

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
APPEAL No.44 of 2023**

M/s. Jay Jay Mills (India) Private Limited,
(Spinning Division),
Rep.by its Managing Director,
Plot No. R-10A &R-10B,
SIPCOT Industrial Growth Centre Ingur Village,
Perundurai Taluk,Erode District.
Mob: 9500069660
Email: mohamed1728azar@gmail.com

...Appellant

Vs

1. The Chairperson,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai – 600 032
& 3 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 Chairperson,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai - 600 032.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot No. J-2 (W),
SIPCOT Industrial Growth Centre,
Perundurai – 638 052.
3. The Superintending Engineer,
TANGEDCO,
No 948, EVN Road,
Erode-638 009.
4. The Assistant Engineer,
TANGEDCO,
O & M, SIPCOT,
SIPCOT Industrial Growth Campus,
Perundurai, Erode-638 052.

...Respondents

**REPORT FILED ON BEHALF OF THE FIRST AND SECOND
RESPONDENTS – TAMIL NADU POLLUTION CONTROL BOARD.**

I, R.Sarasavani, D/o. J. Raghavan, Hindu, aged about 59 years, having my office at No.76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely state as follows:

R. Sarasavani
04/10/24

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

I respectfully submit that I am working as a Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032 and I am filing this Report on behalf of the first and second Respondents, TNPCB and as such I am well acquainted with the facts of the case from the records available at our office.

2. I respectfully submit that the appellant has filed the Appeal before the Hon'ble Tribunal with a prayer to quash the order of the 1st respondent TNPCB dated 14.12.2023 made in Proceeding No. TNPCB/T1/F.027736/Closure/Water/2023 and or pass such further or other orders as this Hon'ble Tribunal deem fit in the interest of justice.

3. I respectfully submit that the answering respondents deny all the averments contained in the appeal except those that are specifically admitted hereinafter. None of the allegations contained in the said appeal shall be deemed to be admitted merely for want of a specific denial/traverse.

4. I respectfully submit that before responding to the averments contained in the appeal, the answering respondents submit the brief facts of the case for appreciation of this Hon'ble National Green Tribunal (SZ).

BRIEF FACTS OF THE CASE

The brief facts are as follows:

- A. The SIPCOT Industrial Growth Centre, Erode was originally started in the year 2001 and it is located in Perundurai Taluk in an extent of 2709.18 acres of land. At present, 157 consented industries are in SIPCOT Industrial Growth Centre, Perundurai, including 43 Textile dyeing industries with individual ETPs, one Textile CETP (9 Member units are under operation) and one Tannery CETP (Under closure since May 2021).
- B. All the textile processing industries have provided Zero Liquid Discharge Treatment systems for the treatment of the dyeing effluent.
- C. Complaints were received from the public of villages located nearby the SIPCOT Industrial Growth Centre, Perundurai about the flow of seepage water from the SIPCOT, Perundurai into the Odai for the past few years.

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
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TAMIL NADU POLLUTION CONTROL BOARD
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- D. SIPCOT supplies fresh water to all the industries by drawing water from the River Cauvery. The industries in SIPCOT are not permitted to draw ground water using bore wells or open wells. As none of the industries are permitted to draw ground water since the inception of the SIPCOT, the ground water table of the SIPCOT area has increased considerably and maintained. The SIPCOT landscape has a natural downward slope towards the southern end. The level difference between the North and South directions is approximately 25 m. Hence, even during short spells of rain and after the rains as well, water seepage occurs and finds its way into the nearby nallah odai passing through SIPCOT.
- E. The high TDS in the seepage water could be due to the historical discharge of treated effluent by the dyeing industries on land for irrigation between 2002 to 2010 i.e. before the implementation of Zero Liquid Discharge system.
- F. In order to stop the seepage of polluted ground water flow into the Odaikattur Tank and Palathozhuvu tank, the textile processing industries have made temporary bunds in the Nalla Odai and started collecting the seepage water through tanker lorries and treating the same through the ZLD system in textile processing units for re-use.
- G. The textile processing units have collected and treated around 19,628 loads (14000 litres each) i.e. about 2,74,792 KL from 11.08.2023 to 11.07.2024.
- H. The TNPC Board has engaged NGRI (National Geophysical Research Institute, Hyderabad) to carry out the Hydrogeological Study at SIPCOT, Perundurai at Board's cost of Rs.1.36 Crores to find out the reasons for the high TDS in the seepage water and to assess the ground water pollution in the SIPCOT area and to suggest remedial measures. The NGRI has completed the field study between 2019 and 2021 at various seasons. The final report is awaited from the NGRI.
- I. Seven inspection teams / committees were formed vide TNPCB's proceeding dated 25.08.2023. All the inspection teams / committees inspected the entire

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JOINT CHIEF ENVIRONMENTAL ENGINEER
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premises of SIPCOT and furnished their report to TNPCB along with certain recommendations.

- J. Based on the recommendations of the inspection teams and the District Environmental Engineer, TNPCB, Perundurai, directions for closure and disconnection of power supply were issued to 17 industries. In addition to that, 2 industries were issued with closure order by the District Coordination Committee headed by the District Collector, Erode. Apart from that, vide TNPCB Proceeding dated 16.10.2023 suitable directions have also been issued to the textile processing units and also to the industries other than textile processing units for compliance.
- K. Based on the recommendations of the Committees a meeting on "SIPCOT Perundurai Pollution Aspects" was convened by the Additional Chief Secretary and Secretary I to Chief Minister on 16.11.2023. The minutes of the meeting has been communicated to the SIPCOT / TNPCB / District Collector, Erode.
- L. The Government of Tamil Nadu vide G.O. Ms. No.218 Industries, Investment Promotion and Commerce (MIG.1) Department Dated 20.11.2023 have accorded in-principle approval for establishment of a new CETP with a capacity of 2000 KLD at SIPCOT Industrial Growth Centre, Perundurai, to take action for the stoppage of flow of polluted seepage water into the odai (open drain flowing in the SIPCOT IGC) and to the Odaikattur tank and followed by Palathozhuvu tank.
- M. SIPCOT has issued orders to TWIC Limited for the establishment of the new CETP and the TWIC Limited has submitted Feasibility Report and has requested for additional details from SIPCOT and TNPCB on 06.06.2024.
- N. Based on frequent public complaints, vide letter dated 18.03.2023, the District Collector, Erode has addressed the Managing Director, SIPCOT, Chennai to take measures to stop the flow of polluted water into the Palathozhuvu tank

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TAMIL NADU POLLUTION CONTROL BOARD
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O. Presently, the groundwater drawn is mixed with the River Cauvery water in a desirable proportion and supplied to Dyeing Industries and other effluent generating industries through a dedicated conveying pipeline as a remedial measure for tapping the polluted ground water.

5. It is respectfully submitted that telephonic complaints were received in the office of District Environmental Engineer, TNPCB, Perundurai from the public of Perundurai on 09.12.2023 regarding the discharge of effluent from the Appellant unit M/s. Jay Jay Mills India Pvt Ltd., SIPCOT Industrial Growth Centre, Ingur Village, Perundurai Taluk, Erode District into an adjacent storm water drain (public drain). Based on the complaints received, the site located at the western boundary of the Appellant unit was immediately inspected by the Assistant Engineer, TNPCB, Perundurai, along with the officials of SIPCOT, Perundurai on 09.12.2023. Subsequently the Appellant unit was again inspected by the District Environmental Engineer, Assistant Environmental Engineers & Assistant Engineer, TNPCB, Perundurai on 11.12.2023.

6. It is respectfully submitted that the details of the Appellant unit is submitted as follows.

The Appellant unit of M/s. Jay Jay Mills (India) Pvt Ltd., has the common nomenclature with four Divisions i) Spinning Division ii) Knitting Division iii) Garment Printing Division and iv) Dyeing Division.

- i) Spinning Division (Orange Large Category) ii) Knitting Division (Orange Large Category) iii) Garment Printing Division (Red Small Category) are located in the same premises. iv) Dyeing division is located separately on the eastern side. There is also a (v) Garment division located within Garment Printing Division which comes under White Category.

7. It is respectfully submitted that vide proceeding dated 02.02.2018 Consent to Operate (CTO) has been issued to the Spinning Division located at Plot No. R10A & R10B, SIPCOT Industrial Growth Centre, Ingur Village, Perundurai Taluk, Erode District to manufacture "Spinning of Cotton Yarn - 20


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T/day” and to discharge treated sewage of 45 KLD to be utilized for toilet flushing, gardening and HVAC system & the consent has been renewed up to 31.03.2029. Then vide proceeding dated 06.03.2023, Consent To Establish-Expansion (CTE-Expansion) valid up to 31.03.2027 has been issued to the Spinning Division.

8. It is respectfully submitted that the Appellant unit M/s Jay Jay Mills India Pvt Ltd., (Spinning Division) has already provided Combined Sewage Treatment Plant of 900 KLD capacity in its premises for the treatment of 45 KLD of sewage generated from its existing Spinning Division, 6 KLD of sewage generated from Garment Printing Division, 10 KLD of sewage generated from Knitting Division, 210 KLD of sewage generated from Garment Division along with 629 KLD of sewage generated from its hostel facilities.

9. It is respectfully submitted that two hostels are located at the Garment Division, Plot No.K34 & K35 with a capacity of 1600 members approximately. Two more hostels are located at the Spinning Division, Plot No. R-10A & 10B, with a capacity of 1600 members approximately.

10. It is respectfully submitted that, the industries in SIPCOT are not permitted to draw groundwater, however the polluted seepage water is being collected by the textile processing units and reused after proper treatment. The unit M/s. Jay Jay Mills (India) Pvt Ltd., (Dyeing Division) has also started collecting the seepage water from the odai as per the directions of the TNPCB and the appellant unit M/s. Jay Jay Mills (India) Pvt Ltd. (Spinning Division) has also started collecting the seepage water.

11. It is respectfully submitted that the Appellant unit M/s Jay Jay Mills (India) Pvt Ltd., (Spinning Division) has also provided RO Plant (IV stages with 48 Nos. of membranes) to treat a part of the treated sewage further (MBR outlet) from its combined STP. The RO permeate is used for toilet flushing and the RO Reject is mixed with a part of treated sewage (MBR outlet) and utilized for gardening purpose.

Further it is also submitted that during inspection carried out on 09.12.2023,

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- i. The Appellant unit has provided an underground cement pipeline (4 feet Dia.) at a depth of 5 feet from the ground level from its rainwater collection tank leading to the outside storm water drain (Public drain).
- ii. Flow of water with TDS 1010 mg/l from the premises of the Appellant unit through the said underground cement pipe (4 feet Dia.) into the storm water drain located outside and on the western side of the unit premises adjoining the public road was noticed.
- iii. The water stored in the rainwater collection tanks were found to have Total Dissolved Solids (TDS) in the range of 1020 mg/l to 1210 mg/l.
- iv. The public were also present during inspection and requested the officials to take necessary action against the unit. As the water discharged into the storm water drain finally reaches the odai, the public demanded immediate action against the unit.
- v. The rain water collection tanks (3 Nos) (16 lakh litres capacity each) are located adjacent to the combined sewage treatment plant.
- vi. The unit authorities have informed that the excess water pumped from the new ongoing construction site are stored in the rainwater collection tank which has flown into the said storm water drain (public drain) through the underground pipeline and caused the public complaint.
- vii. As pipeline is provided below the ground level and its connecting chamber with the outside storm water drain is covered with concrete slab (now constructed with inspection chamber) the unit could have utilized the underground pipeline to discharge the water outside its premises.
- viii. The unit's combined STP is also located near the rainwater collection tank and the sewage generated from the units such as (i) M/s. Jay Jay Mills India Pvt Ltd., (Spinning Division), (ii) M/s. Jay Jay Mills India Pvt Ltd., (Knitting Division), (iii) M/s. Jay Jay Mills India

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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

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Pvt Ltd., (Garment Printing Division), (iv) Garment Division & (v) Hostels are treated in the STP. The consented sewage generation from each units such as (i) M/s. Jay Jay Mills India Pvt Ltd., (Spinning Division)-45 KLD, (ii) M/s. Jay Jay Mills India Pvt Ltd., (Knitting Division)-10 KLD, (iii) M/s. Jay Jay Mills India Pvt Ltd., (Garment Printing Division)-6 KLD. Totaling- 61KLD only. The unit M/s. Jay Jay Mills India Pvt Ltd., is having a Garment Division with work force of about 3500 Employees which comes under the white category and hence not applied for the consent of the TNPCB. Also there are 4 Hostels located 2 each at (a) Spinning Division and (b) Garment Division premises. The sewage generated from the above Garment division and hostels (839 KLD) were not included in the Consent Applications. For the overall sewage generation the unit has provided combined STP of 900 KLD capacity.

- ix. The unit has provided 2 Nos. of Membrane Bio Reactor (MBR) technology based sewage treatment plants. The unit has also provided RO system to treat a part of the treated sewage (MBR outlet) and the RO permeate is utilized for washing and bathing purpose. The RO reject is blended with a part of the treated sewage (MBR outlet) and is utilized for gardening purpose as well as for flushing the toilet.
- x. On scrutinizing the combined STP logbooks, it was noticed that the STP is handling sewage quantity of around 900 KLD and the unit is not having adequate land area to dispose the treated sewage for gardening purpose. The total extent of land details as per the Consent Application submitted for a) Spinning Division (9.2 Hec.) (b) Knitting Division (1.4652 Hec.) (c) Garment Printing Division (0.15 Hec.). Out of which for gardening provided 3.45Hec., 0.025 Hec. and 0.03 Hec. in the above three divisions respectively. Totaling 3.505 Hec. The available balance total vacant land in the above three division is 3.675 Hec. The 3.505 Hectares of green belt area can handle 122.675 KLD (based on 35 KLD/Hectare) of treated sewage. However the STP is handling 900 KLD of sewage and the consented point of disposal is

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toilet flushing, gardening and Heating, Ventilation and Air Conditioning systems (HVAC). From the above it is ascertained that the unit is not having adequate land area to dispose the treated sewage for gardening purpose. Hence the unit was closed and power supply disconnected. However, the closure order is stayed by the Hon'ble NGT.

- xi. The TNPCB vide proceeding dated 11.10.2023 has issued the following directions inter alia to all the textile processing industries in SIPCOT Industrial Growth Centre, Perundurai.

“a. The dyeing units shall continue to collect the contaminated water flowing in the SIPCOT open earthen drain through adequate number of tanker lorries till the flow is ceased. The collected water from the drain shall be supplied to dyeing industries (IETPs) / Textile CETP member units on turn basis for treatment and reuse.

b. The textile processing industries having individual Sewage Treatment Plants (STP) for the treatment of sewage generated from their industries shall utilize treated sewage for toilet flushing instead of utilizing on land for gardening purposes (or) the sewage may be treated along with the industrial effluent in the aeration tank to ensure recovery and reuse of treated sewage along with treated trade effluent in the process and shall achieve ZLD of both trade effluent and sewage. To prevent treated sewage finding access to ground water and increase of the ground water table, fresh water supplied by the SIPCOT alone shall be used for gardening and green belt development activities to minimize ground water contamination.”

12. It is respectfully submitted that all the textile processing units are collecting the seepage water through common arrangements made by the CETP (Textile) and Perundurai SIPCOT Textile Processors Association from the Odai.

13. It is respectfully submitted that as per the said directions issued to the unit M/s. Jay Jay Mills (India) Private Limited (Processing Division-Dyeing) located at the Plot No.K32 & K-32 (R.P), SIPCOT Industrial Growth Centre,

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TAMIL NADU POLLUTION CONTROL BOARD
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Ingur Village, Perundurai Taluk, Erode District vide Proc. Dated: 11.10.2023, the Appellant unit (Spinning Division) should have connected its STP outlet to the aeration tank of its sister concern unit M/s. Jay Jay Mills India Pvt Ltd., (Processing Division-Dyeing) to avoid disposal of treated sewage on land for gardening and to prevent flow of treated sewage outside the premises reaching the Odaikattur and Palathozhuvu tanks. However, the Appellant unit has not connected its STP outlet as per the directions issued by the respondent Board.

14. It is respectfully submitted that, from the above it is observed that the unit is generating sewage of more than the consented quantity and does not have adequate land area for disposing the treated sewage for gardening purpose. Also, the unit has provided underground pipeline from its premises to the storm water drain (public drain) located outside (western side) its premises. Hence the discharge of treated / untreated sewage outside the premises could not be ruled out.

15. It is respectfully submitted that based on the above facts, it is humbly submitted that, as the unit has laid pipeline at a depth of 5 feet from ground level from its rainwater collection tank leading to the outside storm water drain which indicates the unit's discharge of water (TDS with 1010 mg/l) outside its premises to the public drain which reaches the water bodies in the southern side of SIPCOT area. Hence, vide Proc. Dated 14.12.2023 Directions for Closure and Disconnection of Power Supply was issued to the unit, based on the recommendation of the DEE, TNPCB, Perundurai.

16. It is also respectfully submitted that the SIPCOT Industrial Growth Center, Perundurai so far has not applied for the Consent of the TNPC Board, hence the Managing Director, SIPCOT, Chennai has been addressed to apply for consent of the Board vide Member Secretary, TNPCB letter dated 08.03.2024.

17. It is submitted that based on the inspection carried out by the inspection team on 01.07.2024, vide DEE's letter dated 10.07.2024, the unit was instructed to carry out certain measures as recommended by the inspection team and to furnish compliance of the same to the TNPCB. Reply is still awaited from the unit.

Alan
04/10/24

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
78, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
78, MOUNT SALAI, GUINDY,
CHENNAI - 600 032.
BEFORE ME

VERIFICATION

I, R. Sarasavani, D/o. J. Raghavan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.

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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
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CONTROL BOARD.**

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

Date:04.10.2024.

Date of hearing on:04.10.2024