

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTH ZONE BENCH, CHENNAI**

*Memorandum of Appeal*  
**(Under Section 16(g) 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

**INDEX TO ADDITIONAL TYPED SET 1**

<b>S.No.</b>	<b>Particulars</b>	<b>Page Number</b>
1.	Reply issued by the Appellant dated 07.01.2025 to the Impugned Directions dated 18.12.2024 issued by the Respondent	1

Certified that the documents are true copies of their originals.

Dated at Chennai on this the 09<sup>th</sup> Day of January 2025

*Shale,*  
MS 4162/22

**Counsel for the Appellant**



To,

The Chairperson,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Salai, Guindy,  
Chennai  
600 032



07.01.2025

Sub: Reply to Proceeding No. T3/TNPCB/F.022499/BMW/2024 dated 18.12.2024 (hereinafter referred to for the sake of convenience as "Proceeding Notice")

Ref:

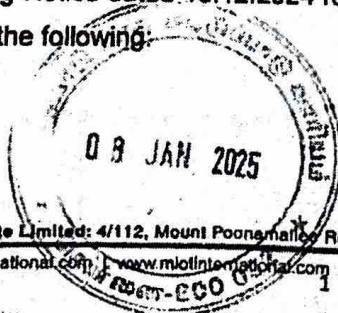
1. Proceedings No. DEE/TNPCB/CHS/F.2353/RLA/2024 dated 25/09/2024, received by us on 25/09/2024
2. Proceedings No. DEE/TNPCB/CHS/F.2353/RLW/2024 dated 25/09/2024, received by us on 25/09/2024
3. Our Reply letter MIOT/TNPCB/DEE/Reply/Lr.No.1 dated 27/09/2024.
4. Our Reply letter MIOT/TNPCB/DEE/Reply/Lr.No.2 dated 27/09/2024.
5. Proc. No. T3/TNPCB/F.022499/BMW/2024-1 dated 15/10/2024, received by us on 17.10.2024.
6. Proc. No. T3/TNPCB/F.022499/BMW/2024-2 dated 15/10/2024, received by us on 17.10.2024.
7. Our Replies to Proc. No. T3/TNPCB/F.022499/BMW/2024-1 and 2 dated 30.10.2024.

Respected Sir/Madam,

1. Your Proceeding Notice dated 18.12.2024 regarding the alleged non-compliance of Bio Medical Waste Management Rules, 2016 (hereinafter referred to as "BMWM Rules") was received by us only on 20.12.2024.

A. Preliminary Submissions:

2. Your Proceeding Notice dated 18.12.2024 refers to certain documents as Reference Nos. 8 and 9, namely, the following:





2



- a) Lr. No. DEE/CHS/TNPCB/NGT (SZ)/O.A. No. 274 of 2024 dated 18.11.2024 (Reference No. 8 of your Proceeding Notice dated 18.12.2024) which appears to be a letter from the DEE/CHS; and
  - b) Lr. No. DEE/CHS/TNPCB/NGT (SZ)/O.A. No. 274 of 2024 dated 10.12.2024 (Reference No. 9 of your Proceeding Notice dated 18.12.2024) which appears to be a letter from the DEE/CHS.
3. However, you have not served us the above References No. 8 and 9 till date.
4. Further as stated in our replies dated 30.10.2024, as mentioned in Reference No. 7 of your Proceeding Notice, you have failed to serve on us the following documents Referenced in your Directions and Show Cause Notice dated 15.10.2024 as mentioned in Reference No. 5 and 6 of this Proceeding Notice:
- a) DEE/MMN Lr. No. DEE/TNPB/MMN/BMW/2024 dated 25.09.2024 (Reference No. 3 of your Show Cause Notice dated 15.10.2024) which appears to be a notice relating to the BMW Rules;
  - b) Lr. No. F.No.2353/DEE/CHS/TNPCB/BMW/Complaint/EPA/2024 dated 01.10.2024 (Reference No. 6 of your Show Cause Notice dated 15.10.2024) which appears to be a Complaint under BMW Rules and Environmental Protection Act, 1986 (hereinafter referred to as "EP Act"); and
  - c) Lr. No. F.No.2353/DEE/CHS/TNPCB/BMW/Complaint/EPA/2024 dated 07.10.2024. (Reference No. 7 of your Show Cause Notice dated 15.10.2024) which appears to be a Complaint under BMW Rules and EP Act.
5. You have not served a copy of the aforesaid documents on us till date and are repeatedly issuing notices without serving the References on us. Therefore, we submit that we are unable to respond and comment on the same.



6. Kindly note that since you have not served a copy of the aforesaid documents which are important to your Proceeding Notice dated 18.12.2024, all actions that you have taken in furtherance of such documents are non-est and void ab initio including but not limited to your Proceeding Notice dated 18.12.2024 being against the principles of natural justice.
7. We further state that the issuance of the Proceeding Notice dated 18.12.2024 by you to Our HCF is in direct violation of the Hon'ble National Green Tribunal's ("NGT") Order dated 13.12.2024 in O.A. No. 274 of 2024, wherein the Hon'ble NGT directed you to proceed with an enquiry after affording our HCF an opportunity for a personal hearing and file a report before the Hon'ble NGT before 18.02.2025.
8. By issuing the Proceeding Notice dated 18.12.2024 to our HCF, without granting us an opportunity for a personal hearing as mandated by the Hon'ble NGT, you have not only violated the order of the Hon'ble NGT dated 13.12.2024 but also the principle of natural justice, *Audi Alteram Partem*, making your Proceeding Notice dated 18.12.2024 arbitrary, unjust, and devoid of merit.
9. Therefore, at the outset we request you to duly withdraw your Proceeding Notice dated 18.12.2024 with immediate effect and confirm the same to us in writing.

Without prejudice to the above, we are proceeding to deal with the contents of your Proceeding Notice dated 18.12.2024.

**B. Arrangements made by us to handle Bio-Medical Waste (hereinafter referred to as "BMW") and General Waste of our Health Care Facility for the period of 01.08.2023 to 24.09.2024 referred to in your Proceeding Notice dated 18.12.2024:**

10. We had executed a Memorandum of Agreement dated 01.04.2022 with Mr. Ashok Kumar (hereinafter referred to as "**Previous General Waste Vendor**") for collecting, transporting and clearing general and wet waste from our Health Care Facility (hereinafter referred to as "HCF").

The term of the aforesaid Memorandum of Agreement dated 01.04.2022 was valid till 31.03.2024. However, in December 2023 due to Mr. Ashok Kumar's unprofessional conduct the Memorandum of Agreement dated 01.04.2022 was terminated by us.

11. Therefore, we executed a Memorandum of Agreement dated 05.01.2024 with Mr. S. Muthukrishna Perumal, JSR Plastics (hereinafter referred to as "**Current General Waste Vendor**") for collecting, transporting and clearing of General and garden waste from our HCF.
  12. With regard to Bio Medical Waste ("**BMW**") we executed an Agreement dated 01.04.2023 with GJ Multiclave Private Limited (hereinafter referred to as "**CBMWTF**") the TNPCB Authorized BMW disposal facility for collection, transportation, treatment and final disposal of Bio-medical waste from our HCF for a period of 5 (Five) years from 01.03.2023 to 31.03.2028.
- C. Reply to the specific contents of your Proceeding Notice dated 18.12.2024:**
13. Para No. 1 to 9 of your Proceeding Notice dated 18.12.2024 outlines several rules of the BMW Rules, 2016 and do not warrant a reply from us.
  14. With regard to Para No.10 of your Proceeding Notice dated 18.12.2024, we submit that only after verifying and ensuring that our HCF has complied with all the rules under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 you have renewed the following Consent orders to our HCF:
    - a) Consent Order No. 2308249768696 dated 28.04.2023 under Water (Prevention and Control of Pollution) Act, 1974 valid from 28.04.2023 to 31.03.2025 (**Annexure-A**); and
    - b) Consent Order No. 2308149768698 dated 28.04.2023 under Air (Prevention and Control of Pollution) Act, 1981 valid from 28.04.2023 to 31.03.2025 (**Annexure-B**).
  15. With regard to Para No. 11 of your Proceeding Notice dated 18.12.2024, we submit that vide Reference No. 4 of your Proceeding Notice dated 18.12.2024 you have issued our HCF the Bio Medical Waste Authorization No.23BAC48242836 dated 03.09.2023 which is valid from 03.09.2023 to 31.03.2025 (**Annexure-C**).
  16. With regard to the contents in Para No. 12 and 13 of your Proceeding Notice dated 18.12.2024, we submit that we are in receipt of the reference 5<sup>th</sup> and 6<sup>th</sup> Cited in your



Proceeding Notice dated 18.12.2024 and we have provided a detailed reply via Reference No. 7 of your Proceeding Notice dated 18.12.2024 along with supporting document establishing the compliance of BMW Rules.

17. We submit that as mentioned in Para No. 14 of your Proceeding Notice dated 18.12.2024 we have issued our replies to the directions and Show Cause Notice dated 15.10.2024 through "Replies" dated 30.10.2024 which is mentioned in Reference No. 7 of your Proceeding Notice dated 18.12.2024. We submit that in our Replies dated 30.10.2024 we have outlined our compliance with the BMW Rules, 2016 and shown cause as to why the Environmental Compensation of Rs. 55,25,625/- (Rupees Fifty-Five Lakhs, Twenty-Five Thousand, Six Hundred and Twenty-Five Only) ("EC") should not be levied on our HCF.
18. Without prejudice to the above, we state that we vehemently deny the contents of your Show Cause Notice dated 15.10.2024, which is mentioned in Reference no. 6 of your Proceeding Notice, wherein you have imposed the EC on our HCF for the alleged non-compliance of the BMW Rules based on G.O. (Ms.) No. 77 dated 28.10.2020.
19. This G.O. (Ms.) No. 77 only applies to HCFs and CBMWTFs for non-compliance of BMW Rules, 2016. We submit that we have complied with all the BMW Rules and therefore the G.O. (Ms.) No. 77 dated 28.10.2020 is not applicable to our HCF.
20. In any case, we submit that you have not shown us any details as to how the Compensation amount of Rs. 55,25,625/- has been determined by you.

We submit that G.O. (Ms.) No. 77 provides a specific methodology and formula for the computation of Environmental Compensation. This being the case, you ought to have detailed either in your Show Cause Notice dated 15.10.2024 or this Proceeding Notice dated 18.12.2024, the factors considered, and the methodology followed by you for arriving at the specific Compensation amount of Rs. 55,25,625/-.

Hence, we call upon you to give us a clear break up in terms of the G.O. (Ms.) No. 77 on how the Compensation amount of Rs. 55,25,625/- was determined by you.

21. With regard to Para No. 15 of your Proceeding Notice dated 18.12.2024 you have stated that the DEE/CHS vide document bearing Lr. No. DEE/CHS/TNPCB/NGT (SZ)/O.A. No.

274 of 2024 dated 18.11.2024 has furnished the status of compliance of the conditions stipulated in Directions and Show Cause Notice dated 15.10.2024. We submit that we are not aware of the same as the Letter dated 18.11.2024 was not served on us by you.

22. We submit that without giving us an opportunity to reply to the document bearing Lr. No. DEE/CHS/TNPCB/NGT (SZ)/O.A. No. 274 of 2024 dated 18.11.2024, you ought not to have issued this Proceeding Notice dated 18.12.2024 on us as this Proceeding Notice is solely based on the Letter dated 18.11.2024. We reserve our right to challenge the Letter dated 18.11.2024 as and when the same is served on us.
23. We vehemently deny the contents of Para No. 16 of your Proceeding Notice dated 18.12.2024 that our HCF has not complied with the BMWM Rules, 2016 for the period of 01.08.2023 to 24.09.2024 and is recommended for the levy of EC.
24. We submit that in Para No. 16 of your Proceeding Notice dated 18.12.2024, you have stated that compensation is levied on our HCF towards our alleged non-compliance of BMWM Rules, 2016 without establishing any non-compliance whatsoever by our HCF in this regard.

We further submit that you have not provided us with an explanation as to how you have determined the period of 01.08.2023 to 24.09.2024 for levy of Compensation on our HCF.

25. We further submit that our HCF strictly complies with the BMWM Rules, 2016. We submit that in Accordance with **Rule 4(b)** of the BMWM Rules, we have provisioned individual rooms within the premises for storage of segregated BMW with lock. Further, the segregation and collection of BMW have been handled by us in accordance with Schedule I of BMWM Rules.

The same is detailed as follows:

Category	Type of Waste	Type of bag or container to be used as per BMWM Rules	Type of bag or container used by our HCF
Yellow	1. Human Anatomical Waste Animal Anatomical Waste 1. Soiled Waste	Yellow colored non-chlorinated plastic bags.	Yellow colored non-chlorinated plastic bags.
	Expired or Discarded Medicines	Yellow colored non-chlorinated plastic bags or containers	
	Chemical Waste	Yellow coloured container or non-chlorinated plastic bags	Not generated in our HCF
	a) Chemical Liquid Waste (applicable liquid from laboratories and floor washing cleaning, house-keeping and disinfecting activities)	Separate collection system leading to effluent treatment system	Separate collection system leading to effluent treatment system
	a) Discarded linen, mattresses, beddings contaminated with blood or body fluid	Non-Chlorinated yellow plastic bags or suitable packing material.	Non-Chlorinated yellow plastic bags or suitable packing material.
	a) Microbiology, Biotechnology and other clinical laboratory waste	Autoclave safe plastic bags or containers	Autoclave safe plastic bags or containers
Red	Contaminated Waste (Recyclable)	Red coloured Non - Chlorinated plastic bags or containers	Red coloured Non - Chlorinated plastic bags or containers
White	Waste Sharps including Metals	Puncture proof, leak-proof, tamper-proof containers	Puncture proof, leak-proof, tamper-proof containers
Blue	a) Glassware a) Metallic Body Implants	Cardboard boxes with blue coloured marking	Blue Colour Containers

26. After the Segregation of BMW as mentioned above, as per Rule 7(2) of the BMWM Rules, we duly hand over all the segregated BMW to the CBMWTF for treatment, processing and final disposal.
27. The process of handing over the segregated BMW by our HCF to the CBMWTF are as follows:
- a) The vehicle of the CBMWTF arrives to our HCF's individual storage rooms for collection of the segregated BMW. The CBMWTF staff weighs the segregated BMW and records the same in their B.M.W. collection slip;
  - b) Thereafter, the CBMWTF's vehicle containing the segregated BMW of our HCF will be transported by the CBMWTF to their own Facility; and
  - c) Subsequently, as per Rule 5 of the BMWM Rules it is the duty of the CBMWTF to treat and dispose the segregated BMW collected from us.
28. We submit that our duty with respect to BMW ends once the segregated BMW is handed over by us to the CBMWTF for disposal. Therefore, we cannot be held liable for any improper handling and disposal of BMW by the CBMWTF.
29. We submit that in Para No. 16 of your Proceeding Notice dated 18.12.2024, you have vaguely alleged that there are non-compliances of the BMWM Rules without categorically stating the specific non-compliances. This by itself establishes that your allegations are bald and have no basis.
30. In any case, we submit that we have complied with all our responsibilities as stipulated under BMWM Rules, 2016. A detailed explanation of the same is provided hereunder:
- a) **As per Rule 4(a) of the BMWM Rules**, we have taken all necessary steps to ensure that BMW is handled inside our HCF premises without any adverse effect to human health and the environment;



- b) **As per Rule 4 (b) of the BMWM Rules**, we have made provision within the premises for a safe, ventilated secured location for storage of segregated BMW in colored bags or containers in the manner as specified in Schedule I of the BMWM Rules;
- c) **As per Rule 4 (c) of the BMWM Rules**, we are pretreating laboratory waste, micro-biological waste, blood samples and blood bags through disinfection or sterilization on-site in the manner as prescribed by World Health Organization (WHO) or National AIDs Control Organization (NACO);
- d) **As per Rule 4 (d) of the BMWM Rules**, we are using Non Chlorinated plastic bags issued by the CBMWTF;
- e) **As per Rule 4 (e) of the BMWM Rules**, we are disposing solid waste in accordance with the provision of respective waste management rules;
- f) **As per Rule 4 (f) of the BMWM Rules**, we are not giving any treated bio medical waste with municipal solid waste;
- g) **As per Rule 4 (g) of the BMWM Rules**, we have given adequate training to all our health care workers and others, involved in handling of bio medical waste at the time of induction and thereafter at least once every year and the details of training programs conducted, number of personnel trained and number of personnel training are periodically submitted in the annual report form IV;
- h) **As per Rule 4 (h) of the BMWM Rules**, we have provided immunization to all healthcare workers and others involved in handling of bio medical waste for protection against diseases including Hepatitis B and Tetanus that are likely to be transmitted by handling of bio medical waste, in the manner as prescribed in the National Immunization Policy or the guidelines of the Ministry of Health and Family Welfare issued from time to time;
- i) **As per Rule 4 (i) of the BMWM Rules**, we have established and are practicing Barcode system for the bags or containers from the year of commencement of

BMWM Rules 2016 and the same is also mentioned in Bio Medical Waste authorization renewal inspection report;

- j) **As per Rule 4 (j) of the BMWM Rules**, we are ensuring segregation of liquid chemical waste at source and ensuring pre-treatment or neutralization prior to mixing it with other effluent generated at our HCF;
- k) **As per Rule 4 (k) of the BMWM Rules**, we have ensured treatment and disposal of liquid waste in accordance with the Water(Prevention and Control of Pollution) Act, 1974;
- l) **As per Rule 4 (l) of the BMWM Rules**, we have ensured occupational safety of all health care workers and others involved in handling of BMW by providing appropriate and adequate personal protective equipment;
- m) **As per Rule 4 (m) of the BMWM Rules**, we have conducted health check up at the time of induction and then every one year for our healthcare workers and others involved in handling of bio medical waste and we are maintaining records for the same;
- n) **As per Rule 4 (n) of the BMWM Rules**, we have maintained and updated the BMW register on day to day basis and displaying the monthly record on our website <https://www.miotinternational.com/bio-medical-waste-report/> according to the bio medical waste generated in terms of category and color coding as specified in Schedule I;
- o) **As per Rule 4 (o) of the BMWM Rules**, we are reporting major accidents, if any during handling of BMW and the remedial action taken and records relevant thereto (including nil report) and submitted as incident report along with Annual report in form IV;
- p) **As per Rule 4 (p) of the BMWM Rules**, we have made available the bio medical waste annual report on our website within the stipulated time period as mentioned in the BMWM Rules;



- q) **As per Rule 4 (q) of the BMWM Rules**, we are obtaining assistance from the prescribed authority in case the operator of a facility does not collect the BMW within the intended time;
- r) **As per Rule 4 (r) of the BMWM Rules**, we have established a system to review and monitor the activities related to BMW management through our Bio Medical Waste Management Committee and the minutes are recorded;
- s) **As per Rule 4 (s) of the BMWM Rules**, we are maintaining all records for the autoclaving for period of three years as mentioned in the BMWM Rules;
- t) **As per Rule 4 (t) of the BMWM Rules**, we are not practicing incineration at our HCF. Our incinerable materials are sent to CBMWTF;
31. Therefore, we submit that your allegation in Para No. 16 of your Proceeding Notice dated 18.12.2024 that our HCF has not complied with BMWM Rules from 01.08.2023 and 24.09.2024 is false and unsubstantiated.
32. With regard to Para No. 17 of your Proceeding Notice dated 18.12.2024 we submit as follows:
- a) Our HCF is not required to remit any Environmental Compensation, much less the sum of Rs. 55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand Six Hundred and Twenty-Five Only) as we have clearly established beyond reasonable doubt in the Reference no. 7 of your Proceeding Notice dated 18.12.2024 as reiterated in this reply, that we have complied with all our obligations under the **Bio-Medical Waste Management Rules, 2016** along with supporting documents;
- b) Our HCF is already maintaining and updating on a day-to-day basis the bio-medical waste management register and displaying the monthly record on its website according to the BMW generated in terms of category and colour coding as specified in Schedule I of the BMWM Rules; and
- c) Our HCF is properly segregating and storing the **Municipal Solid waste & plastic waste** generated in accordance with the **Solid Waste Management Rules, 2016** and handing over the segregated wastes to the 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 are being sent to the Board every month.

33. Therefore, we are not liable to pay any Environmental Compensation, much less the sum of Rs. 55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand Six Hundred and Twenty-Five Only) set out in your Proceeding Notice dated 18.12.2024.

34. We request you consider this reply in detail, withdraw your Proceeding Notice dated 18.12.2024, and provide us with an opportunity for a personal hearing in this matter, through our legal counsels as directed by the Hon'ble NGT in OA No. 274 of 2024.

Thanking You

For **MIOT Hospitals Private Limited**



**VIDHYASAGAR BS**  
**CHIEF FINANCIAL OFFICER**



**Enclosures:**

1. Bio -Medical Waste Register Period Of 01-08-2023 to 24-09-2024.
2. Bio - Medical Waste Collection Slips Period Of 01-08-2023 to 24-09-2024.
3. Autoclave Sterile Records
4. Bio- Medical Waste Annual Report of 2023.

**Copy to:**

- 1.The Joint Chief Environmental Engineer

Tamilnadu Pollution Control Board  
Chengalpattu

- 2.The District Environmental Engineer

Tamilnadu Pollution Control Board  
Chennai (South)

**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**

**ADDITIONAL TYPED SET 1**

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