

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

**Appeal No. 77 OF 2022 (SZ)**

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

...Appellant

AND

Tamil Nadu Pollution Control Board  
And others.

...Respondents

**INDEX**

<b>Sl.No.</b>	<b>Date</b>	<b>Description</b>	<b>Annexures</b>	<b>Pg. No.</b>
1.	22.10.2024	Representation of the Appellant	<b>A82</b>	<b>1</b>

Dated at Chennai on this the 4<sup>th</sup> day of November, 2024.



Counsel for Appellant



# 1 VARALAKSHMI STARCH INDUSTRIES (P) LTD.

MRFS. & EXPORTERS : SUPER HIGH GRADE TAPIOCA SAGO, TAPIOCA STARCH, MAIZE STARCH, MODIFIED STARCHES & SAGO PAPADS

VS IPL/TNPCB/2024-25/ In Person

22.10.2024

To

Dr.P. Senthil Kumar, I.A.S.,  
M.Sc (Agri), Ph.D.  
Principal Secretary to Government,  
Environment, Climate Change & Forest Department,  
Secretariat,  
Government of Tamil Nadu,  
Chennai – 600 009

Respected Sir,

Sub: PCB - Request for revocation of the closure order and renewal of consent order – reg

- Ref: 1. TNPCB Proceeding No.TNPCB/T2/F.025102/Directons/Water/2022 dated 17.10.2022  
2. Our letter No.VS IPL/PCB/2022-23/343/RPAD dated 28.10.2022 in response to above proceeding.  
3. TNPCB Proceeding No.TNPCB/T2/F.025102/DMP/Closure/Water/2022 dated 08.11.2022  
4. Our letter dated 14.11.2022 and written explanation submitted in person for revocation of closure order on 17.11.2022  
5. TNPCB Proceeding No.TNPCB/T2/F.025102/Directions/Water/2023 dated 16.02.2023  
6. NGT Interim order dated 09.12.2022  
7. Our letter dated 15.10.2022 to your good office

Our industry is a Rural Agro Based Medium Scale Food Product manufacturing and Export Oriented Industry located in the rural and industrially backward area at Pappireddipatty, Dharmapuri District established in the year 1995 for the manufacture of International Standard and ISI certified and FSSAi standard Tapioca Starch, Tapioca Sago, Maize Starch and Pappad, out of Tapioca Tubers and Maize Kernels . Our industry has been operating for the past 27 years from 1997 with valid consent orders from TNPCB continuously without any violation in regard to compliance to PCB norms.

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Factory : No. 7/114-126, Bommidi Main Road, Pappireddipatti (Po), Dharmapuri Dt. - 636 905.

GSTIN : 33AABCV0094P1Z2 | CIN No. U01532TZ1995PTC006136

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In the year 2021, we had filed our online application for renewal of consent through OCMMS Portal on 09.10.2021 for further automatic renewal of consent without any expansion or modification in any aspects as per previous year. Our application was returned on 18.10.2021 with two very tiny directions for compliances. We have resubmitted our renewal applications online after complying with the same through OCMMS Portal but the same was again returned with some other two tiny and irrelevant directions for compliance for renewal both during the severe Covid Virus (Covid 19) period. Continuously our applications are being returned again and again through OCMMS Portal, each and every time with several new and alternative compliances continuously from 18.10.2021.

When this was occurring continuously, we had received the proceedings 1<sup>st</sup> cited from The Chairman, TNPCB on 17.10.2022 with 6 directions to comply with which are all for improvement. To respond to the above proceedings, we submitted our reply letter 2<sup>nd</sup> cited to The Chairman, TNPCB on 28.10.2022 with necessary photos and videos evidencing compliances of all the directions and also requested for personal hearing to offer our detailed explanation with all supporting documents, photos and videos.

When we were awaiting the date of appointment for personal hearing from Board, TNPCB, TNEB had abruptly disconnected the total electric power supply including ETP power to our unit on 08.11.2022 (when the plant was operating to its full crushing capacity of Tapioca and Maize). Subsequently, we had received the closure order dated 08.11.2022 3<sup>rd</sup> cited from TNPCB only after a week of power disconnection ie. on 14.11.2022. On a perusal of the said Closure order, we observed that the directions for compliances mentioned in the closure order were for improvement only and that our submissions dated 28.10.2022 with reference to the Board proceedings dated 17.10.2022 were not taken into consideration. Then immediately we submitted our letter 4<sup>th</sup> cited to the Chairperson, TNPCB in person with all evidences requesting to revoke the closure order. That time only, the Chairperson observed that the closure order was issued without giving a personal hearing and without considering our submissions dated 28.10.2022 2<sup>nd</sup> cited in response to TNPCB letter dated 17.10.2022 1<sup>st</sup> cited, but there was no further response from Chairperson.

  




In this adverse situation finding no other alternative during our peak crushing season ( only four months in a year), we had filed appeal against the closure order before the Hon'ble National Green Tribunal, Southern Zone, Chennai and the Hon'ble Justice has granted an Interim Stay 6<sup>th</sup> cited against the closure order dated 08.11.2022 of TNPCB by observing that "we feel that the appellant has made out a prima facie case and 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 4<sup>th</sup> respondent (TNEB) is directed to restore the power supply immediately".

But the final judgment is getting delayed due to irrelevant information and non submission of documents demanded by the NGT from the TNPCB Counsel in every hearing. The last hearing was scheduled on 24.09.2024 for OA/46, which is irrelevant with our appeal 77/2022 (SZ) against the closure order.

In this situation, we would like to submit for your kind information, that we have complied with all the directions mentioned in the Board's Proceedings dated 08.11.2022 3<sup>rd</sup> cited (Closure Order) and also the subsequent Directions given in the Board's Proceedings dated 16.02.2023 5<sup>th</sup> cited as discussed hereunder

Sl.No	Directions for Compliances mentioned in the TNPCB Proceeding No.TNPCB/T2/F.025102/DMP/Closure/Water/2022 dated 08.11.2022 (Closure Order).	Status of compliance
1.	The unit was not in operation and no production has been observed, however the unit has started receiving tapioca roots from the farmers for commissioning its crushing activity.	This inspection held on 03.11.2022 before starting the crushing season of Tapioca.
2.	As the unit was not in operation during inspection, no trade effluent was generated.	Yes.

  




3.	The unit was in the process of revamping the existing ETP. The unit has proposed to install MBR as additional component in the treatment plant and was carrying out civil works for mounting the same. The unit has installed Filter press and one of the ETP components and not yet commissioned.	Yes.
4.	The unit is yet to take steps for removal of seemaikaruvelam trees already planted by them and replacing the same by planting the native species as recommended by the Agriculture Department.	At the time of inspection, there was heavy rain due to the monsoon season due to which cutting of trees was not started.
5.	The unit has not furnished any action plan with time schedule for carrying out Water and Waste water audit and ground water quantity study through reputed institution like Anna University, Chennai/ IIT Chennai.	It was replied by us that the audit would be got conducted by Anna University at the time when the plant runs with optimum capacity during crushing season. The same has since been conducted by the Anna University and the report dated 29.05.2023 given by them was submitted to DEE, PCB, Dharmapuri. Further, it was directed to carry out "ground water <u>quantity study</u> " which is not possible.
6.	The unit has not taken any steps to provide shed cover the area of the storage of wet Tapioca Thippi and has also not furnished any action plan for the same.	Due to monsoon season, the roof construction work was not started at the time of inspection 03.11.2022. <u>The shed cover work has since been completed.</u>

  




7.	The unit has not taken any steps to provide proper storm water drain to restrain the rain water mixing with trade effluent and has also not furnished any action plan for the same.	The observation is incorrect. At the time of starting our factory in the year 1997 itself, we had constructed canals for rain water drain (Storm water) so that the rain water does not mix with the trade effluent. Photo enclosed.
8.	The unit has not taken any steps to provide compound wall around the green belt area and the ETP area and has also not furnished any action plan for the same	The Green belt area is around 50 acres. The National Highway Authority of India has also marked the land for 8 way green corridor road in the middle of our green belt area. If the Highway acquires the green belt area for 8 way green corridor road, we have to buy adjoining agriculture land more for compensating required green belt area in case we expand the capacity. So instead of compound wall, we have created soil boundry bank around the green belt area.
9.	The unit has not furnished Bank Guarantee for Rs. 50 Lakhs with validity for two years for compliance of the Directions issued.	The directions issued had been complied. So we requested for waiver of Bank Guarantee..
10.	Report of Analysis of the samples collected at the outlet of the ETP on 13.11.2021, 09.12.2021, 15.12.2021, 28.01.2022, 25.02.2022, 16.03.2022, 05.04.2022, 09.05.2022, 22.06.2022 reveals that the parameters TSS, TDS, BOD and COD exceeds the standards prescribed by the Board.	As per the consent order, we need to treat and discharge waste water on our own land for irrigation purpose as per the standards 'On land for irrigation' . Accordingly, all the parameters were within the said standards. However, the TNPCB had compared the test parameters with stringent 'Inland surface water' discharge standards and observe that it is higher.





The following directions were issued by the JC subsequently upon inspection conducted after the NGT Stay order. It may be seen that several of the directions were repeated from those issued in the closure order.

Sl.No.	Directions mentioned in the Proceeding No. TNPCB/T2/F.025102/Directions/ Water/2023 dated 16.02.2023	Status of Compliance
1	The unit shall furnish a time bound action plan for completing the ETP revamping works, so as to satisfy the treated effluent standards as prescribed by the Board within a month's time.	We have completed all the ETP revamping work, by replacing Surface aeration systems with Diffused Aeration systems by installing around 1200 number of fine air diffusers in the 8 aeration tanks to enhance effluent treatment further consistently. All ETP components that are included in the Consent Order issued by the TNPCB are in use.
2.	The unit shall furnish a time bound action plan to replace all the seemaikaruvelam trees in the premises with the native plant 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.	TNPCB in its consent order dated 29.06.2007 had imposed under special conditions Sl.No.16 as " The industry has to ensure that minimum of three varieties of trees (Eucalyptus, Subabul and any other suitable variety ) are planted at the density of not less than 1,000 trees per acre of land. The trees may be planted along with boundaries of the industry or industrial premises. This plantation is stipulated over and above the bulk plantation of trees in that area and maintain them" to plant any other suitable variety of trees within the premises for discharge of treated wastewater. Therefore, in the year 2007,

  




Seemakaruvelam trees were planted in around 48 acres of own land numbering around 500 trees per hectare which have been consuming the entire discharged treated effluents perfectly, drought resistance and free from theft. Government and Hon'ble Court have ordered to remove the Seemakaruvelam trees because these consume high level of ground water causing deficit in the water body in the people living area. But in the case of our industry, we had to plant trees which should consume huge water to dispose of the treated waste water.

The treated waste water should not go into the ground.

If these trees are all cut at a stretch, then sufficient tree planted land will not be available for discharge of current treated wastewater of 480KLD per day and any replaced baby tree cannot consume the water 35KLD per Hectare. The baby plant would need e at least 5 years growth for consuming 35 KLD per hectare .

Hence, we have planned to replace Seemakaruvelam trees with native plant species in a phased manner I.e., about 10 acres per annum to ensure that the entire treated wastewater gets consumed by the existing trees within the green belt area and at the same time the Seemakaruvelam trees are replaced in a phased gradual manner within 5 years.

  




		<p>Last year we have removed Seemakaruvelam trees in about 7 acres of the greenbelt area. The Forest Department have supplied Native tree saplings such as Pungam tree, Vembu tree, Teak tree, etc., and all are planted. Now in another 7 acres, Seemakaruvelam trees have been removed and native trees have been planted and after the monsoon season, we are going to remove the remaining 7 acres within 3 months and replant Native Trees.</p> <p>The same process will be continued to remove the entire Seemakaruvelam trees in a phased manner in the remaining area of greenbelt area and replant them with the native trees within 4 years without affecting the purchases of Tapioca and Corn from farmers, plant production and market continuity. Photos enclosed.</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 plantation details such as number of plants, name of the plant species, plantation area etc., within 15 days.</p>	<p>The layout of the entire premises with Greenbelt area being maintained for the utilisation of treated effluent had been submitted to PCB. Copy of the same is enclosed.</p>
4.	<p>The unit shall cover the storage area of wet Tapioca Thippi by providing a shed within a month's time.-</p>	<p>The roof shed for the storage area of the wet Thippy Yard has been completed. Photo enclosed.</p>





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 payments 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 dated 17.10.2022. -</p>	<p>In the combined report issued by Anna University, under para 2.1.1 "Manufacturing process of Tapioca Starch", they have discussed in detailed and also in the process flow chart from Page No. 3-7 about the raw water consumption and how we are minimizing the water consumption by the process of recycling within the process. Also the Mass balance of the outlet waste water is briefly discussed with Treatment process flow diagram in Page No.14.</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>Anna university conducted the study of ground water. The test report is given in page No.30 Sl.No.12 &amp; 13 in the combined report. Further, the TNPCB officials themselves for the last two years have taken so many samples of groundwater in our own green belt area, nearby Farmers wells, nearby jungles stream and Public wells in the surrounding one kilometer radius. They tested the water samples in their own laboratory and found that the parameters of the ground water were well with no contamination and no complaints were raised by them in this regard.</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 TNPCB regularly in view of repeated compliant received. An action plan shall be submitted within a month's time.</p>	<p>We have already provided 3 Piezometric (monitoring) wells in the Greenbelt Area. Location map and photo are enclosed. ROA test certificate for bore well sample. The TNPCB officials have already inspected the same. Photos enclosed.</p>

  




8.	<p>The unit shall stop discharging treated / untreated trade effluent through the outfall located near ETP area into the Penniaar 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.-</p>	<p>At no point of time, we are letting out the raw effluent as well as the treated effluent into any water bodies. Our waste water not a waste but it is a valuable by-product for us. We are generating Bio gas from the waste water more than 30000m<sup>3</sup> per day. So we will never discharge valuable trade effluent (our bye-product) to the outside of our premises after recovering the Bio-gas and final treatment.. We are discharging the treated effluent only in the greenbelt area belonging to us. The unit was also inspected by the Board Officials of TNPCB on 16.03.2022 and many surprise inspections were conducted by the District level officials also. During inspection, it was observed and confirmed that there was no flow of our waste water or treated waste water in the Peeniyar jungle stream. Also, the treated effluent generated from the unit was discharged only in our own Greenbelt area, land around 50 acre.</p>
9.	<p>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.</p>	<p>The stagnated sparkling/ spring water available in the pit of the proposed anaerobic reactors during the monsoon period was dewatered. The 5 Nos. of sludge drying beds are also being properly maintained.</p>
10.	<p>The unit shall check the stability of the ETP, by engaging reputed institution like Anna University, Chennai / IIT Madras and furnish the report to the TNPCB within a month's time.</p>	<p>The Stability study of the ETP was completed by the Government College of Engineering, Salem and a Stability Report dated 26.09.2023 is enclosed.</p>





11.	The unit shall install / maintain Electro Magnetic Flow Meter with computer recoding arrangement at the inlet and outlet of the ETP within a month's time and shall furnish monthly report to the Board.	Submitted reports of EMFMs reading at the inlet and outlet of the ETP till March 2024 to TNPCB, Dharmapuri. It is available for verification.
12.	In order to ensure the compliance of the above directions 1 to 11, the unit shall furnish a Bank Guarantee for Rs.50 Lakhs valid for one year to the TNPCB (Format enclosed)-	<p>As explained above, the ETP is well revamped and meeting the prescribed discharge standards which has also been confirmed by the report of (PCB own lab) ROA, TNPCB every month for the past three years totalling more than 20 reports and also by report of the Anna University dated 29.05.2023 vide page 30 Col. No.11). This has been achieved through the existing revamped Primary and Secondary ETP performance.</p> <p>Copies of all treated test report issued by ROA, TNPCB and Anna University are enclosed .</p> <p>Hence, due to ETP revamping work already completed, waiver of Bank guarantee for Rs.50 Lakhs required under earlier direction on 17.10.2022 was requested. It is submitted that Bank Guarantee of Rs.50 Lakhs could be obtained only against cash deposit for an equal sum.</p> <p>Last three years, we have been disturbed by this PCB issue. So, we are not having sufficient money for this deposit. Hence we are requesting to review based on the compliances achieved by us.</p>

  




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.	We have furnished all compliance report in respect of 11 directions discussed above to the PCB. 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 may be considered .
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We have been running our industry for the past 2 years based on the Interim Order issued by the Hon'ble NGT 6<sup>th</sup> cited. In the absence of valid TNPCB consent order, we have lost regular sales with domestic blue chip companies and lost entire export orders from entire longtime International customer resulting in multi crore financial loses to our industry. The Dharmapuri District farmers also lost several crores by way of tapioca transportation cost due to carrying Tapioca to other District and low selling price due to surplus stock in other Districts where they are forced to sell their tapioca. Now during the current year, the Tapioca price has fallen from Rs.12000 – Rs.6000 per Ton. If this price continues, , the tapioca cultivating farmers in the District would face multi-crore rupee loss this year. If our company gets the valid consent order, we will resume our export sales which would create a short fall in the Indian market thereby increasing the demand. Resultantly, Starch and Sago price will increase and tapioca price also will increase and the benefit will accrue to the farmers by way of remunerative price for their produce.

It is submitted that there has been no changes in our raw materials, no changes in the finished products, no change in the process line and also no change in the quantity of waste water generated. This apart, continuously for the past more than one year, our treated waste water has conformed to the TNPCB prescribed standards.

It is also submitted that ours is a long drawn industry with due conscious to protecting the environment for which we have invested crores of money on waste water treatment coupled with recovery of renewable energy as records would vouch and as the PCB Department also is aware of. This being the case, the closure order and also withholding of renewal of consent for long time causes adverse impact on our agro-based rural industry putting the management

  




into undue hardship and mental agony and hampering the smooth business operations. This apart, the purpose for which the TN Government recommended this project for the welfare of the farmers would also get nullified by this adverse action by the PC Department.

Under the above exigency of situation, we humbly request the Hon'ble Principal Secretary to kindly intervene in the matter and cause revocation of the closure order and also renewal of the consent order to safeguard our rural agro based industry on public interest to the benefit of our stake holders. We will obey the directions

Yours faithfully,

(V. ANBALAGAN)  
MANAGING DIRECTOR



*Enclosed as above*

*CC to : The Chair person  
TNPCB, Chennai.*

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

**MEMORANDUM OF APPEAL**

(Under Section 14, 16 (c), 18(1) of the National Green Tribunal Act 2010 read  
with Rule.8(1) of the National Green Tribunal Practice and Procedure Rules,  
2011)

Appeal No. 77 of 2022

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

Rep. by its Director A. Vinoth Kumar

Having its office at:

“Varalakshmi Tower”

No.127/1, 2<sup>nd</sup> floor,

Gandhi Road,

Salem- 636 007.

...Appellant

AND

Tamil Nadu Pollution Control Board

Rep. by its Chairperson

76, Anna Salai, Guindy Industrial Estate,

Guindy,

Chennai – 600032.

And 3 others.

...Respondents

**ANNEXURE – A 82**

M/s. K.R.NISHANTH (E.No.708/14)  
S.SATCHITHANANTHAM(E.No.7267/21)  
Counsel for Appellant  
98658 23864