

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

REPLY FILED BY THE APPELLANT TO THE REPORT FILED BY THE
RESPONDENT

1. The Appellant herein, M/s. MIOT Hospitals Private Limited is represented by its Authorized Signatory, Mr. B.S Vidhyasagar. The addresses of the Appellant is that of their legal counsels , P. S Suman, Amrutha. V, Huda. S, V. Anandavenu, S. Dhakshin Kumar, and Vellayan. K, having their office at VNCT, No. 5, 4th Floor, Mahalingapuram Main Road, Mahalingapuram, Nungambakkam, Chennai-600 034. Ph. No: 9962911111/ 8939414201 E-mail Id: suman@pss.legal/ dhakshin@pss.legal
2. The Respondent herein, the Tamil Nadu Pollution Control Board ("TNPCB") is represented by its Chairman. The address of the Respondent is as given above for service of notices of this appeal.

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3. Except for the matters explicitly admitted in this Reply, all other allegations in the report filed by the Respondent ("**Report**") before this Hon'ble Tribunal on 21.04.2025 shall be considered as categorically denied by the Appellant.

A. Para-wise Reply to the Respondent's Report:

1. The Appellant humbly submits that Para No. 1 and 2 of the Report do not warrant a reply from the Appellant.
2. The Appellant was not privy to the telephone conversation between the Tambaram Corporation and the Respondent mentioned in Para No. 3 of the Report and Appellant denies the Tambaram Corporation's allegation that Bio Medical Waste was found along the Pallavaram radial road adjacent to the Pallavaram Lake (Periya Eri).
3. The Appellant vehemently denies the Respondent's allegation in Para No. 3 (a) of the Report that a huge quantity of waste was found at three different places such as "1) Along the Pallavaram Lake (Periya Eri). 2) Inside the Pallavaram Lake (Periya Eri) and 3) Along the Pallavaram radial road opposite to Saravana Selvarathinam Commercial building."
4. The Appellant submits that in the Respondent's show cause notices bearing Proceedings No. DEE/NPCB/CHS/F.2353/RI/A/2024 and Proceedings No.

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DEE/TNPCB/CHS/F.2353/RL/W/2024. ("Show Cause Notices") dated 25.09.2024 served to the Appellant, the Respondent has specified that waste was found "in an open area near the Pallavaram Lake, radial road" and not the three locations mentioned Para No. 3(a) of this Report. This being the case, the Appellant submits that the Respondent's allegation in Para No. 3(a) is only an afterthought, and the Respondent must be put to strict proof as to whether any waste was found in the places mentioned in Para No. 3 (a) of the Report.

5. The Appellant further submits that on 24.09.2024, the Appellant received a call from a Sanitation Officer of the Tambaram Corporation. The Sanitation Officer falsely claimed that Bio-Medical Waste belonging to the Appellant had been dumped along the Radial Road, near Periya Eri, Pallavaram (the "Site").
6. The Appellant's staff visited the Site and observed the following:
 - a. The entire Site was flooded with general waste from multiple hospitals, clinics, and nursing homes;
 - b. Only 2 plain letter heads, a few Patients scrapped OPD Doctor Notes, a few welcome kits and a few paper bags of the Appellant were present at the Site;
 - c. Only two green color General Waste covers of the Appellant were found at the Site. However, these two bags were empty, and they did not have any Bio-Medical Waste inside; and

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- d. Blue-colored Bio-medical bar-coded covers of another hospital were found at the Site. However, these covers were empty, and they did not have any Bio-Medical Waste inside.
7. The Appellant is not aware of the contents stated in Para No. 3 (b) of the Report since the Respondent had not brought the same to the knowledge of the Appellant.
8. The Appellant vehemently denies the allegation in Para No. 3 (c) of the Report that General Waste along with Bio-Medical Waste belonging to the Appellant was found at the Site.
9. The Appellant humbly submits that among the General Waste found at the Site, there was a scrapped OPD Doctor Note of the Appellant that was dated 05.05.2023. During this period, the Appellant's General Waste Vendor, M/s. Ashok Paper Mart was in charge of the disposal of the general waste of the Appellant.
10. Therefore, the Appellant states that all the general waste of the Appellant found at the Site had been disposed of by the Appellant from its hospital's premises to its General Waste vendor, M/s. Ashok Paper Mart before December 2023. Hence, the Appellant submits that it is the general waste vendor's responsibility to ensure the proper disposal of any general waste given to them.

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11. The Appellant denies the allegation in Para No. 3 (d) of the Report that 200 Kgs of Bio-Medical Waste belonging to the Appellant was found at the Site. The Appellant submits that the burden of proof is on the Respondent to show how the alleged 700 Kgs of Bio-Medical Waste collected from the Site was segregated by the Common Bio Medical Waste Treatment Facility, M/s. GJ Multiclave (India) Private Limited ("**GJ Multiclave**") and how the alleged 200 Kgs of Bio Medical Waste, if any, was attributed to the Appellant.
12. The Appellant further submits that the Appellant has been duly handing over all its Bio-Medical Waste to GJ Multiclave every day for the past 3 years and the Appellant has obtained Collections Slips from GJ Multiclave evidencing the same. Therefore, assuming without admitting that Appellant's Bio-Medical Waste was present at the Site, the Appellant states that it is GJ Multiclave who should be held responsible for the improper disposal of the Appellant's Bio-Medical Waste since GJ Multiclave was in charge of collection, transportation, treatment and final disposal of Bio-Medical Waste generated in the Appellant's Hospital as on 24.09.2024.
13. Furthermore, the Appellant submits that the Respondent has not established that the Bio-Medical Waste , if any, found at the Site belongs to the Appellant. The Respondent bears the burden to establish beyond doubt that there was Bio-

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Medical Waste at the Site and further establish the extent of the Appellant's alleged Bio-Medical Waste found at the Site.

14. The Appellant further denies the averments in Para No. 3 (d) of the Report that 200 kgs of Bio-Medical Waste belonging to the Appellant, if any, was recovered by the Respondent at the Site. In Page No. 10 of the Report, the Respondent has annexed a picture which appears to be a collection receipt issued by GJ Multiclave dated 24.09.2024. The Appellant submits that there are multiple anomalies in GJ Multiclave's receipt dated 24.09.2024 as detailed below:
- a) **Quantity-** The weight of the waste that is allegedly stated to have been collected from the Site by GJ Multiclave is recorded as 200.00kgs, without any proof whatsoever;
- b) **Name of the Appellant's Hospital-** The person filling in the receipt has wrongly inserted the Appellant's name without any basis whatsoever. The Appellant submits that the Appellant's name ought not to have been inserted in this receipt as there is no proof that the Bio-Medical Waste at the Site, if any, belongs to the Appellant. Further, no concurrence was sought by GJ Multiclave from the Appellant before inserting the Appellant's name in the receipt and the same is of no consequence;

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- c) **Acknowledgment-** GJ Multiclave's receipt is duly signed by the Respondent. The Appellant submits that neither the Respondent nor GJ Multiclave called upon the Appellant to be present during the purported collection of Bio-Medical Waste from the Site nor to answer the Respondent's queries, if any, and the Respondent certainly did not call upon the Appellant to verify and acknowledge the Appellant's Bio-Medical Waste if any; and
- d) **Evidence-** The Appellant further submits that the Respondent is relying on the receipt issued by GJ Multiclave to establish the presence of the so called 200 Kgs of Bio Medical Waste at the Site as evidence. Therefore, the Appellant states that the Respondent should provide the entire 200 Kgs of Bio-Medical Waste allegedly found at the Site for the Appellant's verification to assess if any Bio-Medical Waste was found at the Site and if any Bio-Medical Waste of the Appellant was present at the Site.
15. Therefore, the Appellant submits that the Respondent has not produced any evidence to establish that the entire 200 Kgs of Bio-Medical Waste, if any, at the Site pertains to the Appellant. This being the case, GJ Multiclave ought not to have issued the receipt with the name of the Appellant marked against 200 Kgs of Bio-Medical Waste without any proof whatsoever. The Appellant submits that the issue of this receipt dated 24.09.2024 by GJ Multiclave is tainted with mischief and is *prima facie* illegal. Hence, the Respondent cannot place any reliance on

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this said receipt issued by GJ Multiclave dated 24.09.2024 to claim that Bio-Medical Waste, if any, found at the Site belongs to the Appellant.

16. The Appellant admits that the contents of Para No. 3 (e) of the Report are true and accurate. The Appellant submits that since the Appellant is in compliance with all its obligations under the (i) Bio Medical Waste Management Rules, 2016; (ii) the Air (Prevention and Control of Pollution) Act, 1981; and (iii) the Water (Prevention and Control of Pollution) Act, 1974, the Respondent has issued the following consent orders to the Appellant after inspection of the Appellant's premises on 06.08.2023:
- 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;
 - 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;
 - c. Bio Medical Waste Authorization No.23BAC48242836 dated 03.09.2023 valid from 03.09.2023 to 31.03.2025;
17. The above-mentioned Consent Orders and Bio Medical Waste Authorization are currently placed for renewal before the Respondent.

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18. The Appellant admits the contents of Para No. 4 of the Report to the extent that a News Item was published in Dinamalar and The Hindu Tamil dated 25.09.2024 regarding the alleged illegal dumping of BMW at the Site. However, the Appellant vehemently denies the contents of the news reports as false and misleading since no Bio Medical Waste belonging to the Appellant was found at the Site.
19. The Appellant submits that it is not aware of the contents stated in Para No. 5 of the Report since the Lr.No. DEE/TNPCB/MMN/BMW dated 25.09.2024 was not served to the Appellant by the Respondent, in violation of the principles of natural justice. As submitted in the Memorandum of Appeal the Appellant humbly submits that the Respondent has repeatedly issued show cause notices and proceedings to the Appellant without serving on the Appellant the References mentioned in the respective show cause notices and proceedings.
20. The Appellant humbly submits that the following references mentioned by the Respondent in its show cause notice and proceedings bearing Proc. No. T3/TNPCB/F.022499/BMW/2024-1, Proc. No. T3/TNPCB/F.022499/BMW/2024-2 dated 15.10.2024 and Directions dated 18.12.2024 have not been served on the Appellant till date despite repeated requests:

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- a. DEE/MMN Lr. No. DEE/TNPB/MMN/BMW/2024 dated 25.09.2024 (Reference No. 3 of Proc. No. T3/TNPB/F.022499/BMW/2024-2 dated 15.10.2024) which appears to be a notice relating to the Bio Medical Waste Management Rules, 2016 (hereinafter referred to as “**BMWM Rules**”);
- b. Lr. No. F.No.2353/DEE/CHS/TNPB/BMW/Complaint/EPA/2024 dated 01.10.2024 (Reference No. 6 of Proc. No. T3/TNPB/F.022499/BMW/2024-2 dated 15.10.2024) which appears to be a Complaint under BMWM Rules and Environmental Protection Act, 1986 (hereinafter referred to as “**EP Act**”);
- c. Lr. No. F.No.2353/DEE/CHS/TNPB/BMW/Complaint/EPA/2024 dated 07.10.2024. (Reference No. 7 of Proc. No. T3/TNPB/F.022499/BMW/2024-2 dated 15.10.2024) which appears to be a Complaint under BMWM Rules and EP Act;
- d. Lr. No. DEE/CHS/TNPB/NGT (SZ)/O.A. No. 274 of 2024 dated 18.11.2024 (Reference No. 8 of the Directions dated 18.12.2024) which appears to be a letter from the DEE/CHS; and
- e. Lr. No. DEE/CHS/TNPB/NGT (SZ)/O.A. No. 274 of 2024 dated 10.12.2024 (Reference No. 9 of the Directions dated 18.12.2024) which appears to be a letter from the DEE/CHS.
21. The Appellant humbly submits that the Respondent has in bad faith refrained from serving these important references to the Appellant and denied the Appellant the right to represent itself in these matters.

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22. The Appellant humbly submits that the failure of the Respondent to serve the References of the show cause notices and proceedings constitutes a grave violation of a principle of natural justice namely, *Audi Alterum Partem*.
23. With regard to the contents stated in Para No. 6 of the Report, the Appellant submits that its Hospital was inspected by the Respondent's officials on 24.09.2024. The Appellant further submits that it has received the Show Cause Notices dated 25.09.2024 issued by the Respondent under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act 1981, wherein in Para No. 3 of the Show Cause Notices dated 25.09.2024, TNPCB has recorded that:
- "In this connection, the unit site was inspected by the TNPCB Officials, Chennai South on 24/09/2024 and it was observed that the unit generate, collect and store the Bio Medical Waste and Solid Waste separately and disposes the Bio Medical Waste to M/s. G.J Multiclave India Pvt Ltd., and Solid Waste to the waste recycling unit."*
24. The Appellant humbly submits that the above statement made by the Respondent upon inspection of the Appellant's premises constitutes an admission from the Respondent that the Appellant has duly complied with its obligations under the BMWWM Rules, 2016 by collecting, storing and disposing the Bio Medical Waste and Solid Waste separately.

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25. Most importantly, the Respondent has noted that the Appellant disposes of the Bio Medical Waste to M/s. G.J Multiclave India Pvt Ltd., and Solid Waste to the Appellant's Solid Waste Recycling Unit. I humbly submit that this being the case, the Appellant cannot be held liable for the improper disposal of its General and Bio-Medical Waste, if any, by M/s. Ashok Paper Mart and M/s. GJ Multiclave, respectively.
26. The Appellant has duly replied to the Show Cause Notices dated 25.09.2024 by way of "**Reply Letters**" dated 27.09.2024. The Appellant denies the allegation in Para No. 7 of the Report that the reply furnished by the Appellant was not satisfactory.
27. The Appellant denies the allegation in Para No. 8 of the Report that earlier due to improper handling and non-segregation of BMW and Solid Waste by the unit authorities, the Bio Medical Waste **might have got** mixed up with the general waste and disposed to the general solid waste vendor M/s. Ashok Paper Mart as mere conjecture. The Appellant further submits that the Respondent has made the same allegation in Para No. 4 of the Show Cause Notices dated 25.09.2024, wherein the Respondent has recorded that "*However, it was ascertained that due to improper handling and non-segregation of Bio Medical Waste and Solid Waste by the unit authorities earlier, the Bio Medical Waste **might got** mixed up with the general waste and disposed illegally by the waste Recycler*".

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28. The Appellant humbly submits that the above allegation is nothing but nothing but a vague and unsubstantiated statement and a mere speculation by the Respondent. The Appellant respectfully submits that based on the Respondent's inspection of the Appellant's premises on 24.09.2024, the Respondent cannot make allegations about the handling and segregation of Waste by the Appellant "earlier" than 24.09.2024. In any case, the Appellant humbly submits that the Respondent has not provided the Appellant with a report of the inspection conducted on 24.09.2024.
29. The Appellant humbly submits that had the Respondent found any deviations in their inspection conducted on 24.09.2024, the same would have been submitted as a report before this Hon'ble Tribunal at the first instance by the Respondent, considering the sensitivity of the present matter. However, the report of the Respondent's inspection of the Appellant's premises conducted on 24.09.2024 has not yet been filed by the Respondent. This presupposes that even after the Respondent's inspection of the Appellant's premises, the Respondent has not found any deviation, which therefore, supports the Appellant's contention that it has duly complied with all its obligations under the BMWM Rules, 2016.
30. Additionally, the Appellant submits that as per Rule 6 and Rule 9(3) of the BMWM Rules 2016, in the year 2023 the Respondent's office inspected the Appellant's Hospital for the renewal of the Appellant's Bio Medical Waste Authorization. Since upon inspection, the Respondent did not find any non-

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compliance of the BMW Rules, 2016, and since the Appellant's segregation, storage and disposal of Bio Medical Waste was as per the BMW Rules, 2016 the Appellant's Bio Medical Waste Authorization was duly renewed by the Respondent. This being the case, the Respondent is estopped from alleging in Para No. 8 of the Report that there was improper handling and segregation at the Appellant's premises before 24.09.2024.

31. The Appellant further denies the contents specified in Para No. 8 of the Report to the extent that the General Solid Waste Vendor M/s. Ashok Paper Mart has vacated his rented solid waste storage yard without clearing the waste dumped for years together and the present owner of the premises has cleared the general solid waste storage yard with an unauthorized vendor which has resulted in the dumping of general solid waste allegedly mixed with Bio Medical Waste at the Site. In any case, if the allegations in Para no. 8 of the Report are found to be true, then it is M/s. Ashok Paper Mart and the present owner of his premises, who should be held responsible by the Respondent for the improper disposal of Bio Medical Waste, if any and Solid Waste at the Site rather than the Appellant.

32. With respect to the contents specified in Para No. 9 of the Report, the Appellant humbly submits that it has duly complied with all its obligations under the BMW Rules, 2016.

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33. The Appellant submits that in accordance with **Rule 4 (b)** of the BMWM Rules, the Appellant has provisioned individual rooms within its premises for storage of segregated BMW with lock. Further, the segregation and collection of Bio Medical Waste have been handled by the Appellant 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 the Appellant
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 by the Appellant.
	a) Chemical Liquid Waste	Separate collection system leading to effluent treatment	Separate collection system leading to effluent treatment

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	(applicable liquid from laboratories and floor washing cleaning, house-keeping and disinfecting activities)	system	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 are	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

34. After the segregation of Bio Medical Waste as mentioned above, as per Rule 7(2) of the BMW Rules, the Appellant duly hands over all its segregated Bio Medical Waste to GJ Multiclave for treatment, processing and final disposal.

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35. The process of handing over the segregated Bio Medical Waste by the Appellant to the Common Bio Medical Waste Treatment Facility, GJ Multiclave, are as follows:
- a. the vehicle of GJ Multiclave arrives to the Appellant's individual storage rooms for collection of the segregated Bio Medical Waste. GJ Multiclave's staff weigh the segregated Bio Medical Waste and record the same in their B.M.W. collection slip;
 - b. Thereafter, GJ Multiclave's vehicle containing the segregated Bio Medical Waste of the Appellant will be transported by GJ Multiclave to their own Facility; and
 - c. Subsequently, as per Rule 5 of the BMW Rules it is the duty of GJ Multiclave to treat and dispose the segregated Bio Medical Waste collected from the Appellant.
36. The Appellant humbly submits that the Appellant's duty with respect to Bio Medical Waste ends once the segregated Bio Medical Waste is handed over by the Appellant to GJ Multiclave for disposal. Therefore, the Appellant humbly submits that it cannot be held liable for any improper handling and disposal of Bio Medical Waste by GJ Multiclave.
37. Therefore, the Appellant humbly submits that it has duly complied with all its obligations under the BMW Rules, 2016 especially **Rules 4 (a), (b) , (f), Rule 7(2), Rule 8(1) and Rule 8(2)** mentioned in Para No. 9 (i) to 9(vii) of the Report.

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38. The Appellant further submits that with regard to **Rule 4 (e)** of the BMWWM Rules, 2016 mentioned in Para No. 9(iii) of the Report, the Appellant has the necessary Agreements in place with the respective vendors for disposal of wastes other than Bio Medical Waste, as mandated under the applicable laws.
39. The Appellant submits that it is not aware of the contents stated in Para No.10 of the Report since the letter dated 25.09.2024 was not served to the Appellant by the Respondent.
40. The Appellant vehemently denies the contents specified in Para No. 11 of the Report and states that the Appellant is not liable to pay Environmental Compensation to the Respondent. The Appellant further denies the contents specified in Para No. 11(i) of the Report that the Appellant has improperly segregated its Bio Medical Waste. The Appellant submits that it has properly segregated its Bio Medical Waste as outlined in the preceding paragraphs.
41. The Appellant denies the allegation in Para No. 11 (ii) of the Report. The Respondent has vaguely alleged that there are non-compliances of 'other' responsibilities under BMWWM Rules without categorically stating the specific non-compliances. This by itself establishes that the Respondent's allegations are bald and have no basis. In any case, the Appellant submits that it has complied

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with all its responsibilities as stipulated under BMW Rules, 2016. A detailed explanation of the same is provided hereunder:

- a. **As per Rule 4(a) of the BMW Rules**, the Appellant has taken all necessary steps to ensure that Bio Medical Waste is handled inside the Appellant's Hospital without any adverse effect to human health and the environment;
- b. **As per Rule 4 (b) of the BMW Rules**, the Appellant has made provision within the Hospital for a safe, ventilated secured location for storage of segregated Bio Medical Waste in colored bags or containers in the manner as specified in Schedule I of the BMW Rules;
- c. **As per Rule 4 (c) of the BMW Rules**, the Appellant is 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 BMW Rules**, the Appellant is using Non Chlorinated plastic bags issued by GJ Multiclave;

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- e. As per Rule 4 (e) of the BMW Rules, the Appellant is disposing its solid waste in accordance with the provision of respective waste management rules;
- f. As per Rule 4 (f) of the BMW Rules, the Appellant is not giving any treated Bio Medical Waste with municipal solid waste;
- g. As per Rule 4 (g) of the BMW Rules, the Appellant has given adequate training to all its 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 by the Appellant to the Respondent in the Annual Report Form IV;
- h. As per Rule 4 (h) of the BMW Rules, the Appellant has provided immunization to all its healthcare workers and others involved in the 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,

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- i. **As per Rule 4 (i) of the BMWM Rules**, the Appellant has established and is practicing Bar-Code system for the bags or containers from the year of commencement of BMWM Rules 2016 and the same is also affirmed by the Respondent in the Bio Medical Waste authorization renewal inspection report issued by the Respondent to the Appellant;
- j. **As per Rule 4 (j) of the BMWM Rules**, the Appellant is ensuring segregation of liquid chemical waste at source and ensuring pre-treatment or neutralization prior to mixing it with other effluent generated at the Appellant's premises;
- k. **As per Rule 4 (k) of the BMWM Rules**, the Appellant has 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**, the Appellant has ensured occupational safety of all its health care workers and others involved in handling of Bio Medical Waste by providing appropriate and adequate personal protective equipment;
- m. **As per Rule 4 (m) of the BMWM Rules**, the Appellant has conducted health check up at the time of induction and then every one year for its

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healthcare workers and others involved in handling of Bio Medical Waste and the Appellant has maintained records for the same;

- n. **As per Rule 4 (n) of the BMW Rules**, the Appellant has maintained and updated the Bio Medical Waste register on its website every day and has also updated the monthly record on <https://www.miotinternational.com/bio-medical-waste-report/>;
- o. **As per Rule 4 (o) of the BMW Rules**, the Appellant is reporting major accidents, if any during handling of Bio Medical Waste and the remedial action taken and records relevant thereto (including nil report) and submits them as an incident report to the Respondent along with Annual Report in Form IV;
- p. **As per Rule 4 (p) of the BMW Rules**, the Appellant has made available the Bio Medical Waste Annual Report on its website within the stipulated time as mentioned in the BMW Rules;
- q. **As per Rule 4 (q) of the BMW Rules**, the Appellant obtains assistance from the prescribed authority in case the operator of a facility does not collect Bio Medical Waste from the Appellant's premises within the intended time;

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- r. **As per Rule 4 (r) of the BMWM Rules**, the Appellant has established a system to review and monitor the activities related to Bio Medical Waste management through its Bio Medical Waste Management Committee and the minutes are recorded;
- s. **As per Rule 4 (s) of the BMWM Rules**, the Appellant is maintaining all records for the autoclaving as mentioned in the BMWM Rules; and
- t. **As per Rule 4 (t) of the BMWM Rules**, the Appellant is not practicing incineration at its premises. The Appellant's incinerable materials are sent to GJ Multiclave.
42. The Appellant admits the contents in Para No. 12 of the Report to the extent that it has received the Show Cause Notices issued by the Respondent bearing
- | | | | |
|------------|-----|------------------------------|-----|
| Proceeding | No. | T3/TNPCB/F.022499/BMW/2024-1 | and |
|------------|-----|------------------------------|-----|
- Proceeding No. T3/TNPCB/F.022499/BMW/2024-2 dated 15.10.2024.
43. However, with regard to Para No. 13 of the Report, the Appellant vehemently denies the imposition of Environmental Compensation of Rs.55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand and Six Hundred Twenty-Five Only) on the Appellant as per G.O. (Ms.) No.77 dated 28.10.2020 for the Appellant's alleged non-compliance of the BMWM Rules, 2016. Moreover, the Appellant submits that as per Para 3 (d) of the Report, the quantity of alleged Bio Medical Waste of GEM Hospital found at the Site is more than the alleged

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quantity of the Appellant's Bio Medical Waste as the Site. However, the Respondent has imposed a higher quantum of Environmental Compensation on the Appellant as compared to GEM Hospital. This shows that the Respondent has arbitrarily imposed the Environmental Compensation amount on the Appellant, even though no Bio Medical Waste of the Appellant was found at the Site.

44. The Appellant further submits that the Respondent has relied on G.O. (Ms.) No. 77 dated 28.10.2020 in its Show Cause Notice bearing **Proceeding No. T3/TNPCB/F.022499/BMW/2024-2** dated 15.10.2024. This G.O. (Ms.) No. 77 only applies to Health Care Facilities and Common Bio Medical Waste Treatment Facilities for non-compliance of BMW Rules, 2016. The Appellant submits that since it has complied with all the BMW Rules the G.O. (Ms.) No. 77 dated 28.10.2020 is not applicable to the Appellant.
45. Without prejudice to the above, the Appellant submits that the Respondent has not shown in its show cause notice bearing Proc. No. T3/TNPCB/F.022499/BMW/2024-2 dated 15.10.2024 how the Environmental Compensation amount of Rs. 55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand and Six Hundred Twenty-Five Only) was determined by the Respondent. The Appellant submits that G.O. (Ms.) No. 77 provides a specific methodology and formula for the computation of Environmental Compensation. This being the case, the Respondent ought to have detailed in its show cause notice bearing Proc. No. T3/TNPCB/F.022499/BMW/2024-2 dated 15.10.2024,

the factors considered, and the methodology followed by the Respondent for arriving at the specific Compensation amount of Rs. 55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand and Six Hundred Twenty-Five Only).

46. However, the Respondent has arbitrarily called upon the Appellant to show cause as to why the Environmental Compensation should not be levied by the Respondent, without providing any clarification as to how the compensation amount of Rs. 55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand and Six Hundred Twenty-Five Only) was determined by the Respondent.
47. In any case, the Appellant vehemently denies the imposition of Environmental Compensation of Rs. 55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand and Six Hundred Twenty-Five Only) on the Appellant for the alleged non-compliance of the BMWM Rules. The Appellant humbly submits that it has complied with all its duties under the BMWM Rules and therefore no Environmental Compensation can be imposed on the Appellant.
48. The Appellant admits the contents in Para No. 14 of the Report that the Appellant has replied to the Respondent's show cause notices bearing **Proceeding No. T3/TNPCB/F.022499/BMW/2024-1** and **Proceeding No. T3/TNPCB/F.022499/BMW/2024-2** dated 15.10.2024 vide letter dated 05.11.2024.
49. As stated by the Respondent in Para No. 15 of the Report, the Appellant has received the Impugned Directions dated 18.12.2024 issued by the Respondent to

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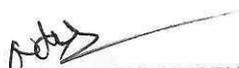
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the Appellant in violation of this Hon'ble Tribunal's order dated 13.12.2023 in OA No. 274 of 2024. The "**Impugned Directions dated 18.12.2024**" was issued by the Respondent inter-alia for the Appellant's alleged non-compliance of the BMWM Rules, 2016 for the period of 01.08.2023 to 24.09.2024, wherein the Respondent arbitrarily sought remittance of Environmental Compensation of Rs. 55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand and Six Hundred Twenty-Five Only) from the Appellant.

50. As stated by the Respondent in Para No. 16 of the Report, the Appellant replied to the Respondent's Impugned Directions dated 18.12.2024 vide letter dated 08.01.2025 and stated inter-alia that the Appellant is not liable to remit the Environmental Compensation demanded by the Respondent since the Appellant has complied with its duties under the BMWM Rules, 2016. The Appellant in its letter dated 08.01.2025 further requested the Respondent to grant the Appellant a personal hearing as mandated by this Hon'ble Tribunal in its order dated 13.12.2024 in OA No. 274 of 2024.
51. The Appellant admits the contents of Para No. 17, 18 and 19 of the Report as true and correct.
52. The Appellant submits that a Personal Hearing was conducted by the Respondent on 12.03.2025 and the instructions mentioned in Para No.20 were issued to the Appellant vide a 'Minutes of the Personal Hearing' received by the Appellant on 21.03.2025. The Appellant has replied to the instructions of the Respondent vide letter dated 28.04.2025.

For
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53. The Appellant vehemently denies the averment in Para 20.1 and states that no bar-coded yellow bag belonging to the Appellant was found at the Site and the Respondent is put to strict proof of the same.
54. The Appellant has taken all the necessary steps as outlined hereinabove to ensure that Bio Medical Waste is handled without any adverse effect to human health and the environment and hence the Appellant has duly handed over its Bio Medical Waste to the GJ Multiclave for proper treatment and disposal.
55. In any case, the Appellant vehemently denies the contention in Para No. 20.2 of the Report that the Appellant is bound to remit the remaining 50% of the Environmental Compensation levied in the Impugned Directions dated 18.12.2024 for the alleged non-compliances stated therein. The Appellant states that this Appeal No. 01 of 2025 is sub-judice and while being so, the Respondent cannot prematurely demand the remaining Environmental Compensation from the Appellant for the unproven allegations made by Respondent against the Appellant in the Impugned Directions dated 18.12.2024.
56. It is for this Hon'ble Tribunal 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, the Appellant is not liable to remit any compensation to the Respondent.

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57. The Appellant replies to the rest of the Respondent's instructions in Para No. 20 of the Report as follows:

- a. The Appellant is providing periodical training to its lower-level staff on segregation of Bio Medical Waste in colour coded bags in accordance with the BMWM Rules, 2016;
- b. The Appellant is keeping a constant check on its vendors who collect general solid waste and food waste from its premises by monitoring their performance from collection till disposal of the wastes;
- c. The Appellant is maintaining a register for accountability on number of barcoded bags issued to the Appellant by the Common Bio Medical Waste Treatment Facility i.e, GJ Multiclave, and the number of bags collected back by GJ Multiclave;
- d. The Appellant's Bio Medical Waste Management Committee conducts regular meetings for monitoring the handling of Bio Medical Waste in the Appellant's premises; and
- e. The Appellant has complied with all its duties as occupiers under the Bio Medical Waste Management Rules, 2016.

58. In light of the above facts and circumstances it is most humbly prayed that this Hon'ble Tribunal may be pleased to:

- a. Set-aside the Impugned Directions dated 18.12.2024 issued by the Respondent; and
- b. Pass any such other or further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

For
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X

APPELLANT

Dated at Chennai on this the 11th day of June ,2025

Shob.
NS 4/162/22

Counsel for the Appellant

VERIFICATION

I, Mr. B.S Vidhyasagr, Chief Financial Officer of the Appellant above named do hereby declare that the facts stated above are true and correct to the best of my knowledge and belief.

Verified at Chennai on this the 11th day of June ,2025

For **MIOT
HOSPITALS
PRIVATE LIMITED** 

X *[Signature]*
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APPELLANT

**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

**REPLY FILED BY THE APPELLANT
TO THE REPORT FILED BY THE
RESPONDENT**

P.S. Suman (Ms. 924/2003)
V. Amrutha (Ms. 1870/2015)
Huda. S (Ms. 4162/2022)

**COUNSEL FOR THE
APPELLANT**

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