

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT  
CHENNAI**

**MEMORANDUM OF APPEAL**

**(U/S. 16 OF NATIONAL GREEN TRIBUNAL ACT, 2010)**

**APPEAL NO. 24 OF 2020**

Michael Lambert Jehan,  
S/o. James,  
No.12, Duraisamy Reddy Street,  
West Tambaram, Chennai 600 045  
Email ID:jehanmichael@gmail.com  
Phone No.8754489891

...Appellant

VS

1. The Appellate Authority,  
The Tamil Nadu Pollution Control Board  
No.51, Gangadeeswarar Koil Street,  
Purasaivakkam, Chennai 600 086  
Email ID:tnpcb-chn@gov.in  
Phone NO.044 26610119 & 5 others

...Respondents

**REPLY FILED ON BEHALF OF THE 6TH RESPONDENT**

The 6th Respondent abovenamed respectfully submits as follows:

1. The above application has been filed challenging the order of the Appellate Authority dated 25.02.2020 passed in Appeal No.80 of 2019 which was filed by the 6th Respondent challenging the closure order dated 06.12.2019 issued by the TNPCB. By the impugned order the Appellate Authority has set aside the closure order.

2. At the outset, it is submitted that the above Appeal has been filed by the Appellant to canvass the very same

For LETRACO KID LEATHER  
Partner

contentions that he raised in Original Application No. 6 of 2018 before this Hon'ble Tribunal which was disposed of by order dated 11.10.2019. Once again the Appellant seeks to raise the very same points in the guise of challenging the order of the Appellate Authority dated 25.02.2020 which has set aside the closure order passed against the 6th Respondent.

3. It is pertinent to mention that the orders passed in O.A.No.6 of 2018 dated 11.10.2019 and 11.02.2020 have given a complete quietus to the issue in as much as the Hon'ble Tribunal after receiving the report of the TNPCB came to the conclusion that no further orders are required in the matter.

4. It is submitted that the 6th respondent acquired the present unit situate at No.24, Main Road, Melakottaiyur, Kandigal, Chennai- 600 127 in the year 2000 from one M/s. Meenakshi Leather who were carrying on tannery business in the said location. Prior to that, as early as in the year 1985 M/s. Meenakshi Leather has commenced leather work and was carrying on the same until the year 2000 when they sold the unit as a running unit along with the lands to and in favour of the 6th respondent. The 6th respondent purchased the lands in S.F.No.148/1-4 & 148/18 vide Sale deeds dated 22/04/2002, 29/04/2002 and 06/05/2002 duly registered at the office of the Sub-Registrar, Guduvancheri.

5. It is submitted that the 6th respondent has been disposing of the solid waste generated after obtaining due authorization from the TNPCB under the Hazardous Waste

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Management Rules and the current Authorization is valid till 03/10/2022. The 6th respondent is operating in total compliance of all rules and regulations in force.

6. It is submitted that the 6th respondent has obtained due consent to operate their unit from the Tamil Nadu Pollution control Board (TNPCB) periodically ever since they commenced their operation in the year 2000. The appellant has periodically renewed their consent by due payment of renewal fees and after due compliance of all consent conditions. The present consent order dated 01/02/2019 issued to the appellant under the Water & Air Acts is valid till **31/03/2020**.

7. While that being so, one Michael Lambert Jehan, the appellant herein, who was running a leather unit in the adjacent premises till the year 2014 was unable to continue his business for various reasons. However, out of pure business rivalry and intent on spoiling the reputation of the 6th respondent, made many false and frivolous complaints to the TNPCB and other authorities against the appellant unit. During the year 2018, the 6th respondent submitted a detailed representation dated 28/03/2018 to the TNPCB explaining the Pollution control measures undertaken by the 6th respondent. The 6th respondent also made a police complaint against the said individual.

8. It is submitted that the 6th respondent has installed an Effluent Treatment Plant (ETP) and an online monitoring system apart from providing various pollution

For LETRACO KID LEATHER  
Partner

control measures the Tamil Nadu Pollution Control Board has imposed from time to time. Additionally, the unit has been using imported membrane purchased from and maintained by M/s Rochem Separation Private Limited who are on a continuous maintenance contract. The unit has installed Zero Liquid Discharge apart from installing rain water harvesting system for beneficial use of water. For all the above purposes, the unit has invested huge amount of money.

9. It is submitted that in B.P.No.13 dated 22/04/2019 the TNPCB granted six months' time to all units to switch over to mechanical evaporator and the 6th respondent immediately started taking measures to install the same.

10. While so, the individual, Michael Lambert Jehan filed Application No.06/2018 before this Hon'ble Tribunal praying for certain reliefs including closure of the appellant unit. This Hon'ble Tribunal passed orders dated 25/02/2019 in the said application directing inspection of the unit. In pursuance of the same, the TNPCB inspected the unit on 06/03/2019 filed a report. This Hon'ble Tribunal also passed further orders on 03/04/2019 with directions regarding the location of the unit. By a further order dated 28/08/2019, this Hon'ble Tribunal directed the TNPCB to file an additional report regarding the action taken.

11. In pursuance of the same, the Board inspected the unit on 28/09/2019 and thereafter issued directions to the 6th respondent unit on 04/10/2019 by stating mainly that i) Solar evaporator must be replaced with mechanical evaporator

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Partner

as per the new norms ii) the unit must streamline the utilization of re-chromed effluent in the process and avoid storing in the storage tanks and iii) not to store sludge for a period of more than 90 days.

12. Subsequently, this Hon'ble Tribunal passed a further order dated 11/10/2019 directing the TNPCB and the CPCB to undertake a study as to whether any environmental damage has been caused on account of these violations and whether any remediation is required. Pursuant to the same, the TNPCB and CPCB officials jointly inspected the unit again on 25/10/2019. It was understood later by the 6th respondent that the Joint Committee has estimated the environmental compensation payable at Rs.23,40,000/- for 234 days. The 6th respondent has not been served with any notice in this regard and they have not been issued with any show cause as to why the estimated amount should not be directed to be paid.

13. It is submitted that after due compliance of the defects pointed out, the 6th respondent unit has submitted a compliance reply on 25/11/2019 to the TNPCB. The applicant has submitted that

- i. the unit has installed PTZ camera at ETP area and the same is connected to the system.
- ii. the unit has started installation of Mechanical Evaporation Plant with double effect evaporation + ADFD and stated that the entire work will be

For LETRACO KID LEATHER  
Partner

- completed within six months. Purchase order and invoice copies were also produced .
- iii. Housekeeping had been improved as advised.
- iv. Apart from the existing green belt containing a lot of trees within the campus, 50 new trees of Neem, Mango and other trees have also been planted.
- v. the unit has stopped using re-chrome water and one tank has already been removed.
- vi. sludge is being disposed within the 90 day period as prescribed and records maintained for the same.

14. It is submitted that the Appellant states that the unit had all necessary records to satisfy the Hon'ble Tribunal about all action taken by the unit to show compliance of all norms on the next hearing date, viz., 06/12/2019. It is important to note that the TNPCB itself by B.P.No.13 dated 22/04/2019 has extended the time limit by six months to install Mechanical Evaporation Plant for all the units in the area pursuant to a representation made by the Association of industries. The applicant unit also took steps to install the Mechanical Evaporation Plant even though the Board has not insisted on compliance by other units in the area. Unfortunately, the hearing through video conferencing slated for 06/12/2019 was postponed to 14/01/2020.

15. It is submitted that the Appellant states that while things stood thus and even as the application was pending for

For LETRACO KID LEATHER  
Partner

hearing before the Hon'ble Tribunal, the respondent Board issued an order dated 06/12/2019 directing closure of the unit and disconnection of electricity. It is submitted that consequent directions were issued to the EB authorities for disconnection of electricity to the unit.

16. It is submitted that while an appeal lies before the Hon'ble Appellate Authority under the Air Act against the order of closure passed as above, in view of the fact that closure orders have been passed pursuant to directions issued in Application No.06/2018 by this Hon'ble Tribunal, the 6th respondent filed I.A.No.34/2019 in Application No.06/2018 seeking for an order of interim stay of all further proceedings pursuant to the order of closure dated 06/12/2019. When the IA came up for hearing on 16/12/2019, this Hon'ble Tribunal taking note of the Closure order passed on 06/12/2019 passed final orders closing the main Application No.06/2018 as well as IA No.34/2019 moved by the Appellant by observing that if the 6th respondent is aggrieved by the order of closure, it is open to them to avail the statutory appellate remedy in accordance with law. The Hon'ble Tribunal further observed that whatever has been stated in the order dated 16/12/2019 is only for recording the earlier proceedings and closing the application and the 6th respondent would be entitled to question the order of closure passed on 06/12/2019 on merits and in accordance with law.

17. Therefore, the 6th Respondent filed an Appeal in Appeal No. 80 of 2019 before the Hon'ble Appellate Authority challenging the order dated 06.12.2019. The Hon'ble

For LETRAGO KID LEATHER  
Partner

Appellate Authority after due consideration of all aspects has allowed the Appeal and set aside the closure order.

18. The present Appeal has been filed against the said order of the Appellate Authority dated 25.02.2020. It is submitted that the ground raised by the Appellant that the Appeal before the Appellate Authority filed by the 6th Respondent challenging the closure order is not maintainable is totally unsustainable in law. Against the composite order of closure under both Air & Water Acts, appeal lies before the Appellate Authority and in fact this Hon'ble Tribunal while disposing of I.A.No.34/2019 in O.A.No.6 /2018 directed the 6th Respondent to avail the appropriate statutory remedy and accordingly the 6th Respondent filed the Appeal before the Appellate Authority.

19. The allegation in the Appeal that the condition stipulated in the closure order have not been complied with by the 6th Respondent is totally incorrect. It is only after due compliance of all conditions, the Hon'ble Appellate Authority interfered in the case and set aside the closure order.

20. It is relevant to state that time was granted till 31.03.2020 under B.P.Ms.No.63 dated 26.11.2019 for installation of MEE System. The TNPCB has filed a specific report in the present appeal stating that the 6th Respondent has already installed Mechanical Evaporator and unit has been inspected on 31.10.2020 and the same was found to be correct. The Solar Evaporator Pan has been already dismantled and therefore there is no cause of any complaint

For LETRACO KID LEATHER  
Partner

as alleged by the Appellant. It is only after MEE was installed, renewal of consent was issued to the 6th Respondent.

21. The 6th Respondent further states that test samples were periodically taken by TNPCB and the effluent standards were well within the parameters fixed by the board. It is not out of place to mention that the 6th Respondent is one of the very few units who have successfully installed MEE and operating the same. Majority of the leather units in the same area as the 6th Respondent as well as the entire State of Tamil Nadu are yet to install MEE till date.

22. It is further submitted that the demand for environmental compensation of Rs.25 lakhs was made primarily on the footing that the 6th Respondent has not installed MEE and has not removed the Solar Evaporator Pan. The said action was taken without taking into account the fact that the Government itself had extended the time for installation of MEE. Therefore, the demand is ex-facie bad.

23. The 6th Respondent is a GOLD MEMBER of the Leather Working Group (LWG) which is an International Organization based on the UK reputed for undertaking environmental audit of leather companies that will be cited as a bench mark for leather industries from all over the world.

24. The LWG audit involves very elaborate and strict procedures by which the environmental standards adopted by the leather units like 6th Respondent are assessed. The latest

For LETRACO KID LEATHER  
Partner

environmental audit for the 6th Respondent industry has been conducted by LWG in March 2021.

25. It is further submitted that due to the COVID Pandemic there is a serious set back in the business for the 6th Respondent like any other units in the leather industry and presently the 6th Respondent is operating at less than 50% capacity and utilizing less than 50% of the labour force.

26. The present appeal is motivated and totally unfounded and merely reiterates the contentions already raised in O.A.No.6/2018 in which this Hon'ble Tribunal already found from the report filed by the TNPCB that no further action was required against the unit.

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the Appeal No.24 of 2020 and thus render justice.

Dated at Chennai on this the 28th day of August 2021

*T. Hemant*

Counsel for 6th Respondent

For LETRACO KID LEATHER  
*[Signature]*  
Partner

Respondent

**VERIFICATION**

I, M/s.Letraco Kid Leather rep. by its Partner Mr.Arshad Mumtaz S/o Mumtaz Ahmed, aged about 43 years , carrying on business at S.F. No. 148/1-4, Vandalur - Kelambakkam Road, Melakottaiyur Village, Thiruporur Taluk, Kancheepuram District 600 127, do hereby verify and declare that what is stated in Paras No.1 to 21 are true to my personal knowledge and believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 28th day of August 2021

For LETRACO KID LEATHER  
Partner



SIGNATURE OF RESPONDENT

Date: 28.08.2021

Place: Chennai

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**M/S. K.S. VISWANATHAN, T.HEMALATHA & S.RATHI  
COUNSEL FOR 6TH RESPONDENT**