

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Appeal No.69 of 2024

M/s V.V. Titanium Pigment Pvt. Ltd.,
Represented by its Managing Director,
Mr. S. Vaikundarajan,
A-81, SIPCOT Industrial Complex,
Meelavittan Village,
South Veerapandiapuram (PO),
Thoothukudi - 628 002.

..... Appellant

-Vs-

1. The Chairman,
Tamil Nadu Pollution Control Board,
No. 75, Mount Salai,
Guindy, Chennai - 600 032 & ors.

....Respondents.

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Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

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A-81, SIPCOT Industrial Complex,
Meelavittan Village,
South Veerapandiapuram (PO),
Thoothukudi - 628 002.

..... Appellant

-Vs-

1. The Chairman,
Tamil Nadu Pollution Control Board,
No. 75, Mount Salai,
Guindy, Chennai - 600 032.
2. The Joint Chief Environmental Engineer,
Tamil Nadu Pollution Control Board,
#32, 33A/3, Rajarajeshwari Nagar South,
Perumalpuram, Tirunelveli – 627 007.
3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
C7 & 9 SIPCOT Industrial Estate,
Meelavittan, Thoothukudi – 628 008.

..... Respondents

**REPLY AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS -
THE TAMIL NADU POLLUTION CONTROL BOARD.**

I, S. Malarvizhi Daughter of Thiru K.Subburam, aged about 59 years, having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely states as follows:

1. I respectfully submit that I am working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am authorized to file this Reply Affidavit on behalf of the respondents (TAMIL NADU POLLUTION CONTROL BOARD) and as such I am well acquainted with the facts of the case from the records available in our office.

2. It is respectfully submitted that the appeal has filed with the following prayers before this Hon'ble Tribunal:

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(i) To set-aside the Order of 1st Respondent vide Proceeding No. T1/TNPCB/F.0027-TTN/RL/2023, dated:07.06.2024 (received on 10.06.2024) imposing interim Environmental Compensation of Rs.100 lakhs.

(ii) Direct the respondents to grant the consent orders for the remaining three years (2025-2026, 2026-2027 & 2027-2028 and / or for the period. The appellant is applied for (maximum five years only) as done earlier and further, to stay the Order of 1st Respondent vide Proceeding No. T1/TNPCB/F.0027-TTN/RL/2023 dated 07.06.2024 imposing interim Environmental Compensation of Rs.100 lakhs, pending disposal of this Appeal.

3. It is respectfully submitted that the following is submitted for the appreciation of the case of this Respondent.
4. It is respectfully submitted that the appellant is operating the unit in the name and style of M/s. V.V. Titanium Pigments Private Limited and is an existing Titanium Dioxide manufacturing unit located at Plot No.A-81, SIPCOT Industrial Complex, Meelavitan Part 1 village, Thoothukudi Taluk and Thoothukudi District. The unit had obtained CTO vide Proc. No. T6 / TNPCB / F185 / TTN / RL / W&A / Amendment / 2014 dated: **21.05.2014** and subsequently the unit have obtained renewal of CTO of the Board with validity till 31.03.2025 vide Board Proc. No. T1 / TNPCB / F.0027TTN / RL / TTN / W&A / 2024 dated: 30.05.2024 for manufacturing the following:

Product Details:

- i. Titanium Dioxide – 1500 TPM
- ii. Ferric Sulphate Liquor - 1200 TPM

By-Product Details:

- i. Ferrous Sulphate – 3000 TPM

The present status of the consent of the unit after 31.03.2025 is as follows.

The unit M/s. Kilburn Chemicals Limited was under operation earlier in the same location in the year 1999, with consent of the Board for manufacturing

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- i. Titanium Dioxide - 750 TPM
- ii. Ferrous Sulphate - 1500 TPM

4. It is respectfully submitted that there was a change in the Management and amendment was issued vide Board's Proc. dated 03.11.2011 in the name and style of M/s. V.V. Titanium Pigments Private Limited without any changes in the name of the products and quantity manufactured. Subsequently, the unit has obtained Consent to Operate (Expansion) vide Proc. No. T6 / TNPCB / F185 / TTN / RL / W&A / Amendment / 2014 dated: 21.05.2014 for manufacturing the following products;

- i. Titanium Dioxide - 1500 TPM
- ii. Ferric Sulphate - 1200 TPM
- iii. Ferrous Sulphate - 3000 TPM

The consent orders were renewed for the period up to 31.03.2025 as mentioned above.

5. It is respectfully submitted that the Hon'ble Supreme Court of India in Special Leave Petition filed by M/s. Vedanta Limited, Copper Smelter Plant, SIPCOT Industrial Complex, Meelavittan, Thoothukudi, directed NEERI to carry out an independent assessment of the environmental status of the plant. NEERI submitted the report on 20th May, 2011. In its reported among other things it is stated that, "Near to M/s. Sterlite Industries India Ltd., a chemical industry (M/s. Kilburn Chemicals Ltd) is located adjacently and was established in 1999 and involved in manufacturing Titanium Dioxide, Ferrous Sulphate and Hydrochloric acid during the visit made along with the CPCB and TNPCB personnel on 7th April, 2011 for prima-facie assessment of the pollution control status of the industry. The inspection team observed that the industry is storing acidic effluent in unlined underground tanks with all possibility of ground water contamination, no effluent treatment facility was operational, ferrous sulphate was stored in open area, raw ore spread in open area whereby any surface runoff may contaminate the surface and groundwater as per the consent, the industry utilizes the effluent for irrigation on its own land."


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6. It is respectfully submitted that the Ministry of Environment, Forest and Climate Change, New Delhi has entrusted the assignment of carrying out the study on the soil quality of the contaminated site at Thoothukudi to National Environmental Engineering Research Institute (NEERI), vide letter dated 26.12.2017. NEERI has visited the site and carried out inspection and collected soil samples for analysis. Further, frequent complaints were received from various petitioners against the Contaminated Site located near the Unit, consisting dumps of chemical wastes for an area of one square kilometer, covered with heaps of soil and the waste water stored contains highly acidic and very high values of TDS and a video was also in circulation, uploaded by an influencer viz. "Let us make Engineering Simple" titled 'Sterlite-Meiporul Kanbathu Arivu'. Further, NEERI inspected the contaminated site on 10.10.2018.
7. It is respectfully submitted that in this regard, the contaminated site was inspected on 04/06/2018 by JCEE(M), Tirunelveli and observed that the waste dumped area is located in the South West of M/s. V V Titanium Pigments Private Limited. The area is approximately measuring about 35 to 40 acres. Black and pale black coloured wastes were found dumped in about one tenth of the total area. During inspection in the afternoon on 4th June 2018, about 15 earth movers are deployed in filling and leveling the waste. Waste water stored in ponds as depicted in the video was not noticed during inspection. However, stagnation of leaching was observed in three locations. At one place the wastes were found spread and being covered with soil, another one at South West corner of the land and the third one in a small Kuttai arrangement made. The samples were collected at these three locations and the TDS values were measured using hand held TDS meter, which showed values of 5392, 9317 and 17990 mg/L respectively. The samples are found to have pH values of 2.01, 1.73 and 1.24 respectively. The pH values are in complete agreement with the values reported in the video.
8. It is respectfully submitted that the black and pale black coloured waste which was found dumped is reported to be from the erstwhile industry of M/s. Kilburn Chemicals Limited, which was engaged in the manufacturing



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of Titanium Dioxide, and the said industry was taken over by M/s V V Titanium Pigments Private Limited (in the year 2012), and the same is termed to be the unreacted mass containing Ilmenite, which was dumped at the private lands, till the year 2011, by M/s. Kilburn Chemicals Limited. The ownership of this land is termed to be under the possession of M/s. V V Minerals, the parent company of M/s. V V Titanium Pigments Private Limited. Further, it was recommended from the TNPCB district office to clean the area and the contamination to be remediated. Since, the pollution and the contamination caused to the land and ground water due to the dumping of the waste and due to the leachate generated, it is essential to be remediated. The facts were communicated to Board vide Letter dated 05/06/2018 and based on the report, TNPCB issued direction vide Board's Proc.No.TS1/TNPCB/F.015301/TTN/RL/2018 dt: 12.06.2018 to the unit under Section 33-A of the Water(P&CP) Act, 1974 as amended to furnish a detailed proposal for reclaiming the contaminated site within two months (before 12.08.2018) in consultation with the reputed institution such as Anna University / IIT etc.,

9. It is respectfully submitted that the unit replied vide letter dated.30.07.2018 stating that at present the unit has improved the reaction efficiency in their process and the unreacted Ilmenite will be fully recycled into the process. Further the land mentioned as contaminated site initially belongs to private owners and the unreacted Ilmenite was kept dumped prior to their take over and to comply with the Board's directions they have approached the Director, Centre for Environmental Studies, Anna University, Chennai for reclaiming the site. It was further conveyed that the experts consented to visit the site on 10.08.2018 and will submit the proposal for remediation after the visit. But the unit has not submitted the proposal with respect to the directions issued by the Board. The site was again inspected on 06.09.2018 and the facts were communicated to Board vide Letter dated. 12.09.2018.
10. It is respectfully submitted that a complaint stating that a dumpsite wherein chemical wastes were dumped causing pollution to TherkuVeerapandiyapuram Village and polluted the ground water was filed by the Counsel for Intervenor on behalf of Anti Sterlite People Committee

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before the NGT Committee constituted by the National Green Tribunal (Principal Bench) in Appeal No. 80/2018 filed by M/s. Vedanta Ltd against the Government of Tamil Nadu. The Hon'ble Chairman of the Committee directed Tamil Nadu Pollution Control Board to inspect and to furnish the report. In this regard, the location mentioned in the affidavit was inspected by TNPCB Officials on 30/10/2018 and observed that the location of the dumpsite denoted/mentioned in the affidavit was the same for which directions has already been issued to M/s. V.V Titanium Pvt. Ltd. vide Proc. dated. 12/06/2018 for reclaiming the contaminated site.

11. It is respectfully submitted that the Board vide Letter dated. 08/11/2018 reminded the unit to submit the detailed proposal for reclaiming the contaminated site immediately. It was reported by the unit vide letter dated. 12.12.2018 as below,

- a) *The unit of M/s. V.V. Titanium Pigments Pvt. Ltd., is located at SIPCOT Industrial Complex, Meelavittan, Thoothukudi is engaged in the manufacturing of Titanium Dioxide from October 2011 and the un-reacted Ilmenite sludge was dumped by the earlier Management before October 2011, which was also engaged in the manufacturing of the same product viz. Titanium dioxide using Ilmenite and Sulphuric Acid.*
- b) *As directed by the TNPC Board the unit has approached Anna University for obtaining the proposal for land reclamation. The Technical expert team from the Anna University has visited their unit site on 10/08/2018. They have ascertained the nature of the waste found in that area, its background and opined that the same could be reprocessed as the same is only the un-reacted Ilmenite and also the report on the remediation process is yet to be received from Anna University.*
- c) *Based on the opinion of the Experts of Anna University during their visit on the waste material dumped in those places to the tune of 800 MT were removed, to avoid further damage to the*


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water and soil environment in the site, the un-reacted Ilmenite Sludge from the contaminated site was completely utilized at their unit itself for the reclamation of TiO₂ and Ferrous Sulphate from the un-reacted Ilmenite. Further after the removal of dumped sludge the land was leveled and kept clean.

12. It is respectfully submitted that as per the reply furnished by the unit, the Board vide letter dated. 26.12.2018 directed the unit to furnish the compliance of the following,

- a. The unit shall furnish the report received from the Anna University regarding the reclamation of the contaminated site. The unit shall provide the ZLD system for the trade effluent generated from the Titanium Dioxide Manufacturing plant.
- b. The unit shall provide monitoring wells near the contaminated site and ROA of the sample collected shall be analyzed through TNPCB laboratory and furnish the reports periodically.
- c. The unit shall develop the Green Belt at the reclaimed site.

In this regard, the unit vide letter dated.06.04.2019 has replied as follows,

- i. The unit is yet to receive the report from Anna University regarding the reclamation of the contaminated site.
- ii. The unit is in the process of installing the R.O Plant for treating the trade effluent generated from the Titanium Dioxide Manufacturing plant, so as to achieve ZLD.
- iii. The unit has provided two nos. of monitoring bore wells near the contaminated site.
- iv. The unit has planted tree saplings around the contaminated site.

But the unit has neither submitted the Technical Report nor carried out reclamation of the contaminated site.

13. It is respectfully submitted that the CPCB, New Delhi in its Office order F. No. B-400(S) / IPC-III / 2019-20 1162 / dated 04.09.2019 has evolved a

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policy for levying Environmental Compensation for industries wherein the following cases are considered for levying environmental compensation.

- a) Discharges in violation of consent conditions, mainly prescribed standards/consent limits.
- b) Not complying with Directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.
- c) Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.
- d) Accidental discharges lasting for short durations resulting into damage to the environment.
- e) Intentional discharges to the environment land, water and air resulting into acute injury or damage to the environment.
- f) Injection of treated / partially treated / untreated effluents to ground water.

In case of d, e and f, the Environmental Compensation may be levied based on the detailed investigations by Expert Institutions/Organizations. Since the damage caused to the environment by the said unit was to be assessed based on the study to be carried at the contaminated site by expert institutions and recommendation to be obtained for the methodology of the remediation of the contaminated site, environmental compensation may be imposed as suggested by the Committee under the 'Category-e' i.e. Intentional discharges to the environment land, water and air resulting into acute injury or damage to the environment and hence environmental compensation was proposed to be collected from the unit after receipt of the study report conducted by Technical Expert team from the Anna University, Chennai.

14. It is respectfully submitted that the Hon'ble NGT by its order dated 14.11.2019 in O.A.No.1038/2018 has ordered in Para 22 as follows:

"22. In view of water pollution caused by absence/dysfunctional CETPs/ETPS/STPs, the Tribunal has, in

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the case of Aryavart Foundation Vs. M/s. Vapi Green Enviro Ltd. & Ors, directed all defaulting industries, other than green and white category, connected with CETP, to make deposits with the CPCB towards interim environmental compensation, pending assessment of actual compensation and further action.

(1) Large Industries - Rs.1 Crore each

(ii) Medium Industries - Rs.50 Lakhs each

(iii) Small Industries - Rs.25 Lakhs each"

Hence, an interim environmental compensation for an amount of Rs.One Crore proposed to be claimed from the unit pending assessment of actual compensation and to take further action.

15. It is respectfully submitted that in this regard a letter dated 14.01.2020 from District Environmental Engineer, Thoothukudi was addressed to TNPC Board regarding issue of Fresh Directions under sec-33A of the Water (P&CP) Act, 1974 as amended for the following reasons,

a) To conduct a detailed study on the area where the unit has stored acidic effluent in unlined underground tanks with all possibility of ground water contamination and storage of ferrous sulphate in open area, raw ore spread in open area whereby any surface runoff may contaminated the surface and ground water and to furnish proposal for reclaiming the contaminated site within three months in consultation with the reputed institution such as Anna University/IIT etc.

b) To remit a sum of Rs.1 crore as an interim Environmental Compensation pending assessment of actual compensation and further action based on the receipt of the study report for reclaiming the contaminated site.

In view of the above, the Board vide letter dated 28.01.2020 directed the unit to remit an interim Environmental Compensation amount of Rs.100 lakhs within 15 days and to furnish the compliance status for the direction already issued to the unit seeking a detailed proposal for reclaiming the contaminated site within 10 days.

16. It is respectfully submitted that the unit vide letter dated 04.03.2020 has furnished reply to the direction dated 28.01.2020, stating that they took over the unit from M/s. Kilburn Chemicals Limited in 2011 and the agreement to

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take over the plant entered on 29.07.2011. Whereas, Board vide proceedings dated 24.05.2022 issued direction under section 33A of Water (P&CP) Act for compliance of certain conditions, wherein it was informed to the unit that,

"The environmental compensation already levied to the unit will be imposed as per the final order of the Hon'ble courts/NGT and will be served through separate direction/letter of the Board."

17. It is respectfully submitted that a case (C.A. No.2218-2219/ 2020) was filed by chamber of small industry associations before Hon'ble Supreme Court of India against the NGT order dated 14.11.2019. The Supreme Court of India in its order dated 25.02.2022 in C.A. No.2218-2219/2020 says that *"We cannot, however, lose sight of the fact that for last two years the directions issued by the Tribunal have remained stayed. Each of the appellants had requested for blanket stay of the directions issued by the Tribunal and had not confined their prayer either to the individual appellants or to the respective Members of their associations. Even then, all the concerned must have an opportunity to present their view point before the Tribunal"*

"In order to facilitate the exercise, the interim order of stay granted by this Court on 18.03.2020 shall continue to operate for next Eight Weeks".

Whereas, according to the above order, the court extended the above stay only up to 25.04.2022 for the individual units to make representation. Accordingly, the unit made representation before Hon'ble NGT with regard to Environmental Compensation.

18. It is respectfully submitted that the Board vide letter dated 18.04.2023 instructed the unit to remit the environmental compensation of Rs.100 lakhs as per the Letter dated: 28.01.2020, if not so furnish the action taken by the unit for compliance of the Hon'ble Supreme Court of India order dated 25.02.2022 in C.A.No.2218-2219/2020. Subsequently, the unit applied for the renewal of Consent on 19.01.2024, and the District Environmental Engineer (DEE), TNPCB, Thoothukudi, submitted the renewal inspection

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report dated 15.03.2024 based on the inspection conducted on 19.02.2024. Upon review, it was observed that the unit has not submitted the site reclamation proposal within the stipulated timeframe as directed by the Board. Additionally, the unit has not yet remitted the imposed Environmental Compensation.

19. It is respectfully submitted that the DEE has recommended granting the renewal of Consent and issuing a fresh direction to the unit for remitting ₹1 crore as interim Environmental Compensation and submit its representation before the Tribunal regarding the Environmental Compensation, in accordance with the Supreme Court of India's order dated 25.02.2022 in C.A. No. 2218-2219/2020. Therefore, in exercise of its powers under Section 5 of the Environmental Protection Act, 1986 (as amended), the Board has issued the following direction to the unit of M/s. V.V. Titanium Pigments Private Limited, Meelavittan Part 1 Village, Thoothukudi District, vide proceedings dated 07.06.2024:

"The unit shall remit a sum of Rs. One crore as an interim Environmental Compensation and to make a representation before the Tribunal with regard to the Environmental Compensation as per SCI order dated 25/02/2022 in C.A. No.2218-2219/2020."

20. It is respectfully submitted that the unit applied for renewal of consent on 02.01.2025. Subsequently, an inspection was conducted by the 3rd Respondent DEE, TNPCB, Thoothukkudi on 07.02.2025, during which it was observed that the unit had not yet completed the disposal of the haphazardly dumped 'Ferro Gypsum'. The unit, vide letter dated 24/02/2025, submitted details of Ferro Gypsum generation and disposal, stating that:

- i. 66,698 MT of Ferro Gypsum had been sold to cement and plaster industries for beneficial use between May 2022 and 22nd February 2025.

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- ii. 8,179 MT had been utilized in the manufacturing of Calcium Magnesium Sulphate (CMS) from June 2022 to 22nd February 2025.
- iii. As of 22nd February 2025, the unit had disposed of approximately 74,877 MT, with a remaining balance of 59,435 MT yet to be dispatched.

21. It is respectfully submitted that the unit assured that it would prioritize bulk disposal, sale and utilization of Ferro Gypsum at the earliest possible and continue gradual disposal in line with ongoing generation, as the mentioned industries use it as raw material. It also stated that efforts are underway to expand its outreach by approaching additional industries beyond the existing buyers. However, it is important to note that the unit had previously committed, vide letter dated 21.02.2023, to complete the disposal within one year or at the earliest possible, but the process remains incomplete.

22. It is respectfully submitted that, the unit was called for a meeting on 29.05.2025 in the TNPCB, Corporate Office, Chennai specifically with respect to the disposal of accumulated Ferro gypsum sludge, so as to examine the issue of renewal consent order to the unit. After detailed deliberation and discussion the unit was instructed to submit the following:

- To submit a detail proposal along with tentative action plan for disposing the entire quantity of Ferro-gypsum stored in its premises and current generation of sludge.
- To submit the latest post monitoring report of the study carried out by the Madras University.
- Status of compliance of the findings and recommendations mentioned in the latest post monitoring report.
- To submit the previous post monitoring reports of the study carried out by the Madras University.
- Status of compliance of the findings and recommendations mentioned in the previous post monitoring reports.

Further the unit vide letter dated 29.05.2025 submitted certain details and has requested 1 month time to furnish the remaining details that were


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requested during the meeting. The unit vide letter dated 30.05.2025 also furnished a consolidated report on land reclamation and post monitoring study finding by the University of Madras, CERG, Chennai and their recommended remedial measures and compliance by the unit as follows

1. First study report (2020 as reported) – Extent of the contaminated site – 4 Acres (Detailed land reclamation investigation in V.V. Titanium Pigments Private Limited)
2. Second study report (2022 as reported) - Extent of the reclaimed site – 4 Acres (Post monitoring report – I)
3. Third study report (2023) - Extent of the contaminated site – 40 Acres (Detailed land reclamation investigation in V.V. Titanium Pigments Private Limited)
4. Fourth study report (May 2024) - Extent of the reclaimed site – 40 Acres (Post Monitoring Report – I)

The Proposed Action Plan for disposing the accumulating ferrogypsum, as furnished by the unit is as follows:

Year	Quantity accumulated (MT)	Expected quantity generated (MT)	Total Quantity (MT)	Expected quantity disposed / sold / utilized during the year (MT)	Balance accumulated quantity (MT)
2025-2026	55270	15840	71110	24200	46910
2026-2027	46910	17280	64190	33600	30590
2027-2028	30590	17280	47870	42000	5870

23. It is respectfully submitted that, the consolidated report stated that all the water and soil quality parameters studied are well within the permissible limit. The unit has requested one month time for submitting Post monitoring report – II (November 2024) & requested to grant the Renewal Consent to

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Operate for a further period of THREE years (2025-28) so as to enable to maintain sustainable operations of the plant and assures to adhere to the instructions issued by the Board from time to time.

24. It is submitted that, vide memo dated 16.06.2025, the Board requested the 3rd Respondent District Environmental Engineer, Thoothukudi to furnish the following details to examine the issue of renewal consent order to the unit.

1. The latitude and longitude coordinates of the 4-acre reclaimed site and the green belt developed, along with photographs with date and time.
2. The latitude and longitude coordinates of the 40-acre reclaimed site and the green belt developed, along with photographs with date and time.

GROUND:

1. In response to Paragraph No. (i) the appellant contending that the inspection carried on 07.04.2011 was not carried in accordance with law and on the other hand, the appellant submitting that the unit was fully taken over only on 15.10.2011 are contrary and inconsistent statements implying oblique motive.
2. In response to Paragraph No. (ii & vi) the unit's reply that they were not in control of the unit before 15.10.2011 and shifting liability on the previous owners for the violations committed will not spare the subsequent purchasers responsibility from keeping the environment clean of hazardous waste. From the year 15.10.2011 the appellant was in position and in charge of the unit and the respondent official continuously reminded the appellant to remove the waste dumped in and around its premises was ignored by the appellant.
3. In response to Paragraph No. (iii) the appellant in compliance to the Board letter dated 08.11.2018 replied stating that it removed 800 MT of the waste that was dumped. The unit further replied that in order to prevent further deterioration of soil and water, the unreacted Ilminite was utilized by the unit. In spite of repeated reminders, the unit blatantly

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failed to remove the hazardous substance and trying to find fault with the committee and the Board for imposing compensation is unreasonable and unfair.

4. In response to Paragraph No.(iv) it is well within the knowledge of the appellant that the unit has committed an horrendous error. Further the unit has assured to remove the waste and at no point of time the unit has objected to the show cause notice issued by the Board seeking compliance to remove the waste.
5. The unit vide letter dated 21.02.2023 and 24.02.2025 assured to dispose the waste expeditiously and never complained that it was not their mistake and they cannot be held liable for the act of previous owner. It is a well established principle, that subsequent purchasers will be held liable for the actions of the previous owner and the same is reiterated in several judgments of Hon'ble Supreme Court and National Green Tribunal Benches.
6. In response to Paragraph No. (vii & viii) it invokes no response from the answering respondent.
7. In response to Paragraph No. (ix & x) it will be an egregious error to say that it is noted that the appellant "may" have stored acidic effluent and the words are misleading and far from truth. In the report it has been stated that on inspection conducted by CPCB on 07.04.2011 it was found that the unit storing acidic effluent in unlined underground tank with all possibility of ground water contamination, no effluent treatment facility was operational ferrous sulphate stored in open area raw ore spread in open area whereby any surface runoff may contaminate the surface and groundwater.
8. In response to paragraph (xi & xii) the unit has been subjected to ongoing environmental problems and subsequent purchaser as well is liable for environmental damages particularly for the remediation costs and other environmental harms. The appellant is covered under the principle of Absolute liability and he is liable to pay the environmental compensation

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CHENNAI - 600 032.

as per the office Orders of CPCB. It will be misleading to say that there was no proper inspection conducted or sample analyzed to hold the appellant liable.

9. In response to paragraph No.(xiii) the question of intention or knowledge is irrelevant on matters related to environmental issues as absolute liability holds every perpetrator liable including the subsequent purchasers. There is no violation of principles of natural justice since all proceedings are with the knowledge of the Appellants. They are the unit enjoying the benefit of the earlier management and in possession of the same premises and as such are wholly liable and responsible.

10. In response to paragraph No. (xix) it invokes no response from the answering respondent and put the appellant to strict proof of the same.

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

S. Malarvizhi
14/08/2025

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

VERIFICATION

I, S. Malarvizhi Daughter of Thiru.Subburam, working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai – 600 032, having office at No.76, Mount Salai, Guindy, Chennai – 32, do hereby verify that the contents of above report are true to the best of my knowledge through records.

S. Malarvizhi
14/08/2025

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

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI**

Appeal No.69 of 2024

M/s V.V. Titanium Pigment Pvt. Ltd.,
Represented by its Managing Director,
Mr. S. Vaikundarajan,
A-81, SIPCOT Industrial Complex,
Meelavittan Village,
South Veerapandiapuram (PO),
Thoothukudi - 628 002.

..... Appellant

-Vs-

1. The Chairman,
Tamil Nadu Pollution Control Board,
No. 75, Mount Salai,
Guindy, Chennai - 600 032 & ors.

....Respondents.

**REPLY AFFIDAVIT FILED ON BEHALF
OF THE RESPONDENT THE TAMIL NADU
POLLUTION CONTROL BOARD**

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

Date:18.08.2025.

Date of Hearing:22.08.2025

