

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI
Appeal No. 67 and 68 of 2025 (SZ)**

**M/s. M Kavitha Velan Builders JV,
S.FNo. 234, Sholinganallur- 1 Village,
Sholinganallur Taluk, Chennai District**

...Applicant

Vs

**Tamil Nadu Pollution Control Board,
Chennai.**

...Respondents

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

Report submitted by the Respondents - TAMIL NADU POLLUTION CONTROL BOARD (TNPCB) before the Hon'ble National Green Tribunal, SZ in Appeal 67 & 68 of 2025 filed by M/s. M Kavitha Velan Builders JV, S.FNo. 234, Sholinganallur- 1 Village, Sholinganallur Taluk, Chennai District against the Tamil Nadu Pollution Control Board, Chennai.

The Appellant unit of M/s. M Kavitha Velan Builders JV has filed an appeal before the Hon'ble National Green Tribunal, SZ with the prayer that "to set aside the impugned order dated 5.11.2025 in Appeal No.51 & 52 of 2025 passed by the Appellate Authority, Tamil Nadu Pollution Control Board and its consequential direction to dismantle notice dated 20.11.2025 issued by the 2nd respondent the DEE, TNPCB, Velachery arising out of the impugned order and direct the respondents to process the renewal of consent application within time frame stipulated by this Hon'ble Tribunal".

In this regard, as reported by the DEE, Chennai (South), the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai submits the report on behalf of the respondents herein.

A. The unit M/s. M Kavitha Velan Builders JV, S.F. No. 234, Sholinganallur -1 Village, Sholinganallur Taluk and Chennai District has applied for CTO Direct under Water Act and Air Act on 03.05.2024 for manufacturing of Ready-Mix Concrete - 120 Tonnes/day.

B. Based on the application for CTO Direct, the unit M/s. M Kavitha Velan Builders JV, was inspected on 10.05.2024 and the Board has issued show cause Notice (SCN) under Water Act and Air Act vide Proc. No. DEE/TNPCB/CHS/NA CTO /W&A/2024 on 14.05.2024 to the unit for operating without prior Consent of the Board and the project site and the Ready Mix Concrete activity attracting the siting criteria for a proposed ready mix concrete plant prescribed in "Guidelines for Ready Mix Concrete Plants" issued by the TNPCB as directed by the Hon'ble National Green Tribunal, SZ in

Application No.24 of 2017 vide order dated 30.03.2017 and the project site abutting Buckingham canal on the Eastern side within 100m attracting CRZ notification, 2011.

C.In this regard, the unit has furnished the reply to the office of DEE,Chennai (South)on 31.05.2024 for the show cause noticeand resubmitted the said application seeking CTO Direct.Subsequently, the Certificate of Refusal/ rejection order was issued vide Proc. No.F.1081CHS/GS/DEE/TNPCB/ 2/W&A/2024 Dt: 25.06.2024under Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 and Air (Prevention & Control of Pollution) Act, 1981 as amended in 1987 to the unit of M/s. M Kavitha Velan Builders JV, S.F. No. 234, Sholinganallur -1 Village, Sholinganallur Taluk and Chennai District for the reasons stated therein.

E.The unit has filed an Appeals No.70 and 71 of 2024 before the Appellate Authority, Tamil Nadu Pollution Control Board against the refusal/rejection order vide Proc. No.F.1081CHS/GS/DEE/TNPCB/ 2/W&A/2024 Dt: 25.06.2024issued by the respondent. The Hon'ble Appellate Authority Tamil Nadu Pollution Control Board has allowed the Appeals on 25.07.2024. The operative portion of the Order inter alia as follows:

“9. In line with the above judgments and considering the public interest as well as the importance of the project and the undertaking submitted by the appellant, this Appellate Authority is inclined to direct the respondent-Board to grant consent to operate to the temporary ready mix concrete plant at SF No. 234, Sholinganallur – 1 Village, Sholinganallur Taluk, Chennai District only for the period upto 10.4.2025. The respondent-Board may impose required conditions to effectively control the air pollution. The appellant shall comply with all the conditions that may be

imposed by the Pollution Control Board and as undertaken shall dismantle the unit on completion of the project awarded to him. There shall not be any deviation of the materials to any other parties other than the public project awarded to him.

With these directions, the appeals are allowed. ”

F. Based on the above said order the unit has again filed a fresh application for CTO Direct under Water Act and Air Act on 30.07.2024 for the Ready-Mix Concrete plant -120 Tonnes/day. In this connection, a clarification letter was addressed to Board vide Lr.No. F.CHS/DEE/ TNPCB/ CHS/GS/RMC-CRZ/2024 Dated: 02.08.2024 in regard to compliance of Hon'ble Appellate Authority Tamil Nadu Pollution Control Board order on 30.07.2024.

G. Based on the Hon'ble Appellate authority, TNPCB order dt: 30.07.2024 in Appeal No. 70 & 71 /2024 & TNPCB Memo Dt: 25.10.2024 vide TNPCB Memo No. T1/TNPCB/F.018361/ 2024 Dt: 25.10.2024, the unit of M/s. M Kavitha Velan Builders JV, SF no. 234, Sholinganallur Village, Sholinganallur Taluk, Chennai District was inspected on 04.11.2024 and issued CTO Direct Dt: 23.11.2024 validity upto 10.04.2025 vide Proc. No.F.1081CHS/GS/DEE/TNPCB/CHS/W&A/2024 Dt: 23.11.2024. Further, the same was intimated to TNSCZMA vide Bd. Lr. to TNSCZMA Lr. No. T1/TNPCB/F.018361/ 2024 Dt: 30.11.2024.

H. Since, on expiry of validity on 10.04.2025, CTO Direct dated 23.11.2024, a stop notice was issued vide Lr.No. DEE/TNPCB/CHS/KavithaVelan/GS/2025 dated: 09.04.2025. The unit filed seeking RCO vide Appl. no. 66773554 dated 18.04.2025 and subsequently, the RCO Refusal order was issued Dt:24.04.2025 vide Proc.F.1081CHS/GS/DEE/TNPCB/2/W&A/ 2025 Dt: 24.04.2025 for the reasons stated therein.

I. The unit has filed an appeal before the Hon'ble Appellate Authority, TNPCB vide Appeal No. 51 & 52 /2025 against the RCO Refusal order was issued Dt:24.04.2025. In the meantime, the Hon'ble Appellate Authority, TNPCB vide order Dt: 10.09.2025 in appeal 17 &18 of 2025 has directed for joint inspection on 15.09.2025 and the joint inspection was headed by Hon'ble Justice (Chairperson) &the Member, Hon'ble Appellate Authority, TNPCB along with Officials of TNPCB, Coastal Regulation Zone (Director of Environment) and Public Works Department on 15.09.2025 and based on the inspection, it was addressed vide Lr. No: DEE/TNPCB/CHS/Joint Inspection-1/ Dated: 30.09.2025 &Lr. No: DEE/TNPCB/CHS/Joint Inspection-1/ Dated: 03.11.2025 to dispose the RMC reject, construction debris deposited within the unit premises and on the boundary of unit as per the Construction and Demolition of Waste Management Rules, 2025. Further, the unit shall revamp the existing ETP provided.

J. The Hon'ble Appellate Authority has rejected the said Appeal No. 51 & 52 /2025 vide order Dt: 19.11.2025 stating that

“6. Accordingly, on 15.9.2025, an inspection was carried out by us along with the officials of the respondent-Board, advocates and parties. It was found that none of the units have consent from the respondent-Board and all the units were located just on the bank of Buckingham canal. Slurry of ready-mix concrete was found on the bank of the canal, causing air and water pollution, which is in clear violation of the Notification. Water was contaminated and stagnated with pungent smell.

7. As the units did not have valid consent and functioning in contrary to the rules and regulations, this Authority is of the view that if the unit's are permitted to run any further would be detrimental to the environment and the

people living there. Hence, this Authority doesn't find any merit to interfere with the impugned order passed by the 2nd respondent."

K. A letter was addressed vide Lr. No: DEE/TNPCB/CHS/Kavitha Velan/ Dated: 20.11.2025 to the unit to instructed to dismantle the RMC batching plant & its DG sets and to vacate the premises as earlier as possible. Further, it is requested to dispose the debris and RMC reject within the unit premises and all along the boundary before vacating the premises as per the Construction and Demolition Waste Management Rules, 2025 and to furnish action taken report to this office within a week time.

In this connection, the unit was inspected on 29.11.2025 and the following were observed:

- i) The unit was not under operation.
- ii) The unit has not disposed the RMC reject and construction debris deposited within the unit premises & on the boundary of unit as per the Construction and Demolition) Waste Management Rules, 2025.
- iii) The unit has not initiated any action to dismantle the RMC batching plant & its DG set 140 kVA -1 no. and to vacate the premises in view of the Hon'ble Appellate Authority, TNPCB order Dt: 19.11.2025 in appeal No. 51 & 52 /2025.
- iv) The temporary shed of the unit was functioning with power supply from TANGEDCO vide with Service no. (004- 6386) & Consumer No. 092800046386.

L. Under the above circumstances, the unit M/s. M Kavitha Velan Builders JV, S.F.No. 234, Sholinganallur -1 Village, Sholinganallur Taluk and Chennai District was recommended for issue of directions for Closure and stoppage of power

supply and sealing of DG set 140 kVA – 1 and the premises under Section 33 (A) of the Water (P&CP) Act, 1974 and under the section 31 (A) of the Air (P&CP), Act 1981 as amended vide Lr. No. F.CHS/DEE/TNPCB/CHS/GS/Kavitha Velan/2025Dt: 03.12.2025.

M.At present, the respondent, TNPCB was issued a direction to the unit of M/s. M Kavitha Velan Builders JV, S.F.No. 234, Sholinganallur -1 Village, Sholinganallur Taluk and Chennai District for closure and stoppage of power supply, sealing of DG Set and sealing of unit premises under Section 33 (A) of the Water (P&CP) Act, 1974 and under the Section 31(A) of the Air (P&CP), Act 1981 as amended vide TNPCB Bd. Proc. No.TNPCB/T6/F.034972/CHS/W&A/2026 Dt:21.01.2026 & Bd. Proc. No.TNPCB/T6/F.034972/CHS/W&A/EB/2026 Dt:21.01.2026.

N.In this connection, TANGEDCO has reported that power supply to the unit was disconnected on 27.01.2026. The appellant unit M/s. M Kavitha Velan Builders JV, S.F.No. 234, Sholinganallur -1 Village, Sholinganallur Taluk and Chennai District was issued with directions for closure and stoppage of power supply, sealing of DG Set and sealing of unit premises under Section 33 (A) of the Water (P&CP) Act, 1974 and under the section 31 (A) of the Air (P&CP), Act 1981 as amended vide TNPCB Bd. Proc. No. TNPCB/T6/F.034972/CHS/W&A/2026 Dt:21.01.2026 & Bd. Proc. No. TNPCB/T6/F.034972/CHS/W&A/EB/2026 Dt:21.01.2026. TANGEDCO has also reported that power supply to the unit was disconnected on 27.01.2026. Accordingly, power supply to the unit was disconnected by the TANGEDCO on 27.01.2026.

O.Subsequently, the District Collector, Chennai was issued the order for sealing DG set and unit premises DEE, Chennai (South) on 04.02.2026 and DG set was sealed on 06.02.2026 and in connection to sealing of unit premises, it was noted that the unit was already engaged in dismantling and vacating the unit premises

and the unit has requested not to seal the entrance gate since the entrance gate is the only way to remove the aggregates, site office containers, silos, etc and to vacate the said premises vide its letter Dt:09.02.2026.

This report is submitted to the Hon'ble National Green Tribunal (Southern Zone) in compliance of the directions passed by the Hon'ble Tribunal. The TAMIL NADU POLLUTION CONTROL BOARD (TNPCB) will abide by all such directions, as the Hon'ble Tribunal may deem fit and appropriate.

Dated at Chennai, on this the 27th day of March, 2026.

S. V. Venkatesh 27.3.26
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD
76, MOUNT SALAI, CHENNAI-600 032.



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GREEN TRIBUNAL SOUTHERN ZONE,
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Vs

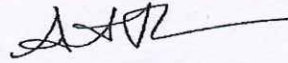
Tamil Nadu Pollution Control Board,
Chennai.

...Respondents

Report submitted by the Respondents -
TAMIL NADU POLLUTION CONTROL
BOARD

Date of filing : 27.03.2026

Date of hearing : 30.03.2026



Thiru.S.Sai Sathya Jith,
Advocate for 2nd Respondent: TNPCB.