

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

Appeal No. 77 of 2022

M/s. Varalakshmi Starch Industries (P) Ltd.,

Rep. by its Managing Director V. Anbalagan

Having its office at:

“Varalakshmi Tower”

No.127/1, 2nd floor,

Gandhi Road,

Salem - 636007.

...Appellant

AND

Tamil Nadu Pollution Control Board

Rep. by its Chairperson

76, Anna Salai, Guindy Industrial Estate,

Guindy,

Chennai – 600032 & Ors.,

...Respondents

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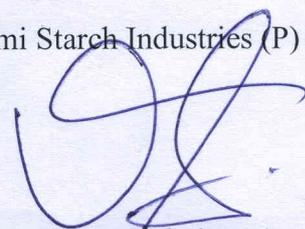
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	08.06.2025	Affidavit on behalf of the Appellant	1-13

The documents filled above are certified as true copies of their respective
Originals

Dated at Chennai on this the 08th day of June, 2025

Appellant

For Varalakshmi Starch Industries (P) Ltd.,



(V. Anbalagan)
Managing Director

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AFFIDAVIT ON BEHALF OF THE APPELLANT

I, V. Anbalagan, Son of R. Varadharajan, Hindu, aged about 68 years, having office at “Varalakshmi Tower”, 2nd Floor, 127/1 Gandhi Road, Hasthampatty, Salem – 636007, now temporarily come down to Chennai do hereby solemnly affirm and state as under:

I am the Managing Director of the Appellant herein and as such fully acquainted with the facts and circumstances of the present case. I am filing this affidavit on behalf of the Appellant Company.

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(V. ANBALAGAN)
Managing Director

1. It is respectfully submitted that a Closure Order had been issued by TNPCB to the Appellant industry on 08.11.2022 under Proceeding No. TNPCB/T2/F.025102/DMP/Closure/Water/2022 under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, as amended, listing out certain directions which were said to be non-fulfilled. The Appellant appealed to the Hon'ble Tribunal, and the Hon'ble Tribunal was pleased to issue a stay order as under against the Closure Order of TNPCB by observing as

“all those short comings whatever has been pointed out in the impugned order are rectifiable and does not warrant the closure of the unit.

Therefore, there will be an order of interim stay of the impugned order dated 08.11.2022, and the 4th respondent is directed to restore the power supply immediately on 09.12.2022.”

2. It is respectfully submitted that as per the directions of the Hon'ble National Green Tribunal (NGT), Southern Zone in their Order Dt. 16.12.2024, the Respondent TNPCB Dharmapuri intimated vide their letter Dt.23.01.2025 (Letter No. DEE/TNPCB/DMP/F.DMP0013/OL/2025 Dt. 23/01/2025) that an inspection would be conducted on 29.01.2025 at the appellant's entire plant. **Accordingly, the TNPCB officials DEE, AEE and AE have inspected the Appellant unit on 29.01.2025.** They also collected treated waste water samples from ETP, Piezometric Wells 1, Piezometric Wells 2, Piezometric Wells 3 and Jungle Stream Water.

3. It is submitted that during the hearing before the Hon'ble NGT on 13.02.2025, the Ld. Counsel for the Respondent had stated the inspection of the Appellant unit has been completed but the report was yet to be filed and sought time for filing the report and at the request of the Ld. Counsel for the Respondent, the matter was posted for further

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hearing on 15.04.2025. **In the meantime, further surprise inspection of the Appellant's unit was also conducted on 20.02.2025 and on 21.03.2025** and samples were collected, all of which were reported to be within the discharge standards prescribed by the TNPCB.

4. It is submitted that TNPCB has filed their Inspection Report to the Hon'ble National Green Tribunal (NGT), Southern Zone vide their filing dated 28.04.2025 stating that the Unit and its Effluent Treatment Plant were in operation and further confirming in their report that *"The official of O/o.DEE, TNPCB Dharmapuri inspected on 29.01.2025 and observed that, the unit was in operation. ETP was also under operation. Latest RoA of the treated effluent sample collected on 29.01.2025 revealed that all parameters are within the standards prescribed by the Board"*.

5. It is further submitted that apart from the inspection conducted by TNPCB officials on 29.01.2025 as per the directions of the Hon'ble National Green Tribunal (NGT), Southern Zone, surprise inspections and collection of treated wastewater and groundwater samples were also undertaken by TNPCB officials on 20.02.2025 and 21.03.2025. The Report of Analysis of all the samples (treated wastewater and groundwater) collected on 29.01.2025, 20.02.2025 and 21.03.2025 provided to the Appellant by TNPCB proves that all the parameters of the treated wastewater are within the discharge standards and groundwater samples from piezometric wells are also within the standards prescribed by TNPCB. These Analysis Reports were submitted to the Hon'ble NGT vide the Appellant's Affidavit dated 14.04.2025.

6. It is submitted that TNPCB in their Inspection Report dated 28.04.2025 have submitted their observed present status of compliance as on 29.01.2025 of the Board's Direction

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issued to the Appellant vide Proceedings dated 16.02.2023. TNPCB has reported full compliance with the directions Sl.Nos. 1, 4, 8, 9, 10 and 11 mentioned in the Board's Proceedings dated 16.02.2023 and for the sake of brevity, the same are not discussed hereunder. The appellant's submission as to the compliance in respect of the other directions stated by TNPCB to be partially complied and not complied are as follows:

S.No as mentioned in directions dt 16.02.2023	TNPCB direction dated 16.02.2023	Present Status/Remarks on inspection dt 29.01.2025 as reported by TNPCB	Appellant's submission of its compliance
1	The unit shall furnish a time bound action plan for completing the ETP revamping works, so as to satisfy the treated trade effluent standards prescribed by the Board within a month's time	COMPLIED	COMPLIED
2	The unit shall furnish a time bound action plan to replace all the SeemaiKaruvellam trees in the premises with the native species as recommended by the Agriculture Department along with the proposal for safe disposal of entire quantity of treated effluent with adequate green belt area within 15 days.	PARTIALLY COMPLIED. The layout of the Greenbelt area furnished by the unit has been mentioned that the removal of seemai karuvellam trees will be completed before 2028 in phased manner.	The Appellant has already long started replacing the SeemaiKaruvellam trees with native species in a phased manner as it will take minimum 5 years for any native species to grow. Due to this practical reason, the replacement of Trees is done in a phased manner . As on date, in the Greenbelt area comprising of 38 acres, SeemaiKaruvellam trees in 25 acres are removed and replanted with Native trees.

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			<p>Within another 3 years i.e. within the year 2028, the remaining Seemaikaruvelam trees will be replaced also.</p> <p>Since the Seemaikaruvelam trees in nearly 70% of the green belt area have been replaced and the removal in rest of the area is ongoing, the report of the TNPCB as "partially complied" is incorrect.</p>
3	<p>The unit shall furnish the layout of the premises marking the green belt area that are being maintained for utilization of treated effluent along with the plantation details such as number of plants, name of the plants species, plantation area etc. within 15 days</p>	<p>PARTIALLY COMPLIED.</p> <p>The Unit has furnished the layout of the premises marking the green belt area for utilization of treated effluent. However, the unit has not furnished the plantation details of fresh tree saplings such as number of plants, name of the plants species, plantation area etc.</p>	<p>In the 25 Acres already planted, the details of the Trees planted are:</p> <ul style="list-style-type: none"> • Neem saplings-5800 nos • Magkani saplings-1000 nos • Naaval saplings-200 nos • Pungam saplings-1300 nos • Casurina saplings-4100 nos <p>Total: 12400 nos of tree saplings.</p> <p>The Layout of the greenbelt has already been earlier submitted and received by TNPCB. Therefore, the report of the Respondent as "partially complied" is incorrect.</p>
4	<p>The unit shall cover the storage area of wet tapioca thippy by providing a shed within a month's time</p>	<p>COMPLIED</p>	<p>COMPLIED</p>

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5	<p>The unit shall conduct water and wastewater audit through reputed institution like Anna university, Chennai/IIT Madras and furnish report to the Board. The time bound action plan for the same shall be furnished within a month's time, as the unit has made payment to the Anna University, Chennai to carry out ETP Adequacy study only and not for the water and wastewater audit as directed by the Board vide proceeding 17.10.2022</p>	<p>NOT COMPLIED</p> <p>The District Environmental Engineer, Dharmapuri has reported that, the unit had submitted the adequacy report of ETP obtained from the Anna University, Chennai. Earlier, the unit in its letter dated 11.07.2023 has informed that "the Project given to Anna University to conduct water audit, waste water audit and ground water quality study they have raised demand that demand also we paid. The project will be completed within six months". After that the unit vide letter dated 25.04.2024 stated that "the Anna University wants access to our entire production plant apart from the ETP and wants to inspect stage wise our production plant which requires us to allow then access to our production machineries and production technology and knowhow. Since we fear that allowing third party access to our</p>	<p>At the request of the Appellant, the Environment Department of Anna University conducted the study and provided their comprehensive combined adequacy report containing</p> <ol style="list-style-type: none"> (1) Production process with Raw water usage, (2) Wastewater treatment (ETP), (3) Disposal of treated wastewater and (4) Groundwater analysis <p>In the combined Adequacy report issued by Anna University after 6 months study, in Chapter 2 of the report, the production process with flow charts has been reported showing the volume of raw water consumed and wastewater generated and how the Unit is minimizing the water consumption by the process of recycling the process water within the process.</p> <p>In Chapter 3 of the report, the wastewater treatment process has been reported with process description, flowchart with flowrate of each treatment process has been reported.</p>
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		<p>production unit will compromise our technology knowhow, the audit is held up." The unit has not yet conducted the water and wastewater audit through reputed institution like Anna University, Chennai/IIT Madras as directed by the Board.</p>	<p>Without taking this into cognizance, the Respondent simply states that this direction is not complied.</p> <p>If more specifically water and waste water audit is wanted, the Anna University requires entire manufacturing plant inside details with all data which are based on our valuable international Standard manufacturing technology. In India only in Tamil Nadu, only 3 industries are having such world high-tech machines with technology which is highly paid and valuable. But the TNPCB is enforcing this audit for the Appellant Industry alone and not for the other two industries located within the jurisdiction of TNPCB in Namakkal and Erode (Perundurai) Districts.</p>
6	<p>The unit shall conduct ground water quality study through reputed institution like Anna University, Chennai / IIT Madras in the green belt areas that are being maintained utilizing the treated effluent and furnish the report to the Board within a month's time.</p>	<p>NOT COMPLIED</p> <p>The District Environmental Engineer, Dharmapuri has reported that, the unit had submitted the adequacy report of ETP obtained from the Anna University, Chennai. However, the unit has not yet conducted ground water quality</p>	<p>Anna University also conducted the study of ground water. The test report is given in page No.30, Sl.No.12 & 13 of their adequacy report.</p> <p>Further, as per directions of TNPCB, the Appellant have provided piezometric wells in the greenbelt area and samples of groundwater are being</p>

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		<p>study in the green belt areas through reputed institution like Anna University, Chennai/IIT Madras in the green belt area as directed by the Board.</p>	<p>drawn from them for the past 8 months by the TNPCB officials themselves and have been tested in their own lab for studying and monitoring the groundwater quality.</p> <p>Also, during the inspection on 29.01.2025, recently on 20.02.2025 and 21.03.2025, samples of groundwater have been collected and analyzed by TNPCB officials from the Piezometric wells.</p>
7	<p>The unit shall provide adequate piezometric (monitoring wells) in the green belt area to monitor the ground water quality and furnish the report to the TNPCB regularly in view of repeated complaint received. An action plan shall be submitted within a month's time.</p>	<p>PARTIALLY COMPLIED.</p> <p>The official of O/o. DEE, TNPCB, Dharmapuri inspected the unit on 29.01.2025 and observed that the unit has provided 03. Nos. of piezometric (monitoring) wells in the green belt areas to monitor the ground water quality. However, the unit has not provided at north-eastern side of the green belt area, where the allegation of contamination of groundwater was raised by the complainant. Further, the following was submitted in the previous reports that "in order to assess the impact of waste</p>	<p>The Appellant has already provided 3 Piezometric (monitoring) wells in different areas covering the entire Greenbelt Area. The TNPCB has never indicated the places where Piezometric (monitoring) wells have to be installed. We have already committed to install additional piezometric well in the greenbelt wherever TNPCB insists once the monsoon is over and the same will be completed before the commencement of the forthcoming tapioca season. The TNPCB officials have already been inspecting the same and samples are being drawn from three piezometric wells regularly and tested to monitor groundwater quality.</p>

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		water disposal on land, an exhaustive Hydrogeological study is requisite to be carried out in and around the unit's premises through reputed agency."	
8	The unit shall stop discharging treated/ untreated trade effluent through the outfall located near ETP area into the Peeniar canal immediately and shall ensure that there is no access for the treated/untreated trade effluent to nearby water bodies, outside the premises either directly and indirectly. The action taken in this regard shall be reported to the Board within a week's time.	COMPLIED	COMPLIED
9	The unit shall dewater the stagnation of water in the pit provided for the proposed anaerobic reactors immediately and shall maintain the sludge drying beds properly and shall report to the Board within a week's time.	COMPLIED	COMPLIED
10	The unit shall check the stability of the ETP, by engaging reputed institution like Anna University, Chennai/IIT Madras and	COMPLIED	COMPLIED

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	furnish the report to the TNPCB within a month's time.		
11	The unit shall install / maintain Electro Magnetic Flow Meter with computer recording arrangement at the inlet and outlet of the ETP within a month's time and shall furnish monthly report to the Board.	COMPLIED	COMPLIED
12	In order to ensure the compliance of all the above said directions 1 to 11. the unit shall furnish a Bank Guarantee for Rs.50 Lakhs valid for one year to the TNPCB within a month's time (Format enclosed)	NOT COMPLIED The DEE, TNPCB, Dharmapuri has reported that the unit has not furnished Bank Guarantee for Rs.50 Lakhs as directed by the Board.	Therefore, with the TNPCB themselves confirming vide their Inspection report dated 28.04.2025 that the Unit's ETP is meeting the standards prescribed by the Board and indicating compliance in regard to the 9 of the 11 directions, the Appellant is requesting for waiver of furnishing the Bank Guarantee for Rs.50 lakhs which would cast financial burden on us since BG can be obtained from Bank only against 100% margin money from working capital. The appellant has also submitted representations in this regard to TNPCB which has not been considered so far. The objective behind furnishing of Bank Guarantee is to secure guarantee for compliance of the directions

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			issued by TNPCB. As long all the primary directions are reported to be complied, we request that this condition of furnishing Bank Guarantee of Rs.50 lakhs may be caused to be waived.
13	The unit shall ensure the compliance of all the above said conditions and furnish the compliance report to the Board so as to examine the issue of renewal of consent to the unit		The Appellant have furnished all compliance report in respect of 12 directions discussed above to the TNPCB. In respect of the directions vide Sl.No.12, we have requested for waiver of Bank guarantee. Hence, renewal of consent and revocation of closure order shall be considered.

7. It is submitted that the appellant industry is a rural agro-based medium-scale industry manufacturing Starch and Sago out of seasonal and highly perishable raw material. In a year, around 5 to 7 months only the plant is utilizable due to the seasonal availability of raw material viz. Tapioca Tuber. It is submitted that due to the non-availability of valid Consent Order, all their international customers and Indian big customers hard earned over the last twenty years have stopped their purchases resulting in a significant decline in sales turnover. It is submitted that there are financial losses not only to our company but also to the farmers in and around Dharmapuri District in selling their tapioca at a loss at Rs.4500/- to 5000/- per MT against Rs.10000/- to 11000/- prevailing previously.

8. It is submitted that the Appellant industry is in fulfilment of the conditions imposed while obtaining the original Consent Order to Establish and Operate and has been

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periodically renewing its Consent from Year 1997 until recently. There were no instances of violations and deterrent actions taken by the TNPCB till recently. For the past 3 years, without a valid Consent Order, the industry has been operating pursuant to the stay granted by the Hon'ble Tribunal.

9. It is submitted that during the hearing dated 16.12.2024, the Hon'ble Tribunal observed that the Closure Order was issued by TNPCB under Sec 33A without considering the submissions made by the Appellant in response to the proceedings and the Hon'ble Tribunal decided to conclude the issue based on the test reports of Treated Waste Water samples collected from our industry after an inspection. Accordingly, the TNPCB inspected the unit on 29.01.2025, 20.02.2025 and 21.03.2025 and collected samples and issued Reports showing that all parameters are within the prescribed standards. The report on the inspection filed by TNPCB indicates positive development in regard to the 9 directions and most importantly concludes that the ETP is meeting the discharge standards prescribed by TNPCB. The remaining are furnishing of Bank Guarantee, ground water study and water audit. It is submitted that these three requirements are only secondary and in so far as the other directions show positive results, the remaining three could be considered for waiver. It is also submitted that these objective behind the above three is only to secure positive results in compliance with PCB norms.
10. It is humbly prayed that the Hon'ble National Green Tribunal (NGT) may be pleased to pass orders for causing withdrawal of the closure order and issue directions to TNPCB to issue renewal of Consent to the Appellant unit, as we are already eligible for deemed consent renewal as per Section 25(7) of the Water (Prevention and Control of Pollution) Act, 1974, so that we can re-establish the market and continue our operations.

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11. It is submitted that the Appellant industry is in perilous situation and looking at the Hon'ble Tribunal to come to its rescue to save it.
12. It is humbly prayed that the Hon'ble Tribunal may be pleased to direct that in the event of any future issues pertaining to the appellant factory, the TNPCB before taking any adverse steps may follow the due process of law and principles of natural justice by way of issuance of notice, followed by show cause notice clearly outlining the issues and providing an opportunity for personal hearing before initiating any coercive action.
13. Therefore, it is humbly prayed that this Hon'ble National Green Tribunal (NGT) may be pleased to pass such further order or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstance of this case and thus render justice to save this rural agro based exporting industry.

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