

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE BENCH AT CHENNAI**

**Appeal No. 3 of 2026 (SZ)**  
Along with  
Appeal No. 69, 70 of 2025(SZ)

**IN THE MATTER OF**

M/s RVS Construction,

Rep by its Partner Mr. R.V. Satish Babu

...APPELLANT

VERSUS

The Tamil Nadu Pollution Control Board,

Rep by its Member Secretary and 1 Other.

... RESPONDENTS

**COMPREHENSIVE ARGUMENT NOTES WITH DATES AND EVENTS  
FILED BY THE COUSEL FOR APPELLANT**

It is respectfully submitted that, the Appellant M/s RVS Constructions, a Partnership Firm is engaged in the business of civil contracts for construction of Storm Water drain and other project works for government and private undertakings, and its other allied activities, etc. The short argument notes for the appeals are contemplated below for the convenience of this Hon'ble Tribunal;

**I. TEMPORARY LAND ALLOTMENT AND CONSENT REJECTION  
BY TNPCB:**

- 1. 05.11.2021** - The Water Resources Department - PWD, allotted a vacant land admeasuring 9,000 Sq.ft. on a temporary lease basis for 4 years to set up a Batching Plant in S.F. No. 237, Sholinganallur - 1 Village, vide Proceeding Order No. AEE/ABD/F.32/2020 (**ANNEXURE-A/2**).

2. **20.04.2023** – Greater Chennai Corporation issued a Work Order bearing W.O. No. D/WO/2593/2022-23 for the construction of integrated storm water drain works in M1 & M2 components in Kovalam Basin (**ANNEXURE-A/3**).
3. **05.07.2024** – The Appellant filed Application No. 60868138 seeking CTO - Direct for a Ready Mix Concrete Unit with a production capacity of 120 Tonnes/Day.
4. **24.07.2024** – TNPCB rejected the CTO application vide Proc. No. F.1130CHS/GS/DEE/TNPCB/2/W&A/2024 (**ANNEXURE-A/4**).
5. **Primary Ground for Rejection:** The rejection was based on TNPCB siting criteria guidelines, which prohibit RMC plants from being permitted within 250 meters of residential areas or human settlements. Furthermore, the project site was located within 50 meters abutting the Buckingham Canal, thereby attracting the provisions of the Coastal Regulation Zone Notification, 2011 (**ANNEXURE-A/4**).

## **II. GRANT OF CONSENT BY APPELLATE AUTHORITY**

6. **30.07.2024** – Aggrieved by the rejection, the Appellant filed appeals, and the Appellate Authority allowed Appeal Nos. 80 & 81 of 2024, directing TNPCB to grant consent to the temporary RMC plant. The Authority granted relief by considering the public interest and the critical importance of the GCC storm water project, alongside the Appellant's strict undertaking to completely dismantle the unit upon project completion and refrain from supplying materials to outside parties (**ANNEXURE-A/5**).
7. **15.11.2024** – Pursuant to the Appellate Authority's order, TNPCB granted the CTO - Direct valid up to 19.04.2025 vide Consent Order No. 2405261524341 and Proceedings No. F.1130CHS/GS/DEE/TNPCB/CHS/A/2024 (**ANNEXURE-A/6**).
8. **Specific Condition:** Specific restrictions required the unit to strictly comply with the CRZ Notification 2011, provide and maintain 20-foot high tin sheet barricades all around the periphery, continuously operate a water sprinkler

system to arrest fugitive emissions, and ensure the operation attracted zero complaints from nearby residents.

### **III. SUBSEQUENT STOP NOTICE AND REJECTION OF CTO RENEWAL**

9. **17.04.2025** - The TNPCB District Environment Engineer issued a stop notice vide Letter No. DEE/TNPCB/CHS/RVS/GS/2025 as the consent to operate was expiring on 19.04.2025 (**ANNEXURE-A/8**).
10. **23.04.2025** - The Appellant submitted an online application bearing Application No. 66995664 seeking renewal of the existing CTO - Direct as there was a renewal clause in the general condition.
11. **24.04.2025** - TNPCB rejected the renewal application vide Proc. No. F.1130CHS/GS/DEE/TNPCB/2/W&A/2025 (**ANNEXURE-A/9**). An appeal subsequently was preferred against the rejection.
12. **Primary Ground for Rejection:** The renewal was refused as the validity period established by the Appellate Authority's earlier order had expired on 19.04.2025. Additionally, it violated TNPCB siting criteria (being within 250 meters from residential setups) and was abutting the Buckingham canal within 100 meters, continuing to attract CRZ Notification 2011 provisions (**ANNEXURE-A/9**).

### **IV. APPEAL DISMISSAL AND ISSUANCE OF SEALING DIRECTIONS**

13. **05.11.2025** - The Appellate Authority dismissed Appeal Nos. 99 & 100 of 2025, upholding the renewal rejection (**ANNEXURE-A/10**).
14. **Reason for Appeal Dismissal:** Relief was denied on the grounds that the units functioned without valid consent contrary to rules and regulations, and permitting them to run further would be heavily detrimental to the environment and local residents.

15. **20.11.2025** - TNPCB issued an explicit instruction vide Lr.No.DEE/TNPCB/CHS/RVS/ to dismantle the RMC batching plant and its DG sets, vacate the premises, and dispose of the debris within a week's time (**ANNEXURE-A/11**).
16. **08.12.2025** - The Appellant issued an intimation letter to the authorities detailing the pendency of NGT appeals, which was acknowledged on 09.12.2025 (**ANNEXURE-A/12**).
17. **11.12.2025** - The Appellant challenged the Appellate Authority's dismissal order before the Hon'ble National Green Tribunal (SZ) in Appeal Nos. 69 & 70 of 2025, which were admitted on this date.
18. **21.01.2026** - Despite the pending NGT appeals, TNPCB issued directions for the sealing of the DG sets and the entire premises vide Proceeding No. TNCBPB/T6/F.034974/CHS/W/2026 under Section 33A of the Water Act, 1974. (**ANNEXURE-A/1**)

**V. IMPUGNED APPELLATE AUTHORITY ORDER & CLOSURE ORDER AND CONNECTED APPEALS:**

19. Thus, present Appeal No. 69, 70 of 2025 (SZ) and Appeal No. 3 of 2026(SZ) was filed by the Appellant before the Hon'ble NGT specifically to stay and set aside the Appellate Authority Appeal Nos. 99 & 100 of 2025 dated 05.11.2025 (**ANNEXURE-A/12**) and TNPCB Directions for sealing the DG sets order dated 21.01.2026. (**ANNEXURE-A/1**)

**VI. GROUNDS RAISED IN ALL THREE APPEALS::**

- i) That the impugned order is erroneous, unsustainable and contrary to the established principles of law. Hence, the Impugned order is liable to be interfered with. That the impugned order has been passed without granting due weightage to the settled position of law and the Appeal No.

80 & 81/2024 order dated 30.07.2024 (ANNEXURE-A/5) in this regard and the prevalent facts and circumstances of this case and thus suffers from non-application of mind and the applicable law. Hence, the Impugned order is liable to be interfered with.

- ii) That the impugned order is passed without reference to the Appeal No. 69 & 70/2025 pending against the appellate authority order and its consequential dismantle notice, despite intimation was given to the authorities, without reference to the appeal pending, directions for closure and stoppage of power supply order was issued. Thus, the impugned order is liable to be interfered with, and liable to be struck down.
- iii) That the Impugned order passed by the Appellate Authority has jurisdiction over only the Water Act, 1974 and the Air Act, 1981 and it is not empowered under the CRZ notification, 2011 to verify whether the site is falling within the CRZ or not is without jurisdiction and powers vested under the CRZ notification, 2011. The project site is in SF No. 237 and it is not in CRZ notified area as per Revenue records and CZMP Maps. **The site is near to CRZ-II, yet there is no prohibition or falls under No Development Zone or prohibition to put up a temporary structure.** The impugned order is arbitrary, without jurisdiction, violative of law and liable to be set aside.
- iv) That the impugned order failed to note that without any allegations against the appellant unit and it is mentioned that there are several other units functioning without consent from the board whereas the present appellant unit has valid consent to operate till 19.04.2025 and abutting buckingham canal is already decided in the earlier rounds of litigation in Appeal No. 80 & 81/2024 order dated 30.07.2024 (ANNEXURE-A/5). The

impugned order should be project specific and thus the order is liable to be set aside.

- v) That the impugned order and the 2<sup>nd</sup> respondent failed to note that, there was no public complaint against the appellant unit and thus the impugned order is liable to be set aside.
- vi) That the subject unit is a Batch Plant and is not a permanent unit and will only be in operation for a limited period, pursuant to the work order issued by the Greater Chennai Corporation. On a perusal of the guidelines, it is seen that the same cannot be strictly applied to the subject unit for the reason that it is only being operated for a limited period and not permanently and the machineries will be vacated as soon as the work is completed. The Siting Criteria Guidelines will be applicable only to the permanent RMC plants and not for the temporary units which is permitted for specific operations.
- vii) That the impugned order failed to note their own Report on Guidelines issued for Ready Mix Concrete (RMC) plants arising out of OA No. 24 of 2017 order dated 30.03.2017. The relevant para is extracted below for the convenience of this Hon'ble Tribunal; **(ANNEXURE-A/13)**

**B. Existing Ready Mix Concrete Plants:**

**I. Siting Criteria:**

*1. All existing RMC plants shall not undertake expansion activity without prior consent of the Board. If the unit apply for consent of the Board for expansion activity. It is to be considered as a proposed industry and recommended siting criteria to be adhered with.*

**2. The Existing RMC Plants which are not meeting the citing criteria shall provide a compound wall/Tin sheet**

*coverage/Barricades to a height of 20 feet all around the periphery of the unit premises.*

- viii) That the 2<sup>nd</sup> respondent failed to note that, the RMC Unit product is a final product and not a raw material to be stored and transported as in when required, the final product of RMC Plant cannot be put on hold and transported to a distant place as there is a standard allowable deviation for setting of cement Concrete. Hence, the distance criteria objection in a densely populated city and 250m from two RMC plants cannot be sustained for a city projects, as there is only air pollution is anticipated in a RMC plant which can be curtailed with additional conditions. **The respondent failed to note that the guidelines is still in the draft stage, which does not have any legal validity to reject the application.**
- ix) The impugned order and the 2<sup>nd</sup> respondent failed to adhere to the Indian Standards for Concrete Admixtures-Specification issued by Bureau of Indian Standards, that the Ready Mix concrete has a specific time of setting allowable deviation from Control sample hours. Hence, setting up of unit far away from the project site is not technically feasible as this will impact the quality of concrete structure. **(ANNEXURE-A/14)**
- x) That the impugned order failed to consider the fact that the Appellant unit is well within its rights and in compliance of all the procedures, to operate the unit and is not in violation of any criteria as the rejection grounds are interfered by the appellate authority in earlier rounds of litigation in Appeal No. 80 & 81/2024 order dated 30.07.2024. Hence, the Impugned order is liable to be interfered with.

- xi) That the impugned order issued by the Appellate Authority has failed to note that there was additional conditions which as imposed while granted the Consent to Operate direct was followed by the appellant without any deviation and no violations during the past permitted period and failed to note that there won't be any permanent structures or units in the subject land and this Appellant is ready and willing to install all pollution control measures and any additional safety measures as suggested by the Board as mentioned in the Consent to operate-Direct. **(ANNEXURE-A/6)**
- xii) That, pursuant to the order in Appeal No. 99 & 100/2025 order dated 05.11.2025 issued on 19.11.2025, instruction was issued by the 2<sup>nd</sup> respondent to dismantle the RMC batching plant and its DG sets and dispose the debris within premises and to vacate the premises within a week time without referring to the statutory appeal period permitted in the statutory Act.
- xiii) That the impugned order ought to have considered the fact that the reasons cited in the impugned order cannot be relied upon since the Appellant unit is compliance with the requirements for obtaining consent and has filed the required documents along with the application and therefore, the reason adduced in the impugned proceedings for rejecting the consent renewal application is arbitrary and unreasonable. On this ground alone, the order impugned is liable to be set aside.
- xiv) That since the Appellant unit is a temporary unit and will in operational until the allotted work is completed however, it is only a guideline to ensure optimal protection from the stipulated areas, the 2<sup>nd</sup> Respondent

ought to have considered relaxing the siting criteria for the temporary period and imposed any additional safety requirements or protection measures for the appellant unit and ought not to have rejected the application and hence the impugned order is liable to be interfered with.

- xv) That the Appellant is ready and willing to comply with stringent conditions that may be imposed by the Board. The Appellant undertakes to install all required statutory water, air and noise pollution control measures and subject to any other conditions imposed by the Respondent Board in this regard.

Dated at Chennai on this the 26<sup>th</sup> day of March, 2026.



**COUNSEL FOR APPELLANT**