

**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 31st day of January 2025


NS 4162/22
COUNSEL FOR THE APPELLANT

MEMO FILED ON BEHALF OF THE APPELLANT

It is humbly submitted that:

1. This Hon'ble Tribunal through its order dated 10.01.2025 in Appeal No. 01 of 2025 (**Annexure 1**) granted an interim stay on the Respondent's directions bearing Proc. No. T3/TNPCB/F.022499/BMW/2024 dated 18.12.2024 ("**Impugned Direction**") (**Annexure 2**), subject to, the Appellant depositing fifty percent (50%) of the Environmental Compensation levied vide the Impugned Direction dated 18.12.2024, in favour of the Respondent within a period of 4 (Four) Weeks from 10.01.2025.
2. In compliance of this Hon'ble Tribunal's order dated 10.01.2025, the Appellant herein has deposited a demand draft dated 27.01.2025 for a sum of 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**".
3. On 29.01.2025, the Appellant deposited the Demand Draft dated 27.01.2025 with the Respondent and the Respondent has received and acknowledged the same. (**Annexure 3**).
4. Therefore, in compliance of this Hon'ble Tribunal's order dated 10.01.2025, the Appellant is hereby placing this memo along with the annexures on record.

Dated at Chennai on this the 31st day of January 2025

Shale
NS 4162/22

COUNSEL FOR THE APPELLANT

Item No.01:

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

[Through Physical Hearing (Hybrid Option)]

Appeal No. 01 of 2025(SZ)

IN THE MATTER OF:

MIOT Hospitals Private Limited,
Chennai.

...Appellant(s)

Versus

Tamil Nadu Pollution Control Board,
Chennai.

...Respondent(s)

Date of hearing: 10.01.2025.



CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. VIJAY KULKARNI, EXPERT MEMBER

For Appellant(s): Mr. Satish Parasaran, Sr. Adv. a/w.
M/s. P.S. Suman, V. Amrutha, V. Anandavenu,
S. Dhaksin Kumar, Huda. S, Vellayan.K.

For Respondent(s): Mr. S. Sai Sathya Jith.

ORDER

1. The above appeal is directed against the impugned direction issued under Section 5 of the Environment (Protection) Act, 1986 by the Tamil Nadu Pollution Control Board (TNPCB) to the appellant/MIOT Hospitals Private Limited, vide Proceedings No.T3/TNPCB/F.022499/BMW/2024 dated 18.12.2024, directing them to remit the environmental compensation of Rs.55,25,625/- (Rupees Fifty Five Lakhs Twenty Five Thousand Six Hundred and Twenty Five only) and to comply with the conditions mentioned therein.

2. Let notice be issued to the sole respondent/TNPCB through the Tribunal as well as privately.

3. The learned counsel Mr. S. Sai Sathya Jith accepts notice on behalf of the TNPCB.

4. Heard the learned counsels.

5. There will be an order of interim stay of the impugned order dated 18.12.2024 on condition that the appellant herein shall deposit 50% of the environmental compensation levied in favour of the Tamil Nadu Pollution Control Board within a period of 4 (Four) weeks, failing which, the stay granted will be automatically vacated without further reference to this Tribunal.

6. Post the matter on 18.02.2025.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Vijay Kulkarni, EM

Appeal No. 01/2025(SZ)
10th January, 2025. AD.





TAMIL NADU POLLUTION CONTROL BOARD

Proc. No. T3/TNPCB/ F.022499/BMW/2024 Dated: 18.12.2024

Sub: TNPCB- Hospitals – 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 –Non-compliance of the provisions of Bio-medical Waste Management Rules, 2016 as amended- Levy of Environmental Compensation - Directions under section 5 of E(P) Act, 1986 - Issued- Regarding.

- Ref:**
1. Bio-medical Waste Management Rules, 2016
 2. G.O.Ms. No.77, Environment and Forests (EC.2) Dept, dated 28.10.2020
 3. Proc. T1/TNPCB/F.2353MMN/RL/MMN/W&A/2023 dated 28/04/2023
 4. Proc. No. T1/TNPCB/ F.2353MMN/ BWA/ RL/MMN/2023 dated 03.09.2023
 5. Proc. No. T3/TNPCB/F.022499/BMW/2024-1 Dated: 15.10.2024
 6. Proc. No. T3/TNPCB/F.022499/BMW/2024-2 Dated: 15.10.2024
 7. Unit's reply dated 30.10.2024
 8. Lr. No. DEE/CHS/TNPCB/NGT (SZ)/ O.A. No. 274 of 2024 dated 18.11.2024
 9. Lr. No. DEE/CHS/TNPCB/NGT (SZ)/ O.A. No. 274 of 2024 dated 10.12.2024

WHEREAS, the Ministry of Environment, Forest and Climate Change, Government of India, in exercise of the powers conferred by Section 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) notified the Bio-Medical Waste Management Rules, 2016 and amended in 2019.

WHEREAS, Rule 4(a) of the BMW Rules, 2016 prescribes that the Occupier shall take all necessary steps to ensure that bio-medical waste is handled without any adverse effect to human health and the environment and in accordance with these rules.

WHEREAS, Rule 4(b) of the BMW Rules, 2016 prescribes that the Occupier shall make a provision within the premises for a safe, ventilated and secured location for storage of segregated biomedical waste in colored bags or containers in the manner as specified in Schedule I, to ensure that there shall be no secondary handling, pilferage of recyclables or inadvertent scattering or spillage by animals and the bio-medical waste from such place or premises shall be directly transported in the manner as prescribed in these rules to the common bio-medical waste treatment facility or for the appropriate treatment and disposal, as the case may be, in the manner as prescribed in Schedule I.

WHEREAS, Rule 4(e) of the BMW Rules, 2016 prescribes that the occupier shall dispose of solid waste other than bio-medical waste in accordance with the provisions of respective waste management rules made under the relevant laws and amended from time to time.

WHEREAS, Rule 4(f) of the BMWM Rules, 2016 prescribes that the occupier shall not to give treated bio-medical waste with municipal solid waste.

WHEREAS, Rule 4(n) of the BMWM Rules, 2016 prescribes that the occupier 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 color coding as specified in Schedule I.

WHEREAS, as per Rule 7(2), the occupier of the HCF has to hand over the segregated biomedical waste as per the Schedule-I to common bio-medical waste treatment facility for treatment, processing and final disposal.

WHEREAS, as per Rule 8(1), no untreated bio-medical waste shall be mixed with other wastes.

WHEREAS, as per Rule 8(2), the bio-medical waste shall be segregated into containers or bags at the point of generation in accordance with Schedule I prior to its storage, transportation, treatment and disposal.

WHEREAS, 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 was issued with the renewal of consent of the Board under Water (P&CP) Act, 1974 as amended & Air (P&CP) Act, 1981 as amended vide reference 3rd cited valid up to 31/03/2025.

WHEREAS, the said HCF was issued with authorization under BMWM Rules, 2016 vide reference 4th cited valid upto 31.03.2025 for the following:

- Yellow waste: 920 kg/day
- Red waste: 1000 kg/day
- White (sharps): 80 kg/day
- Blue: 140 kg/day

WHEREAS, based on a complaint received, the Board vide reference 5th cited has issued Directions under Section 5 of E(P) Act, 1986 for the non-compliances as stated therein.

WHEREAS, the Board has issued Show Cause Notice vide reference 6th cited to the said HCF for the levy of **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 as stated therein.

WHEREAS, vide reference 7th cited the unit has replied to the Show Cause Notice issued vide proc. Dated 15.10.2024 stating that they are complying with all the provisions of the BMWM Rules, 2016.

WHEREAS, the DEE/CHS vide reference 8th cited has furnished the status of compliance of the conditions stipulated in the Directions issued under section 5 of E(P) Act, 1986 vide proc. dated 15.10.2024 and SCN issued vide proc. dated 15.10.2024.



TAMIL NADU POLLUTION CONTROL BOARD



WHEREAS, the DEE/CHS has stated that, considering the non-compliances with BMWM Rules, 2016 as assessed for the period from 01.08.2023 to 24.09.2024, it is reiterated that the Board consider the recommendation for levying Environmental Compensation as submitted earlier.

Therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, the Board hereby issues directions under section 5 of E(P) Act, 1986 to 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 for strict compliance of the following within thirty days.

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.
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.
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.

Failure to comply with the said directions, will attract action as per provisions of section 5 (Closure and stoppage of electricity), section 15 (Penalty provision) and section 17 (Offences and punishment to Head of Government Departments) of the Environment (Protection) Act, 1986 as amended.

The receipt of this proceeding shall be acknowledged.

To
The Dean,
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,
Manappakkam Village, Alandur Taluk,
Chennai district

[Handwritten Signature]
20/12/24
For Chairperson

Copy to

1. The Joint Chief Environmental Engineer (M),
Tamil Nadu Pollution Control Board,
Chengalpattu.
2. The District Environmental Engineer
Tamil Nadu Pollution Control Board,
Chennai (South).
3. File Copy



To
Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy, Chennai - 600 032.

29.01.2025

Sir/Ma'am,

Ref: Order dated 10.01.2025 passed by the Hon'ble National Green Tribunal, Southern Zone, in Appeal No. 1 of 2025 ("Appeal")

1. We represent the Appellant in the above-mentioned Appeal.
2. Kindly note that by Order dated 10.01.2025, the Hon'ble National Green Tribunal, Southern Zone ("NGT") has granted an interim stay on the Tamil Nadu Pollution Control Board's directions bearing Proc.No. T3/TNPCB/F.022499/BMW/2024 dated 18.12.2024 ("Impugned Direction"), subject to, the Appellant depositing fifty percent (50%) of the Environmental Compensation demanded vide the Impugned Direction dated 18.12.2024, in favour of the Tamil Nadu Pollution Control Board within a period of 4 (Four) Weeks from 10.01.2025.
3. In compliance of the Hon'ble NGT's Order dated 10.01.2025, the Appellant has taken a Demand Draft dated 27.01.2025 bearing DD No. 505939 for a sum of Rs. 27,62,813/- (Rupees Twenty-Seven Lakhs Sixty-Two Thousand Eight Hundred and Thirteen Only) in favour of "Tamil Nadu Pollution Control Board, Environment Compensation Fund Account". The Demand Draft is enclosed along with this letter.
4. Kindly acknowledge the receipt of the Demand Draft and provide us a receipt for the deposit to be submitted before the Hon'ble NGT.

Handwritten signature
MS 1162/22
FOR P.S. Suman



UTILITY FORMS PVT LTD / CTS - 2019



A/C PAYEE ONLY

Drawee Branch

(61) CHENNAI - CENOTAPH ROAD
DD No. 505939

VALID FOR THREE MONTHS ONLY
DATE 27/01/2025
D D M M Y Y Y Y

ON DEMAND PAY TAMILNADU POLLUTION CONTROL BOARD,
ENVIRONMENT COMPENSATION FUND ACCOUNT*****
RUPEENTY SEVEN LAKH SIXTY TWO THOUSAND EIGHT HUNDRED
THIRTEEN ONLY

*****27, 62, 813.00

OR ORDER

FOR VALUE RECEIVED

Purchaser Name: MIOT HOSPITALS PVT LTD
OC/2/7 Not Above 27, 62, 813.00

3221DDCENPAY
ICICI BANK LIMITED

Authorised Signatory

M. K. Srinivas

Authorised Signatory
Sankarajagan 95034430

Please sign above

505939 0002290001 003221 15



**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL,
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

**MEMO FILED ON BEHALF
OF THE APPELLANT**

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
APPELLANTS**

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dhakshin@pss.legal