused for beneficial purpose such as tar production, oil for medicinal purpose etc, or disposed scientifically such as Co-processing, incineration through Common TSDF etc.
- o) The pilot plant to be installed shall be operated only for the purpose of said consented unit to manufacture coconut shell charcoal.
- p) The unit shall apply and obtain valid consent from Board before the commencement of operation of the plant.

14. It is respectfully submitted that the applicant, subsequent to this developments, made a complaint to CM cell on 23.10.2023 alleging illegalities against the unit. The complaint was forwarded to the 5th respondent and accordingly the 5th respondent vide its office letter dated: 26.10.2023 replied to the complaint made by the applicant, returned as undelivered.

15. It is respectfully submitted that the 6th respondent unit was instructed vide Board's letter dt. 06-10-2023 to comply the conditions of Board's permission Letter dt. 19-05-2023 to install pilot plant.


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16.It is respectfully submitted that the 6th respondent unit was further inspected on 05.01.2024 and 07.02.2024.The following were observed:-

- 1) The pilot plant was under construction.
- 2) No manufacturing activity was carried out.
- 3) Existing ground level Pits and allied accessories were under demolished condition.

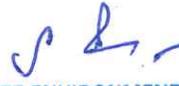
17.It is respectfully submitted that the unit has submitted the present status report along with photographs in its letter dated 11.02.2024 wherein it was stated that it has demolished the existing kiln and dismantled Scrubber with chimney arrangements.

16.It is respectfully submitted that in response to paragraph no. 29,30,31,32 and 34 it was contented that the 5th respondent has not acted with due care and diligence and further it was averred that the respondent no. 1 to 5 has shown lack of responsiveness, which is being denied. The Board is vigilant and attentive to any violations committed and always been stringent in taking action against any environmental violations.

17.It is respectfully submitted that the applicant has made false allegation in grounds of the application even though the 5th respondent conducted spot inspection to the unit and followed the rules of the Environment (Protection) Act. The applicant's allegation of collusion had been made with ill motive and dishonest intention even though the unit is not in operation. The 5th respondent frequented in inspecting the 6th respondent unit and had compelled the unit to follow the siting criteria and the same can be found in the inspection report of the 5th respondent. It is further submitted that there has been no failure on inspection as stated by the applicant. The applicant's allegation that there has been lack of transparency is vehemently denied and put the applicant to strictly prove this same.


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In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to pass such order or further other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


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DEPONENT

VERIFICATION.

I, S.Palanisamy, S/o.Thiru.S.Santhappan, working as Joint Chief Environmental Engineer, having office at No.76, Mount Salai, Guindy, Chennai-600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records.


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TAMIL NADU POLLUTION
CONTROL BOARD.**

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

Date:03.05.2024.

Date of hearing on:28.05.2024

