

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, AT CHENNAI
APPEAL No. 37 of 2023**

M/s.Ebmapst India Private Ltd.,
725/1, 200 Feet Inner Ring Road,
Madhavaram & Post, Chennai 600 110.
Rep. by its Managing Director
Email:shanthakumar.g@in.embpapst.com
Mobile No.9551070026.

....Appellant

-Vs-

1. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai - 600 032 & 2 Others

...Respondents

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**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

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....Appellant

-Vs-

1. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai - 600 032.
Email : tnpcb-chen@gmail.com
Mob:-044-22353134.
2. The Joint Chief Environment Engineer (M),
A/C), Tamil Nadu Pollution Control Board,
Chennai Zone, No.950/1, 1st Floor,
Poonamallee High Road,
Arumbakkam, Chennai - 600 106.
Email: jceemchn@tnpcb.gov.in
Phone: 044-26220219.
3. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
77-A, South Avenue Road,
Ambattur Industrial Estate,
Chennai - 600 058.
Email: deeambattur@gmail.com
Phone No: 044-26246522

....Respondents

P. J. K. S.
**ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.**

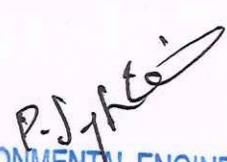
ADDITIONAL REPORT FILED ON BEHALF OF THE RESPONDENTS –
TAMIL NADU POLLUTION CONTROL BOARD.

I, P. Suganthi Rani, daughter of K.V.Pugalendi, aged about 49 years having office at No.76, Mount Salai, Guindy, Chennai 600 032 do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am working as the Environmental Engineer, Tamil Nadu Pollution Control Board (TNPCB), Chennai -600 032, and I am authorized to file this Report on behalf of the Respondents - Tamil Nadu Pollution Control Board (TNPCB). I am well acquainted with the facts and circumstances of the case from the records available at our office.
2. It is respectfully submitted that the Appellant has filed an appeal against the letter dt.28.08.2023 of JCEE (M), TNPC Board, Chennai wherein the JCEE (M), Chennai directed the unit M/s. EBM-PAPST India Private Limited, S.F.No. 725-1,2B,727-2,737-1,2B, Madhavaram Village, Madhavaram Taluk and Chennai District to remit Environmental Compensation of Rs.9Lakh (Rupees Nine Lakh Only) as per the Board proceeding dt: 22.05.2023 as per the Rule 23 (2) of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 under Section 5 of the Environment (Protection) Act 1986 under Section 5 of E (P) Act 1986 for operating the unit without obtaining valid Hazardous Waste Authorization under the HOWM Rules 2016.
3. It is respectfully submitted that the unit of M/s. EBM-PAPST India Private Limited, located at S.F.No.725-1,2B,727-2,737-1,2B, Madhavaram Village, Madhavaram Taluk and Chennai District has obtained Consent to Establish on 25.03.2009 vide Board Proceedings No: T16/TNPCB/6810/TLR/A&W/2009 dated 25.03.2009 and further renewal issued up to 31.03.2026 for the following activities:

Products:

- a. Axial Type Fans – 350000 Nos/Annum
- b. Radial and Centrifugal Type Fans–150000
Lakhs/Month


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Discharge of sewage:

Sewage – 7 KLD and disposal on land for gardening

Discharge of Effluent:

- a. Trade Effluent – 3.2 KLD and recycled to process
- b. Trade Effluent – 0.8 KLD and disposal through Evaporator

Point Source Emissions:

- a. Degreasing & iron Phosphating section attached to stack 12 m above GL
- b. Hot Water Generator attached to stack 12 m above GL
- c. Water Dry Off Oven attached to stack 12 m above GL
- d. Cooling Zone I Outtake Duct attached to stack 12 m above GL
- e. Cooling Zone 2 out take duct attached to stack 12 m above GL

DG Set 370 KVA-3 Nos. attached to Acoustic enclosures with Stack 8 m above GL.

4. It is respectfully submitted that the report filed on behalf of the respondents on 21.02.2024 before this Hon'ble Tribunal shall be taken as a part and parcel of this additional report.
5. It is respectfully submitted that the Hon'ble National Green Tribunal, SZ, Chennai, in its order dated 30.11.2023 has stated that as follows:

“There will be an order of interim stay on condition that the appellant shall deposit 50% of amount levied on them within a period of 2 (two) weeks with the Tamil Nadu Pollution Control Board, failing which, the stay granted will be automatically vacated without further reference to this Tribunal”.

6. It is respectfully submitted that the unit in its letter dated 03.06.2024 has requested JCEE (M), Chennai to waive the penalty and to issue Authorization. In this regard, a personal hearing was conducted with the authorities of M/s. EBM-Papst India


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 CHENNAI-600 032.

Private Limited on 30.10.2024. The unit has submitted that the unit has requested to waive off remaining part of EC of Rs. 4.5 Lakhs in letter dated 05.11.2024 with the below details:

- a. The unit has resubmitted application for Hazardous waste authorisation on vide application no.6303222 dated 30/07/2016 on 07/11/2024.
 - b. The unit has requested to waive off remaining part of unpaid penalty of Rs. 4.5Lakhs and requested to issue hazardous waste authorisation. The unit has assured not to claim the refund of 50% penalty which has already been paid in compliance with the interim order passed in the Appeal No.37 of 2023.
 - c. The unit's authority has assured to withdraw the said appeal in S.A. No.37 of 2023 before Hon'ble NGT (SZ), Chennai. (Enclosed as Annexure - 1)
7. It is respectfully submitted that the unit has remitted Rs. 4.5 Lakhs vide Cash receipt No. 723 dated 14.12.2023. Further, it is submitted that the unit has re-submitted the application for Hazardous waste authorisation under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 vide application No. 6303222 dated 30.07.2016 on 07.11.2024. The application was returned again for submitting the additional documents by the unit on 20.1.2025 and the unit has furnished the same on 11.2.2025. The application was returned once again for submitting the additional documents by the unit on 19.3.2025 and the unit was resubmitted the application on 26.3.2025 and it's under process.
8. It is respectfully submitted that , in mean time the Board has conducted a personal hearing with the unit on 28/02/2025, after details discussion the committee decided that "the unit shall furnish all the documents/additional details, consisting of the reasons why the Board has returned the application and the unit's response to Board's queries from the date of applying of hazardous wastes authorization till levying of Environmental compensation, so as to compare with TNPCB records to decide on further course of action".


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No.76, MOUNT SALAI, GUINDY,
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9. It is respectfully submitted that, the Hon'ble NGT in its order dated 17/03/2025 "directed the TNPCB to review the reasons for returning the application, the Board's queries, and the unit's responses, and then take a call on waiving the amount as previously directed"
10. It is respectfully submitted that, the unit has furnished details of the queries raised by the Board in the HWA application and the subsequent replies furnished by the unit for the period 2018-2023.
11. It is respectfully submitted that, the TNPC Board decided to conduct a Technical Committee meeting on 23/04/2025 to review the documents furnished by the unit and to take decision on the levy of Environmental Compensation against the unit.
12. It is respectfully submitted that, the technical committee meeting is held on 23/04/2025, the committee reviewed the sequences of application submitted by the unit and queries raised by TNPCB in detail. The committee observed the following major reasons to return the Hazardous Waste application filed by the unit:
- The application submitted by the unit was as per the old rules, i.e. Hazardous Waste (M&H) Rules 2008. Hence the TNPCB has returned the application to the unit and asked to resubmit the application as per the new rules i.e Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. However, the unit took considerable time (17 months) to resubmit the application as per the new rules.*
 - The unit has failed to furnish the basic information (manufacturing process with flow sheet indicating input, output and sources of generation of Hazardous wastes) sought by the Board which is required for processing the HWA application filed by the unit. For this reason application was returned two times.*
 - As per the provisions given under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, the Hazardous Waste generator (i.e. the unit) is not authorized to store any Hazardous Waste more than 90 days. Further without valid Hazardous waste authorization, the unit cannot dispose the Hazardous waste.*

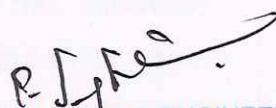

ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
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d. Further during the time of inspection of the unit on 11.01.2023 by TNPCB officials, the unit has failed to provide record of sale, transfer, storage, recycling recovery, reprocessing, co-processing and utilization of such wastes.

13. It is respectfully submitted that, based on the above reasons only the Board has issued show cause notice for levying Environment Compensation of Rs. 9 Lakh. In compliance of the Hon'ble NGT order dated 30.11.2023, the unit has remitted 50% of the Environment Compensation i.e. Rs. 4.5 Lakh to the Board on 14.12.2023 and the remaining amount yet to be remitted for the above mentioned violations.

14. It is respectfully submitted that, the Board has issued Hazardous Waste Authorization vide Proceeding No. T1/ TNPCB/ F.0293AMB/ HWA/ RL/ AMB/ 2025 dated 21/05/2025 under Rule 6 (2) of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 enacted under Environment (Protection) Act, 1986 valid up to 31/03/2030 subject to comply with certain conditions.

Therefore, it is prayed that this Hon'ble Tribunal may be pleased to pass such order or further orders as this Hon'ble Tribunal may deem fit and proper necessary in the circumstances of the case and thus render justice.


 ENVIRONMENTAL ENGINEER
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VERIFICATION

I, P. Suganthi Rani, daughter of K.V.Pugalendi, aged about 49 years having office at No.76, Mount Salai, Guindy, Chennai 600032 do hereby verify that the contents of above report are true to the best of my knowledge through records.


 ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

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ebmpapst

engineering a better life

Dated 05.11.2024

To

The District Environmental Engineer
Tamilnadu pollution control board
77-A, South Avenue Road,
Ambattur Industrial Estate,
Chennai-58.

A 235
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Respected Sir,

Sub: Waiver request consequent upon personal hearing held at TNPCB,
Ambattur on 30th Oct – Reg:-

Ref: Lr.No.DEE/TNPCB/AMB/3514/RL/PH/2024 dated 18.10.2024

In continuation to the above notice and personal hearing held in your good office on 30th October 24. we are submitting as below for your kind favorable consideration.

We have obtained consent renewal vide process No T5\TNPCB\F.0293AMB\RLAMB\A&W2022 dt. 02\11\2022 with validity upto:31-03-2026.

As generator of hazardous wastes, we have earlier obtained authorization with the validity till 03.03.2016.

In the meantime, new Rules came into effect which caused some delay in filing renewal application for authorization which led to us filing an appeal No.S.A. 37 of 2023 before Hon'ble NGT, South Zone at Chennai.

ebm-papst India Private Limited

UNIT I: (Registered Office): 26, G.N.T.Road, Erukkencherry, Chennai - 600 118, India. Phone: +91-44-26720103
UNIT II: Survey No.725/1, 200ft. Inner Ring Road, Madhavaram, Chennai - 600 110, India. Phone: +91-44-29555300
CIN: U29309TN1990PTC019420 info@in.ebmpapst.com www.ebmpapst.in

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In pursuance to mutual discussion held at your office on 30-10-2024 and as per your direction we are submitting new application for Hazardous waste authorization on or before 11-11-2024

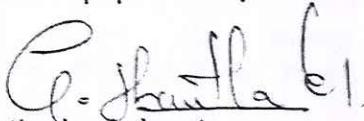
Without prejudice to our pending appeal No.37 of 2023 on the file of NGT, Southern Zone we are request you to waive off remaining part of unpaid penalty of 4.5lakhs and accord sanction to issue hazardous waste authorization to our company. In such event, we will undertake not to claim the refund of 50% penalty which we have already paid in compliance of the interim order passed in the above appeal No.37 of 2023, besides we undertakes to withdraw the said appeal in S.A. No.37 of 2023 submitting the above fact.

As a reputed MNC, We are highly committed towards environment management and followed all applicable rules & directions of board compliances from time to time. As new HZ rules 2016 we are following form-4 and form-3 we have enclosed. We humbly request the board to kindly process our application and consider our waiver request.

We are very much oblige and thanking you..

Yours sincerely,

For ebmpapst India private limited


Authorized signatory
(G. Shanthakumar)

**BEFORE THE HON'BLE NATIONAL
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OF THE RESPONDENTS – TAMILNADU
POLLUTION CONTROL BOARD.**

**Advocate for respondent :TNPCB
Thiru.Sai Sathya Jith,
Advocate, Chennai**

Date: 03.06.2025

Date of hearing on: 03.06.2025

