

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTH ZONE BENCH, CHENNAI**
Memorandum of Appeal
(Under Section 16 of the National Green Tribunal Act, 2010)
Appeal No. 01 of 2025

Between :

MIOT Hospitals Private Limited,

Represented by its Authorised Signatory,

No. 4/112, Mount Poonmallee Road,

Manapakkam, Chennai - 600 089.

..... Appellant

Vs.

Tamil Nadu Pollution Control Board (TNPCB),

Represented by its Chairman,

No. 76, Mount Salai, Guindy,

Chennai -600 032

..... Respondent

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Dated at Chennai on this the 30th day of April 2025

Shale
NS 4162/22
COUNSEL FOR THE APPELLANT



TAMIL NADU POLLUTION CONTROL BOARD



**MINUTES OF THE PERSONAL HEARING WITH THE HCF M/s. MIOT HOSPITALS,
CHENNAI HELD ON 12.03.2025 AT 03:00 PM AT CORPORATE OFFICE, TNPCB,
CHENNAI**

Board Officials:

1. Thiru.R. Kannan, M.Tech, Member Secretary, TNPCB
2. Er. S. Malarvizhi, Joint Chief Environmental Engineer, TNPCB, Chennai
3. Tmt. R. Menaga, Assistant Environmental Engineer, TNPCB, Chennai,
4. Thiru. R. Jayaprakash Narayanan, Assistant Environmental Engineer, TNPCB, Chennai
5. Tmt. J.S.V. Soundarya, Environmental Scientist, TNPCB, Chennai

Representatives of the HCF:

1. Dr. P. Sathya, Medical Director, MIOT Hospitals, Chennai
2. Susamma Simon, DNS & KS, MIOT Hospitals, Chennai
3. Udayakumar, Facility Manager, MIOT Hospitals, Chennai
4. Suthan J.R., General Manager, MIOT Hospitals, Chennai
5. Sathish Mahadevan, Legal Officer, MIOT Hospitals, Chennai
6. P.S. Suman, Counsel for MIOT Hospitals
7. S. Dhakshin Kumar, Counsel for MIOT Hospitals

At the outset, the Member Secretary welcomed the representatives of the Health Care Facility M/s. MIOT Hospitals Pvt. Ltd., Chennai and briefed about the purpose of the meeting as per the orders of the Hon'ble NGT in O.A. No 274 of 2024 dated 13.02.2024.

In this regard, the following were discussed during the meeting:

1. The representatives of the HCF M/s. MIOT Hospitals Pvt. Ltd., Chennai have informed the following:
 - a) The HCF is complying with the Directions issued vide proceeding Dated 18.12.2024 including updating the annual/monthly reports of BMW generated in it's website.
 - b) They claim that no BMW/bag containing BMW was disposed into the complaint site from their hospital.

No. 76, MOUNT SALAI, GUINDY, CHENNAI - 600 032.

Tel : 044-22353134 - 139 Fax : 044-22353068

Email : tnpceb-chn@gov.in Web : tnpceb.gov.in

- c) They have an active BMWM Committee and hence are also NABH certified.
- d) Monthly reports on generation of BMW along with bills and receipts are being submitted to the O/o DEE, TNPCB, Chennai (South).
- e) The HCF has remitted 50% **(Rs. 27,62,813/-)** of the Environmental Compensation (EC) levied to the Board.

2. Further, the HCF has stated the following with respect to waste segregation:

- The HCF has 4 buildings with in-patient and out-patient services and the collection of BMW and SW are scheduled at different timings
- Separate area has been allocated for the storage of BMW and SW and the same are segregated for further disposal.
- The BMW is being collected in colour coded bags in accordance with the BMWM Rules, 2016.
- The general solid waste is collected in green covers which includes paper, cardboard, waste water bottles, plastic covers etc.
- The vendor for collecting the general solid waste generated at their hospital has been changed from M/s. Ashok Paper Mart to M/s. Parishudh after the incident of dumping of wastes.
- The food waste is being collected separately in black covers and is disposed to piggeries and as manure through the agency M/s. Elahi Traders.

S.No.	Directions issued vide proc. dated 18.12.2024	Status of compliance
1.	The HCF M/s. MIOT Hospitals Private Limited, S.F.No.80/1A2, 80/2 of Ramapuram Village and 3/1A, 3/1B, 3/1C & 2/2 of Manappakkam Village, Alandur Taluk, Chennai district shall remit the Environmental Compensation (EC) of Rs. 55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand Six Hundred and Twenty-Five only) for the period 01.08.2023 to 24.09.2024 for the non-compliances of the BMWM Rules, 2016 observed earlier.	Based on the orders of the Hon'ble NGT in Appeal No. 1, the HCF has remitted 50% (Rs. 27,62,813/-) of the EC levied, to the Board vide DD No. 505939 dated 27.01.2025



TAMIL NADU POLLUTION CONTROL BOARD



2.	The HCF shall maintain and update on day-to-day basis the bio-medical waste management register and display the monthly record on its website according to the bio-medical waste generated in terms of category and colour coding as specified in Schedule I.	The HCF has updated the BMWM monthly records on its website as on date. The website was last updated on February 2025.
3.	The HCF shall segregate and store the Municipal Solid waste & plastic waste generated in accordance with the SWM Rules, 2016 and handover segregated wastes to authorized waste processing or disposal facilities or deposition centres either on its own or through the authorized waste collection agency; and the records for the same shall be sent to the Board every month.	The HCF stated that it is complying with the same and also is furnishing monthly reports on generation of BMW along with bills and receipts are to the O/o DEE, TNPCB, Chennai (South).

3. The Officials of the O/o DEE, TNPCB, Chennai (South) stated that a barcoded yellow bag was found at the complaint site and the barcodes reads that it belongs to M/s. MIOT Hospitals Pvt. Ltd., Chennai. Photographs were also taken in this regard.
4. As per BMWM Rules, 2016, it is the duty of the waste generator/Occupier to take all necessary steps to ensure that bio-medical waste is handled without any adverse effect to human health and the environment. Therefore, it is the responsibility of the HCF to dispose the wastes generated and hence the HCF is bound to remit the remaining 50% of the EC levied for the non-compliances stated therein.
5. Based on the above, the Member Secretary, TNPCB has concluded the meeting with an advice/suggestion to the HCF to comply with the following, so as to avoid such mishappen in future:
 - To provide periodical training to the lower-level staff on segregation of BMW in colour coded bags in accordance with the BMWM Rules, 2016.

- To keep a check on the vendors collecting the general solid waste and food waste by monitoring their performance from collection to disposal of wastes.
- To maintain a register for accountability on number of barcoded bags issued to the HCF by the CBMWTF and number of bags collected back by the CBMWTF.
- The BMWWM Committee shall conduct regular meetings for monitoring the BMWWM in the hospital.
- To comply with all the duties of the occupiers as stated in the BMWWM Rules, 2016.

The meeting came to an end with thanks to the chair.

Sevalan P
20/03/2025

For Member Secretary

[Signature]
20/3/25



MIOT/GEN/008/2025-26

28 April 2025

To

**THE CHAIRPERSON,
TAMIL NADU POLLUTION CONTROL BOARD,
NO.76, MOUNT SALAI, GUINDY,
CHENNAI 600 032**

Sub: Reply to Tamil Nadu Pollution Control Board's ("TNPCB") Minutes of the Personal Hearing with MIOT Hospitals Private Limited held on 12.03.2025 at 3:00 pm at Corporate Office, TNPCB, Chennai dated 20.03.2025

Ref:

1. Tamil Nadu Pollution Control Boards's ("TNPCB") Minutes of the Personal Hearing with MIOT Hospitals Private Limited held on 12.03.2025 at 3:00PM at Corporate Office, TNPCB, Chennai dated 20.03.2025 ("**Minutes of the Personal Hearing**");
2. TNPCB Proceedings No.T3/TNPCB/F.022499/BMW/2024 dated 18.12.2024 ("**Impugned Directions**");
3. Hon'ble National Green Tribunal's Order dated 10.01.2025 in Appeal No. 01 of 2025.
4. Hon'ble National Green Tribunal's Order dated 13.12.2024 in OA No.274 of 2024.

Respected Madam,

1. Your Minutes of the Personal Hearing dated 12.03.2025 was received by us on 21.03.2025 vide email.
2. At the outset, we vehemently deny all your assertions in the Minutes of the Personal Hearing dated 12.03.2025 except those which are specifically admitted herein.
3. The minutes recorded in Para No. 1 (a) to (d) are admitted as true and correct.



4. However, in Para No. 1 (e) of the of the Minutes of the Personal Hearing you have stated that we have remitted to the TNPCB 50% of the Environmental Compensation ("EC") levied by the TNPCB vide Impugned Directions dated 18.12.2024 i.e., Rs.27,62,813/- (Rupees Twenty-Seven Lakhs Sixty-Two Thousand Eight Hundred and Thirteen Only)

5. It is pertinent to note that we have filed an Appeal bearing Appeal No.01 of 2025 before the Hon'ble National Green Tribunal ("NGT") challenging your Impugned Directions dated 18.12.2024 wherein you had inter-alia imposed Environmental Compensation of Rs.55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand Six Hundred and Twenty Five Only) on us in contravention of the Hon'ble NGT's order dated 13.12.2024 in OA No.274 of 2024 wherein you were directed to grant us an opportunity of personal hearing.

6. The Hon'ble NGT vide order dated 10.01.2025 in Appeal No. 01 of 2025, was pleased to grant an interim stay on your Impugned Directions dated 18.12.2024 on the condition that we should deposit 50 % of the EC levied in the Impugned Directions in favour of the TNPCB.

7. Consequently, in order to secure the interim stay in Appeal No. 01 of 2025 and comply with the Hon'ble NGT's order dated 10.01.2025, we deposited 50% of the EC levied by the TNPCB in the Impugned Directions i.e., Rs.27,62,813/- (Rupees Twenty-Seven Lakhs Sixty-Two Thousand Eight Hundred and Thirteen Only) in favour of the "Tamil Nadu Pollution Control Board Environmental Compensation Fund Account" vide DD No.505939 dated 27.01.2025.

8. Therefore, Para No. 1 (e) of the of the Minutes of the Personal Hearing is incomplete to the extent that you have failed to mention that 50% of the EC was remitted by us to secure the interim stay in Appeal No. 01 of 2025 which is sub-judice before the Hon'ble NGT and not towards any alleged non-compliance of the Bio Medical Waste Management Rules, 2016.

9. The minutes recorded in Para No. 2 are admitted as true and correct to the following extent:

- a) We have four buildings with in-patient and outpatient services and the collection of Bio Medical Waste and Solid Waste from our premises are scheduled at different timings;
- b) Separate areas have been allocated by us for the storage of Bio-Medical Waste and Solid Waste and the same are segregated for further disposal.
- c) Our Bio Medical Waste is being collected in colour coded bags in accordance with the Bio Medical Waste Management Rules, 2016.
- d) Our general solid waste is collected in green covers which includes wastes such as paper, cardboard, waste water bottles, plastic covers etc.,
- e) Our food waste is being collected separately in black covers and is disposed to piggeries and as manure through the agency M/s. Elahi Traders.

10. The averment in Para No. 2 that our "Vendor for collecting the General Solid Waste generated at our Hospital has been changed from M/s. Ashok Paper Mart to M/s. Parishudh after the incident of dumping of wastes" - **is incorrect**. Immediately after terminating the Agreement with M/s. Ashok Paper Mart in December 2023, we had entered into an agreement with Mr. S Muthukrishna Perumal, JSR Plastics dated 05.01.2024 which eventually expired on 31.12.2024. Meanwhile, we executed an Agreement with M/s. Parishudh dated 17.10.2024 for collection and disposal of our general solid waste valid till 16.10.2025.

11. The status of compliance recorded in Serial No. 1 of the Table in Para No. 2 of your Minutes of the Personal Hearing is only partially correct. It is true that based on the order of the Hon'ble NGT in Appeal No. 01 of 2025 we have deposited 50% of the EC levied on us, to you, vide DD No.505939 dated 27.01.2025. However, it is crucial to distinguish that 50% of the EC was deposited by us solely to secure the interim stay granted by the Hon'ble NGT in Appeal No. 01 of 2025 and not towards any alleged non-compliance of the Bio Medical Waste Management Rules, 2016.

12. The 'status of compliance' recorded in Serial Nos. 2 and 3 of the Table in Para No. 2 of your Minutes of the Personal Hearing are admitted as true and correct.

13. We vehemently deny the averments in Para No. 3 of your Minutes of the Personal Hearing as false and frivolous. We state that no bar-coded yellow bag belonging to our hospital was found at the complaint site i.e., near the Pallavaram Eri. Furthermore, we are not aware of any photographs being taken in this regard and you are put to strict proof of the same.

14. We vehemently deny your contention in Para No. 4 of your Minutes of the Personal Hearing that we are bound to remit the remaining 50% of the EC levied in the Impugned Directions for the alleged non-compliances stated therein.

15. We reiterate that Appeal No. 01 of 2025 is sub-judice and while being so, you cannot prematurely demand the remaining EC from us for the unproven allegations made by you against our Hospital in the Impugned Directions dated 18.12.2024. It is for the Hon'ble NGT to decide in Appeal No. 01 of 2025, whether the Impugned Directions should be upheld or set aside and in the absence of a final judgment in Appeal No. 01 of 2025, we are not liable to remit any compensation to the TNPCB.

16. With regard to the advice/ suggestions made by you in Para No. 5 of the Minutes of the Personal Hearing, we state that we are already in compliance of the same as outlined below:

a. We are keeping a constant check on our vendors who collect general solid waste and food waste from our premises by monitoring their performance from collection till disposal of the wastes;

b. We are maintaining a register for accountability on number of barcoded bags issued to our Hospital by the Common Bio Medical Waste Treatment Facility i.e, GJ Multiclave, and the number of bags collected back by GJ Multiclave

c. Our Bio Medical Waste Management Committee conducts regular meetings for monitoring the handling of Bio Medical Waste in our Hospital's premises; and

d. We have complied with all our duties as occupiers under the Bio Medical Waste Management Rules, 2016.



17. We request you to consider this reply in detail and should you require any further information or document from us, feel free to contact the undersigned on priority.

Thanking you.,

For **MIOT HOSPITALS PRIVATE LIMITED**

A handwritten signature in black ink, appearing to be 'Vidhyasagar BS', written over a horizontal line.

VIDHYASAGAR BS
CHIEF FINANCIAL OFFICER



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SOUTHERN ZONE BENCH,
CHENNAI**

*Memorandum of Appeal
(Under Section 16 of the National Green
Tribunal Act, 2010)*

Appeal No. 01 of 2025

Between :

MIOT Hospitals Private Limited,

..... Appellant

Vs.

**Tamil Nadu Pollution Control Board
(TNPCB),**

..... Respondent

ADDITIONAL TYPED SET 2

P.S. Suman (Ms. 924/2003)
V. Amrutha (Ms. 1870/2015) V.
Anandavenu (Ms. 8250/2022)
S.Dhakshin Kumar (Ms.
4201/2022)
Huda. S (Ms. 4162/2022)
Vellayan. K (Ms. 4040/2023)

**COUNSEL FOR THE
APPELLANT**

Phone No: 9962911111/
8939414201 Email:
suman@pss.legal /
dhakshin@pss.legal