

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

Original Application No.98 of 2021 (SZ)

V.Mahendran,
Kumarapalaym
Agraharam Village,
Namakkal District and Others.

...Applicant

Versus

The District Collector,
Namakkal District and Others.

...Respondent(s)

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**Filed by
Thiru. Sai Sathyajith,
Advocate, Chennai.**

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Chennai and Ors.

...Respondents

REPORT FILED ON BEHALF OF THE 6th AND 7th RESPONDENTS
- TAMIL NADU 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-600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board and I am filing this Report on behalf of the 6th&7th Respondent 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 NGT (SZ) has passed order dated 11.08.2021 and directed inter alia as follows:-

"7. The Tamil Nadu Pollution Control Board is directed to ascertain the fact as to whether any of the applicant is conducting power loom in that area and if so, whether they are

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complying with all the norms including noise pollution norms and if not, what is the nature of action taken by the Pollution Control Board against such power looms. They may also mention as to how many such power looms are functioning in that area and whether all those power looms are following the norms to prevent noise as well as dust pollution and whether they have obtained consent (if any) required under Water (Prevention and Control of Pollution) Act, 1974 as well as Air (Prevention and Control of Pollution) Act, 1981 for this purpose.

8. The Tamil Nadu Pollution Control Board is also directed to ascertain as to whether the 8th respondent is still functioning in contravention of the letter that has been given by him stating that he had closed the unit from 26.04.2021. The Pollution Control Board is also directed to mention about the status of the application for consent applied by 8th respondent”

3. It is respectfully submitted that subsequently on 08.09.2021, this Hon'ble Tribunal granted additional time to the answering Respondent to file its further Report. The Respondent craves the leave of this Hon'ble Court to read the Report dated 06.07.2021 as part and parcel of this further Report.

4. It is respectfully submitted that pursuant to the order dated 11.08.2021, the following five power looms located in the complaint prone area was inspected by the officials of the O/o DEE, TNPCB, Kumarapalayam on 23.08.2021 and the details are submitted as below:


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Sl. No.	Name & Address of the power loom	Air Pollution/Noise Pollution Control measures provided or not	Consent Status	Action taken by the TNPCB
1.	M/s. Umasankar Power loom 55 C, Ward No. 2, Rajarajan Nagar, Kumarapalayam, Namakkal District	Not Provided	Not issued	Show Cause Notice issued under Water (P & CP) Act, 1974 as well as Air (P & CP) Act, 1981 vide DEE office proc. Dated. 24.08.2021
2.	M/s. Sangameswaran Power loom unit I & II 55D & 55F, Ward No. 2, Rajarajan Nagar, Kumarapalayam, Namakkal District	Not Provided	Not issued	Show Cause Notice issued under Water (P & CP) Act, 1974 as well as Air (P & CP) Act, 1981 vide DEE office proc. Dated. 24.08.2021
3.	M/s. Krishnan Power loom (M/s. Kalaivanitex) 54E/1&54E/2, Ward No. 2, Rajarajan Nagar, Kumarapalayam, Namakkal District	Not Provided	Not issued	Show Cause Notice issued under Water (P & CP) Act, 1974 as well as Air (P & CP) Act, 1981 vide DEE office

				proc. Dated. 24.08.2021
4.	Senthil Nathan (M/s. Veerichetti Power loom 54 G1, Ward No.2, Rajarajan Nagar, Kumarapalayam, Namakkal District	Not Provided	Not issued	Show Cause Notice issued under Water (P & CP) Act, 1974 as well as Air (P & CP) Act, 1981 vide DEE office proc. Dated. 24.08.2021
5.	M/s. Kannan Power loom 29A3, Ward No.1 East Cauvery Nagar, Kumarapalayam, Namakkal District	Not Provided	Not issued	Show Cause Notice issued under Water (P & CP) Act, 1974 as well as Air (P & CP) Act, 1981 vide DEE office proc. Dated. 24.08.2021

Operational status of the 8th respondent power loom:

Moreover, as per the TANGEDCO online payments furnished by the unit (copies enclosed in Typed set of Documents) are submitted below:

Sl.No.	Duration	Assessed unit in KWH
1.	22/03/2021 to 22/05/2021	Not assessed due to COVID19 pandemic.
2.	21/04/2021 to 25/06/2021	340
3.	22/05/2021 to 23/07/2021	2090

R. Vijay
25/9/2021
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5. From the above details it reveals that the unit has commenced its production activity during the month from June 2021. However, during inspection on 23.08.2021 the power loom was not in operation and informed by the unit authority that the loom was operated only for the past couple of weeks. It is pertinent to mention that the Hon'ble NGT(SZ), Chennai in its order dated :08.09.2021 has directed the

"TNPCB to consider the application and pass appropriate orders in accordance with law"

Consent Status of the application filed by the power loom:

6. It is respectfully submitted that the 8th respondent Thiru N.Sundarrajan's unit M/s.S.S.Tex, TS No-20, D.No.54G-6,Rajarajan Nagar, Kumarapalaym Taluk, Namakkal District has filed application for CTO-Direct under both Acts vide application ID No. 39029506, dated.29.04.2021 and resubmitted the application after revival of application along with consent fees from the TNPCB by furnishing photographs of the APC measures and noise control measures provided on 18.09.2021.
7. It is respectfully submitted that the unit was inspected by the TNPCB officials on 20.09.2021 and observed that the unit has provided glass panel for the Windows & provided double glass panel Door, rubber bushes at the bottom of the all the looms so as to control the vibration and provided dust collector in appropriate locations to control the dust emissions. Hence, Consent to operate was issued to the unit on 21.09.2021 with a validity up to 31.03.2023.
8. It is respectfully submitted that, Show cause notices have been issued to the other 5 power looms as submitted above vide procs.dt:24.08.2021. These units have furnished the reply to the show cause notice stating that the power looms were being operated on lease basis and their livelihood depend on the


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operation of the power looms and also stated that they will obey the TNPCB norms for operating their units.

9. It is respectfully submitted that based on their reply, personal hearing to the occupiers of the power looms have been called for on 20.09.2021 and the occupier of the power looms have attended the meeting and stated that the complainant has accepted to withdraw the case and requested not to take any legal action against these units. However, it has been instructed to apply for consent of the TNPCB by providing suitable noise control and Air pollution control measures.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to take this Report on record and 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.

R. Rajamanickam 27/9/2021
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 - 600032, do hereby submit that the contents of the above report are true to the best of my knowledge through records.

Verified at Chennai on this 27th day of September, 2021.

R. Rajamanickam 27/9/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

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AND 7th RESPONDENTS - TAMIL NADU
POLLUTION CONTROL BOARD**

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

Date: 27.09.2021

Date of hearing: 28.09.2021