

**BEFORE THE NATIONAL GREEN TRIBUNAL(SZ), SITTING AT  
CHENNAI**

(Under Section 18(1) r/w S. 16 (a) & (f) of National Green Tribunal Act,  
2010)

**Appeal Nos. 8 & 9 of 2026 (SZ)**

**Between:**

**M/s. VPMR Construction**

**Rep. by its Partner**

Mr. V. Prakash,  
1069/1, 1070/2 (P) & 1030/3A2 (P),  
Medur Village, Ponneri TK,  
Tiruvallur District.

**...Appellant**

**-Versus-**

**1. The Tamil Nadu Pollution Control Board**

**Rep. by its Chairman,**

No. 76, Anna Salai,  
Gunidy, Chennai – 600 032.

**2. The District Environmental Engineer, Gummidipoondi,**

**Tamil Nadu Pollution Control Board,**

88A, First Cross Road,  
SIPCOT Industrial Complex,  
Gummidipoondi- 601 201

**...Respondents**

**COMMON ADDITIONAL TYPED SET OF PAPERS FILED BY THE  
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**Certified that the above documents are true copies of their respective originals.**

**Dated at Chennai on this the 26<sup>th</sup> day of February, 2026.**



**COUNSEL FOR APPELLANT**

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

Friday, the 10<sup>th</sup> May, 2013

Appeal No. 2 of 2013 (SZ)

**Quorum:**

1. Hon'ble Justice Shri M. Chockalingam  
(Judicial Member)

2. Hon'ble Prof. Dr. R. Nagendran  
(Expert Member)

**BETWEEN**

M/s. Transstroy Dindigul-Theni-Kumuli  
Tollways Pvt. Ltd  
S.F.No.238, D. Vadippatti Village  
Devathanapatti post  
Periakulam Taluk  
Theni-625 602.

.. Appellant

**AND**

1. The Appellate Authority  
Tamil Nadu Pollution Control Board  
'Krishna Vilas'  
No.51, Gangadheeswaran Koil Street  
Purasaiwalkam  
Chennai- 600 084.
2. The Tamil Nadu Pollution Control Board  
Rep. by its Member-Secretary  
No.76, Mount Salai  
Guindy, Chennai- 600 032.
3. Assistant Environmental Engineer (Theni)  
Tamil Nadu Pollution Control Board  
SAR Complex  
15/A2, Boodhipooram road  
Theni District- 625 531.

.. Respondents

(Advocates appeared: Shri K. Renganathan for the appellant. Smt. H. Yasmeen Ali for the respondent Nos. 2 and 3)

## JUDGMENT

### (Judgment delivered by the Bench)

This appeal challenges the order of the Appellate Authority of Tamil Nadu Pollution Control made in appeal Nos. 26 and 27 of 2012 confirming the order of the Tamil Nadu Pollution Control Board, the 2<sup>nd</sup> respondent herein rejecting the application made by the appellant for consent of the Board under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for establishing a stone crushing unit at Survey No. 316/1A, 1B, 2 of D, Vadipatti Village, Periakulam Taluk, Theni District.

2. Admittedly, the appellant was awarded a work of construction of 2 lane road of about 70 kms of Dindigul – Theni section of National Highways - 45 (Extn.) and about 57 kms. of Theni-Kumili section of NH-220 on design, finance, operate and transfer basis by National Highways Authority of India by an award dated 13.05.2010. The appellant established a stone crushing unit at Survey No. 316/1A, 1B, 2 of D. Vadipatti Village. After doing so, the appellant applied for consent under Section 21 of the Air Act on 13.04.2011 to the 3<sup>rd</sup> respondent which was rejected by a communication dated 4.5.2011 on the reason that the National High way- NH- 45 is located at a distance of 309 meters and an existing crusher namely M/s. Iyyappa Blue Metal is at a distance of 524 meters and hence, violates the distance norms stipulated in 2<sup>nd</sup> respondents Proceedings No. 4, dated 02.07.2004. Equally, the application for consent made by the appellant under Section 25 of the Water Act 1974 was also rejected. Aggrieved, the appellant preferred two appeals before the Appellate Authority of Tamil Nadu Pollution Control, which were also dismissed.

3. Under the circumstances, this appeal is brought forth before the Tribunal. The Tribunal heard the learned counsel for the appellant who made his submissions in the lines of his appeal ground. Equally, the learned counsel for the Board in her

earnest attempts for sustaining the order under challenge put forth her submissions. The only ground on which the Board rejected both the applications of the appellant seeking consent under both the Water and Air Act as referred to above was that the crusher unit of the appellant is situated at a distance of 309 meters from the National Highways NH 47, that another crusher unit is already located at a distance of 524 metres and thus it violates the distance norms stipulated in the respondent's proceedings dated 2.7.2004. It would be more apt and appropriate to refer to the cited condition of the respondent/Board's proceedings dated 2.7.2004, relied on by the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to reject both the applications of the appellant, and also which impelled the Appellate Authority of Tamil Nadu Pollution Control to confirm the said order, reads as follows:

*"No new / proposed stone crushers should be located within 500 metres from any National Highways or State Highways or inhabited site or places of public and religious importance."*

*"The minimum distance between new / proposed stone crushers should be 1 km to avoid dust pollution influence of one over the other".*

4. It is not in controversy that the distance between the present crushing unit of the appellant on NH 47 is 309 meters and also another crushing unit of M/s. Iyyappa Blue Metal is at a distance of 504 meters. The contention put forth by the appellant side that the habitation is nearly about 2 kms away from the unit and also no place of public and religious importance is situated nearby is not disputed by the respondents. It is pertinent to point out that the appellant has established his stone crushing unit which is to be continued for making profit and gain. Concededly, pursuant to the award given in May 2010, he has undertaken the work of constructing 2 lane road of National Highways, one from Dindigul – Theni Section of National Highways and other from Theni-Kumuli. It is also admitted by parties that after the establishment of the stone crushing unit, he has not commenced the work for stone crushing in order to enable him to carry on the work under the award. The reading of the Board's Proceedings No.4 of 02.07.2004 referred to above that no new or proposed stone crushers should be located within 500 meters from the

National Highways and State Highways, etc., and also the minimum distance between the new proposed stone crusher should be one kilo-meter to avoid dust pollution influence of one over cannot but be applied only for the stone crushers which are got to be established permanently. Needless to say, in the instant case, the award was given to the appellant for the specific purpose of carrying on work of constructing 2 lane road work of particular distance of the National Highways and hence, it would be a temporary one. We are afraid whether the Board's proceeding No. 4 can be applied to the stone crushing unit of the appellant which is purely a temporary one and if the work given in the award is over, the appellant would necessarily relocate/remove the stone crushing unit. The appellant has also given an affidavit of undertaking for the dismantling and removal of all the machinery in the crushing unit immediately after the awarded work is completed.

5. Above all, the Tribunal is of the considered opinion, in the said circumstances, the interest of the larger section of the public has to be given paramount importance. The Apex Court, in an occasion to consider such a situation in (2002) 10 SCC 606 in *T.N. Godhavarman Thiurmalpad Vs. Union of India*, has ruled as follows:

*"35. It cannot be disputed that no development is possible without some adverse effect on the ecology and environment and the projects of public utility cannot be abandoned and it is necessary to adjust the interest of the people as well as the necessity to maintain the environment. A balance has to be struck between the two interests. Where the commercial venture or enterprise would, bring in results which are far more useful for the people, difficulty of a small number of people has to be bypassed. The comparative hardships have to be balanced and the convenience and benefit to a larger section of people has to get primacy over comparatively lesser hardship'.*

6. In the instance case, the stone crusher unit, a temporary one, was established by the appellant with the sole purpose of doing a public work, namely laying of 2 lane road on the National Highways. Under such circumstances, when the project of the appellant was for the benefit of the public at large, even assuming that negligible

inconvenience and pollution is caused to the public, it should not be taken as criteria to reject the application for consent made by the appellant.

7. The learned counsel for the appellant placed before the Tribunal a few judgments which were made by the Appellate Authority on the same factual footing, wherein the rejection of the application for consent by the board was set aside with a direction to the board to grant the consent. On perusal of those judgments, Tribunal is unable to notice any reason or circumstances which should have been seen by the Appellate Authority to deviate from its earlier judgments. In the instant case, taking into consideration that the unit of the appellant is a temporary one, which has been established for a specific purpose in the interest of the larger public and the affidavit is also filed by the appellant for removal of the machinery of the crusher unit immediately after the awarded work is over, the Tribunal feels it fit to issue a direction to the 2<sup>nd</sup> respondent to give consent to the appellant under both the enactments with necessary conditions for air pollution control measures within a period of 2 months herefrom.

8. The appeal is allowed, setting aside the order of the Appellate Authority of Tamil Nadu Pollution Control and the also the order of the Board. It is to be stated that the application for consent was made by the appellant in 13.04.2011 and by an order of the Board and subsequent confirmation of the Appellate Authority, the delay of nearly 2 years has been caused, that too, in a matter of larger public interest of laying a road in the National Highways and hence in order to avoid the further avoidable delay, the direction as above is issued. No costs.

(Prof.Dr. R. Nagendran)  
Expert Member

(Justice M. Chockalingam)  
Judicial Member



**BEFORE THE APPELLATE AUTHORITY  
TAMILNADU POLLUTION CONTROL BOARD**

(Wednesday, Eighth day of January, Two thousand and twenty five)

**HON'BLE THIRU JUSTICE M. GOVINDARAJ  
CHAIRMAN**

**Thiru Dr. B. Jeyaraman  
Member**

**Thiru Dr. A.G. Murugesan  
Member**

**APPEALS 3 & 4 / 2025**

M/s. Dillip Buildcon Ltd.  
(Ready Mix Concrete Plant)  
S. Nos. 438/1, 438/2, 438/4,  
438/5, 438/6, 438/7, 438/8,  
448/1A, 448/2B & 448/3A,  
Toppur Kanigarahalli Village,  
Nallampali Taluk  
Dharmapuri District.

- Appellant.

Vs.

1. The Chairman,  
Tamilnadu Pollution Control Board,  
76, Mount Salai,  
Guindy, Chennai – 600 032.

2. The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Dharmapuri District.

- Respondents.

-ooOoo-

Mr. B. Sasidharan

- Counsel for the appellant

Mr. Sai Sathyajith

- Counsel for the respondents

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**COMMON ORDER:**

1. The National Highways Authority of India (NHAI) has awarded the contract of improving the alignment of Thoppur Ghat Section from Km 158+500 to 165+100 in Dharmapuri – Salem Section of NH 44 under NH

(O) on Hybrid Annuity Mode in the State of Tamilnadu to M/s. Dilip Buildcon Limited. The actual time for completion of the project is 1095 days. For the purpose of supply of ready mix concrete, the appellant herein applied for Consent to Operate – Direct a ready mix concrete plant at S. Nos. 438/1, 438/2, 438/4, 438/5, 438/6, 438/7, 438/8, 448/1A, 448/2B & 448/3A, Toppur Kanigarahalli Village, Nallampali Taluk Dharmapuri District.

2. The respondent-Board rejected the request of the appellant for Consent to Operate-Direct the ready mix concrete plant on the ground that the site is located within 5 KM radius from three reserve forests namely Parigam reserve forest, Thoppur reserve forest and Gundukkal reserve forest which are located at a distance of 212.19m on west side, 628.81m on northeast side and 1517m on southeast side respectively. Also 25 houses on east side, 23 houses on north side, 14 houses on west side and 5 houses on south side were located within 250 mts radius from the site's boundary thereby attracting the hot mix plant guidelines issued by the Tamilnadu Pollution Control Board.

3. It is contended by the learned counsel for the appellant that the project awarded by the National Highways Authority of India is a public project for safe and quick transportation of citizens, which is of national importance.

4. On a perusal of the contract, it is noted that the project involves of improving the alignment of Thoppur Ghat Section from Km 158+500 to 165+100 in Dharmapuri – Salem Section of NH 44 under NH (O) on Hybrid Annuity Mode in the state of Tamilnadu on Hybrid Annuity Mode. The said project has to be completed in 1095 days and has to be completed on or before 23.4.2027.

5. The appellant in the appeal memorandum has stated that he will abide by and adhere to all and any of the conditions imposed by the 1<sup>st</sup> and 2<sup>nd</sup> respondents while granting consent in terms of the operation and pollution control measures and on completion of the project, within the stipulated time, the land will be vacated and all the machineries will be removed.

6. This Appellate Authority, considering the execution of the public projects for the purpose of building infrastructure of the nation, granted consent for temporary units in respect hot mix and ready mix plants. The appellant ready mix concrete plant is also sought to be a temporary one for completing the national project.

7. Considering the order passed by the Hon'ble National Green Tribunal in Appeal No: 2 / 2013 Dated: 10.5.2013 wherein it is observed as under:

*“.....In the instant case, taking into consideration that the unit of the appellant is a temporary one, which has been established for a specific purpose in the interest of the larger public and the affidavit is also filed by the appellant for removal of the machinery of the crusher unit immediately after the awarded work is over, the Tribunal feels it fit to issue a direction to the 2<sup>nd</sup> respondent to give consent to the appellant under both the enactments with necessary conditions for air pollution control measures within a period of 2 months here from”.*

8. The order passed by the Appellate Authority in Appeals 10 & 11 / 2020 wherein it is observed as follows:

*“14. The Appellate Authority has perused the earlier orders of the Hon'ble National Green Tribunal and the Appellate Authority passed in favour of the concerned units. The Hon'ble National Green Tribunal in their order in Appeal No: 2 / 2013 has passed suitable direction for granting requisite consent stating that the*

*appellant-unit therein can be permitted to be established and operated temporarily for specific purpose which is for the benefit and interest of the larger public. The Hon'ble National Green Tribunal by having accepted the undertaking given by the appellant concerned for removal of the entire unit immediately after the completion of the project work was of the firm view that it would be but necessary to issue such direction to the respondent-Board to grant necessary consent order to operate the concerned appellant-unit with necessary air and water pollution control measures.*

*15. The Appellate Authority have, on earlier occasions, following Hon'ble National Green Tribunal orders, issued suitable direction in favour of the appellant units concerned in Appeals 1 & 2 / 2012 and Appeals 11 & 12 / 2017. This Appellate Authority on earlier occasions set aside similar orders of rejection and directed the respondent-Board to grant consent order to the concerned appellant subject to appropriate conditions for controlling water and air pollution issues.*

*16. Applying the same reasoning adopted by the Hon'ble National Green Tribunal and the Appellate Authority in the previous cases referred to above, the present Appellate Authority is inclined to pass similar direction to the respondent-Board to grant similar order of consent to operate to the appellant-unit subject to appropriate general and special conditions for avoiding any pollution and environmental issues and for the said purpose the impugned order of rejection is liable to be set aside and is hence set aside. It is now brought to the notice of the Appellate Authority that the National Highways Authority of India has by their proceedings dated 23.10.2020 granted extension of time from 9.3.2021 to 8.6.2021 to complete the work. As such the temporary order of consent may be issued upto 8.6.2021".*

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 S. Nos. 438/1, 438/2, 438/4, 438/5, 438/6, 438/7, 438/8, 448/1A, 448/2B & 448/3A, Toppur Kanigarahalli Village, Nallampali Taluk Dharmapuri District for the period upto 23.04.2027. The respondent-Board may impose required conditions to effectively control the water and 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.

**Sd/-xxx**  
**MEMBER**

**Sd/-xxx**  
**MEMBER**

**Sd/-xxx**  
**CHAIRMAN.**

To

M/s. Dillip Buildcon Ltd.  
(Ready Mix Concrete Plant)  
S. Nos. 438/1, 438/2, 438/4,  
438/5, 438/6, 438/7, 438/8,  
448/1A, 448/2B & 448/3A,  
Toppur Kanigarahalli Village,  
Nallampali Taluk  
Dharmapuri District.

Copy to: Member Secretary, TNPCB, Chennai  
Copy to: DEE, TNPCB, Dharmapuri  
Copy to: Counsel for appellant  
Copy to: Standing counsel of TNPCB  
Copy to: Law Section

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ASSISTANT MANAGER,  
APPELLATE AUTHORITY.



**BEFORE THE APPELLATE AUTHORITY  
TAMILNADU POLLUTION CONTROL BOARD**

(Wednesday, Twenty sixth day of February, Two thousand and twenty five)

**HON'BLE THIRU JUSTICE M. GOVINDARAJ  
CHAIRMAN**

**Thiru Dr. B. Jeyaraman  
Member**

**Thiru Dr. A.G. Murugesan  
Member**

**APPEALS 9 & 10 / 2025**

M/s. Dillip Buildcon Ltd.  
(Hot Mix Plant, Ready Mix Concrete  
and Wet Mix Macadam Plant)  
S. Nos. 530/1, 530/2, 530/5,  
530/6, 530/7, 531/1, 531/2,  
534/1, 534/2 & 534/3,  
Palayam Village,  
Nallampali Taluk  
Dharmapuri District.

- Appellant.

Vs.

1. The Chairman,  
Tamilnadu Pollution Control Board,  
76, Mount Salai,  
Guindy, Chennai – 600 032.

2. The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Dharmapuri District.

- Respondents.

-ooOoo-

Mr. Md Arshadullah Sheriff

- Counsel for the appellant

Mr. Sai Sathyajith

- Counsel for the respondents

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**COMMON ORDER:**

1. The National Highways Authority of India (NHAI) has awarded the contract of improving the alignment of Thoppur Ghat Section from Km

158+500 to 165+100 in Dharmapuri – Salem Section of NH 44 under NH (O) on Hybrid Annuity Mode in the State of Tamilnadu to M/s. Dilip Buildcon Limited. The actual time for completion of the project is 1095 days. For the purpose of supply of hot mix plant, ready mix concrete & wet macadam plant, the appellant herein applied for Consent to Operate – Direct order at S. Nos. 530/1, 530/2, 530/5, 530/6, 530/7, 531/1, 531/2, 534/1, 534/2 & 534/3, Palayam Village, Nallampali Taluk Dharmapuri District.

2. The respondent-Board rejected the request of the appellant for Consent to Operate-Direct the hot mix plant, ready mix concrete & wet mix macadam plant on the ground that the site does not meet the siting criteria prescribed by the Board, as per the Guidelines for Hot Mix Plants issued by the Tamilnadu Pollution Control Board in compliance with the Board's B.P. No: 64 dated 29.7.2024 and the guidelines for ready mix concrete plants issued by TNPCB as per the Hon'ble National Green Tribunal order dated 30.03.2017.

3. It is contended by the learned counsel for the appellant that the project awarded by the National Highways Authority of India is a public project for safe and quick transportation of citizens, which is of national importance.

4. On a perusal of the contract, it is noted that the project involves of improving the alignment of Thoppur Ghat Section from Km 158+500 to 165+100 in Dharmapuri – Salem Section of NH 44 under NH (O) on Hybrid Annuity Mode in the state of Tamilnadu on Hybrid Annuity Mode. The said project has to be completed in 1095 days and has to be completed on or before 23.4.2027.

5. The appellant in the appeal memorandum has stated that he will abide by and adhere to all and any of the conditions imposed by the 1<sup>st</sup> and 2<sup>nd</sup> respondents while granting consent in terms of the operation and pollution control measures and on completion of the project, within the stipulated time, the land will be vacated and all the machineries will be removed.

6. This Appellate Authority, considering the execution of the public projects for the purpose of building infrastructure of the nation, granted consent for temporary units in respect hot mix and ready mix plants. The appellant hot mix plant, ready mix concrete and wet mix macadam plant is also sought to be a temporary one for completing the national project.

7. Considering the order passed by the Hon'ble National Green Tribunal in Appeal No: 2 / 2013 Dated: 10.5.2013 wherein it is observed as under:

*“.....In the instant case, taking into consideration that the unit of the appellant is a temporary one, which has been established for a specific purpose in the interest of the larger public and the affidavit is also filed by the appellant for removal of the machinery of the crusher unit immediately after the awarded work is over, the Tribunal feels it fit to issue a direction to the 2<sup>nd</sup> respondent to give consent to the appellant under both the enactments with necessary conditions for air pollution control measures within a period of 2 months here from”.*

8. The order passed by the Appellate Authority in Appeals 10 & 11 / 2020 wherein it is observed as follows:

*“14. The Appellate Authority has perused the earlier orders of the Hon'ble National Green Tribunal and the Appellate Authority passed in favour of the concerned units. The Hon'ble National Green Tribunal in their order in Appeal No: 2 / 2013 has passed suitable direction for granting requisite consent stating that the*

*appellant-unit therein can be permitted to be established and operated temporarily for specific purpose which is for the benefit and interest of the larger public. The Hon'ble National Green Tribunal by having accepted the undertaking given by the appellant concerned for removal of the entire unit immediately after the completion of the project work was of the firm view that it would be but necessary to issue such direction to the respondent-Board to grant necessary consent order to operate the concerned appellant-unit with necessary air and water pollution control measures.*

*15. The Appellate Authority have, on earlier occasions, following Hon'ble National Green Tribunal orders, issued suitable direction in favour of the appellant units concerned in Appeals 1 & 2 / 2012 and Appeals 11 & 12 / 2017. This Appellate Authority on earlier occasions set aside similar orders of rejection and directed the respondent-Board to grant consent order to the concerned appellant subject to appropriate conditions for controlling water and air pollution issues.*

*16. Applying the same reasoning adopted by the Hon'ble National Green Tribunal and the Appellate Authority in the previous cases referred to above, the present Appellate Authority is inclined to pass similar direction to the respondent-Board to grant similar order of consent to operate to the appellant-unit subject to appropriate general and special conditions for avoiding any pollution and environmental issues and for the said purpose the impugned order of rejection is liable to be set aside and is hence set aside. It is now brought to the notice of the Appellate Authority that the National Highways Authority of India has by their proceedings dated 23.10.2020 granted extension of time from 9.3.2021 to 8.6.2021 to complete the work. As such the temporary order of consent may be issued upto 8.6.2021".*

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 hot mix

plant, ready mix concrete & wet mix macadam plant at S. Nos. 530/1, 530/2, 530/5, 530/6, 530/7, 531/1, 531/2, 534/1, 534/2 & 534/3, Palayam Village, Nallampali Taluk Dharmapuri District for the period upto 23.04.2027. The respondent-Board may impose required conditions to effectively control the water and 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.

**Sd/-xxx  
MEMBER**

**Sd/-xxx  
MEMBER**

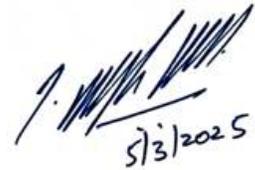
**Sd/-xxx  
CHAIRMAN.**

To

M/s. Dillip Buildcon Ltd.  
(Hot Mix Plant, Ready Mix Concrete  
and Wet Mix Macadam Plant)  
S. Nos. 530/1, 530/2, 530/5,  
530/6, 530/7, 531/1, 531/2,  
534/1, 534/2 & 534/3,  
Palayam Village,  
Nallampali Taluk  
Dharmapuri District.

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Copy to: DEE, TNPCB, Dharmapuri  
Copy to: Counsel for appellant  
Copy to: Standing counsel of TNPCB  
Copy to: Law Section

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ASSISTANT MANAGER,  
APPELLATE AUTHORITY, TNPCB



**BEFORE THE APPELLATE AUTHORITY  
TAMILNADU POLLUTION CONTROL BOARD**

(Wednesday, Twenty sixth day of February, Two thousand and twenty five)

**HON'BLE THIRU JUSTICE M. GOVINDARAJ  
CHAIRMAN**

**Thiru Dr. B. Jeyaraman  
Member**

**Thiru Dr. A.G. Murugesan  
Member**

**APPEALS 19 & 20 / 2025**

M/s. J. Kumar Infra Projects Limited,  
Rep. by its Project Manager Mr. B. Thilagarajan,  
J Kumar House,  
CTS No. 448, 448/1, 449, Subhash Road,  
Vile Parle East,  
Mumbai – 400 057.

- Appellant

Vs.

1) The Tamilnadu Pollution Control Board,  
Rep. by its Member Secretary,  
No. 76, Anna Salai,  
Guindy, Chennai – 600 032.

2) The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Chennai.

- Respondents

-ooOoo-

Mr. S. Saravanan for  
Ms. B. Girija

- Counsel for the appellant

Mr. Sai Sathyajith

- Counsel for the respondents

\*\*\*\*\*

**ORDER:**

1. The appellant has been awarded with contract by the  
Superintending Engineer, Highways Department, Chennai Circle for the

construction of 4 lane elevated corridor in Grand Southern Trunk Road from Km 6/0 to 9/2 (Teynampet to Saidapet) on Engineering, Procurement & Construction (EPC), mode. The time for completion of the project is 24 months and the site was handed over on 13.9.2024. For the purpose of supply of ready mix concrete, the appellant applies for consent to establish-new a ready mix concrete plant at SF No. Block No: 63, Koyembedu Village, Aminjikarai Taluk and Chennai District.

2. The respondent-Board rejected the request of the appellant for Consent to Establish-New ready mix concrete plant on the ground that the unit has been established adjacent (0mts) to the nearby residential area on northern and western side, thereby attracting the RMC guidelines issued by the Tamilnadu Pollution Control Board as per the Hon'ble National Green Tribunal order dated 30.03.2017.

3. It is contended by the learned counsel for the appellant that the project awarded by the Superintending Engineer, Highways Department, Chennai Circle is a public project for safe and quick transportation of citizens, which is of national importance.

4. On a perusal of the contract, it is noted that the project involves construction of 4 lane elevated corridor in Grand Southern Trunk Road from Km 6/0 to 9/2 (Teynampet to Saidapet) on Engineering, Procurement & Construction (EPC), mode. The project site was handed over to the appellant on 13.9.2024 and the project duration is 24 months.

5. The appellant has filed an undertaking that he will abide by and adhere to all and any of the conditions imposed by the 1<sup>st</sup> and 2<sup>nd</sup> respondents while granting consent in terms of the operation and pollution

control measures and on completion of the project, within the stipulated time, the land will be vacated and all the machineries will be removed.

6. This Appellate Authority, considering the execution of the public projects for the purpose of building infrastructure of the nation, granted consent for temporary units in respect hot mix and ready mix plants. The appellant ready mix concrete plant is also sought to be a temporary one for completing the national project.

7. Considering the order passed by the Hon'ble National Green Tribunal in Appeal No: 2 / 2013 Dated: 10.5.2013 wherein it is observed as under:

*“.....In the instant case, taking into consideration that the unit of the appellant is a temporary one, which has been established for a specific purpose in the interest of the larger public and the affidavit is also filed by the appellant for removal of the machinery of the crusher unit immediately after the awarded work is over, the Tribunal feels it fit to issue a direction to the 2<sup>nd</sup> respondent to give consent to the appellant under both the enactments with necessary conditions for air pollution control measures within a period of 2 months here from”.*

8. The order passed by the Appellate Authority in Appeals 10 & 11 / 2020 wherein it is observed as follows:

*“14. The Appellate Authority has perused the earlier orders of the Hon'ble National Green Tribunal and the Appellate Authority passed in favour of the concerned units. The Hon'ble National Green Tribunal in their order in Appeal No: 2 / 2013 has passed suitable direction for granting requisite consent stating that the appellant-unit therein can be permitted to be established and operated temporarily for specific purpose which is for the benefit and interest of the larger public. The Hon'ble National Green*

*Tribunal by having accepted the undertaking given by the appellant concerned for removal of the entire unit immediately after the completion of the project work was of the firm view that it would be but necessary to issue such direction to the respondent-Board to grant necessary consent order to operate the concerned appellant-unit with necessary air and water pollution control measures.*

*15. The Appellate Authority have, on earlier occasions, following Hon'ble National Green Tribunal orders, issued suitable direction in favour of the appellant units concerned in Appeals 1 & 2 / 2012 and Appeals 11 & 12 / 2017. This Appellate Authority on earlier occasions set aside similar orders of rejection and directed the respondent-Board to grant consent order to the concerned appellant subject to appropriate conditions for controlling water and air pollution issues.*

*16. Applying the same reasoning adopted by the Hon'ble National Green Tribunal and the Appellate Authority in the previous cases referred to above, the present Appellate Authority is inclined to pass similar direction to the respondent-Board to grant similar order of consent to operate to the appellant-unit subject to appropriate general and special conditions for avoiding any pollution and environmental issues and for the said purpose the impugned order of rejection is liable to be set aside and is hence set aside. It is now brought to the notice of the Appellate Authority that the National Highways Authority of India has by their proceedings dated 23.10.2020 granted extension of time from 9.3.2021 to 8.6.2021 to complete the work. As such the temporary order of consent may be issued upto 8.6.2021”.*

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 the temporary ready mix concrete plant at SF No. Block No: 63, Koyembedu Village, Aminjikarai Taluk and

Chennai District only for the period 12.09.2026. 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.

**Sd/-xxx  
MEMBER**

**Sd/-xxx  
MEMBER**

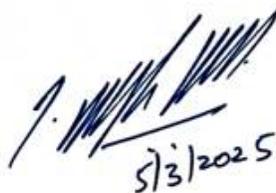
**Sd/-xxx  
CHAIRMAN.**

To

M/s. J. Kumar Infra Projects Limited,  
Rep. by its Project Manager Mr. B. Thilagarajan,  
J Kumar House,  
CTS No. 448, 448/1, 449, Subhash Road,  
Vile Parle East,  
Mumbai – 400 057.

Copy to: Member Secretary, TNPCB, Chennai  
Copy to: DEE, TNPCB, Chennai  
Copy to: Counsel for appellant  
Copy to: Standing counsel of TNPCB  
Copy to: Law Section

// TRUE COPY //



5/3/2025

ASSISTANT MANAGER,  
APPELLATE AUTHORITY, TNPCB



**BEFORE THE APPELLATE AUTHORITY  
TAMIL NADU POLLUTION CONTROL BOARD**

(Wednesday, Twenty fourth day of April, Two thousand and twenty five)

**HON'BLE THIRU JUSTICE M. GOVINDARAJ  
CHAIRMAN**

**Thiru Dr. B. Jeyaraman**

**Member**

**Thiru Dr. A.G. Murugesan**

**Member**

**APPEALS 31 & 32 / 2025**

Kumar Builders,  
Rep. by its partner Mr. Gopinath Sukumar,  
No.4, 5<sup>th</sup> Cross Street,  
Anna Avenue, Ranipet,  
Ranipet District. – 632 403 - Appellant

Vs.

1. The Tamil Nadu Pollution Control Board,  
Rep. by its Member Secretary,  
No: 76, Anna Salai,  
Guindy, Chennai – 600 032.

2. The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Chennai (South). - Respondents

\*\*\*\*\*

Mr. Saravanan for  
Ms. B. Girija - Counsel for the appellant

Mr. Sai Sathyajith - Counsel for the respondents

\*\*\*\*\*

**ORDER:**

1. This Authority by its order dated 3.7.2023 in Appeals 71 & 72 / 2023 has granted temporary consent to operate a ready mix concrete plant at S.F. No: No: 237, Cholinganallur – 1 Village, Sholinganallur Taluk, Chennai District for construction of integrated storm water drain works in M1 & M2 components in Kovalam Basin in expanded areas in Greater Chennai Corporation Package – 9 covering various streets of Zone 14. The permission was granted only for the contract period i.e., upto

17.2.2025. Now when the appellant applied for renewal of consent the same was rejected on the ground that the Appellate Authority order is only for the period till 17.2.2025.

2. The learned counsel for the appellant would submit that the appellant has now been awarded with a new contract by the Storm Water Drain Department, Greater Chennai Corporation, Chennai for construction of integrated storm water drain works in M1 and M2 components in Kovalam Basin in expanded areas in Greater Chennai Corporation – Package 21 covering various streets of Zone 14 and 15.

3. It is contended by the learned counsel for the appellant that the project awarded by the Storm Water Drain Department of Greater Chennai Corporation is a public project for management of floods during monsoon, which is of national importance

4. On a perusal of the contract, it is noted that the project involves construction of integrated storm water drain works in M1 and M2 components in Kovalam Basin in expanded areas in Greater Chennai Corporation – Package - 21 covering various streets of Zone 14 and 15. The time for completion of the project is 18 months and the same ends on 3.7.2026.

5. The appellant has filed an affidavit of undertaking dated 28.3.2025 that he will abide by and adhere to all and any of the conditions imposed by the 1<sup>st</sup> and 2<sup>nd</sup> respondents while granting consent in terms of the operation and pollution control measures and on completion of the project, within the stipulated time, the land will be vacated and all the machineries will be removed.

6. This Appellate Authority, considering the execution of the public projects for the purpose of building infrastructure of the nation and well being of the public, granted consent for temporary units in respect hot mix and ready mix plants. The appellant ready mix concrete plant is also

sought to be a temporary one for a period of 18 months for management of floods during monsoon.

7. Considering the order passed by the Hon'ble National Green Tribunal in Appeal No: 2 / 2013 Dated: 10.5.2013 wherein it is observed as under:

*“.....In the instant case, taking into consideration that the unit of the appellant is a temporary one, which has been established for a specific purpose in the interest of the larger public and the affidavit is also filed by the appellant for removal of the machinery of the crusher unit immediately after the awarded work is over, the Tribunal feels it fit to issue a direction to the 2<sup>nd</sup> respondent to give consent to the appellant under both the enactments with necessary conditions for air pollution control measures within a period of 2 months here from”.*

8. The order passed by the Appellate Authority in Appeals 10 & 11 / 2020 wherein it is observed as follows:

*“14. The Appellate Authority has perused the earlier orders of the Hon'ble National Green Tribunal and the Appellate Authority passed in favour of the concerned units. The Hon'ble National Green Tribunal in their order in Appeal No: 2 / 2013 has passed suitable direction for granting requisite consent stating that the appellant-unit therein can be permitted to be established and operated temporarily for specific purpose which is for the benefit and interest of the larger public. The Hon'ble National Green Tribunal by having accepted the undertaking given by the appellant concerned for removal of the entire unit immediately after the completion of the project work was of the firm view that it would be but necessary to issue such direction to the respondent-Board to grant necessary consent order to operate the concerned appellant-unit with necessary air and water pollution control measures.*

*15. The Appellate Authority have, on earlier occasions, following Hon'ble National Green Tribunal orders, issued suitable direction in favour of the appellant units concerned in Appeals 1 & 2 / 2012 and Appeals 11 & 12 / 2017. This Appellate Authority on*

*earlier occasions set aside similar orders of rejection and directed the respondent-Board to grant consent order to the concerned appellant subject to appropriate conditions for controlling water and air pollution issues.*

*16. Applying the same reasoning adopted by the Hon'ble National Green Tribunal and the Appellate Authority in the previous cases referred to above, the present Appellate Authority is inclined to pass similar direction to the respondent-Board to grant similar order of consent to operate to the appellant-unit subject to appropriate general and special conditions for avoiding any pollution and environmental issues and for the said purpose the impugned order of rejection is liable to be set aside and is hence set aside. It is now brought to the notice of the Appellate Authority that the National Highways Authority of India has by their proceedings dated 23.10.2020 granted extension of time from 9.3.2021 to 8.6.2021 to complete the work. As such the temporary order of consent may be issued upto 8.6.2021”.*

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. 237, Cholinganallur – 1 Village, Sholinganallur Taluk, Chennai District only for the period upto 3.7.2026. 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.

Sd/-xxx  
**MEMBER**

Sd/-xxx  
**MEMBER**

Sd/-xxx  
**CHAIRMAN.**

To

Kumar Builders,  
Rep. by its partner Mr. Gopinath Sukumar,  
No.4, 5<sup>th</sup> Cross Street,  
Anna Avenue, Ranipet,  
Ranipet District. – 632 403

Copy to: Member Secretary, TNPCB, Chennai  
Copy to: DEE, TNPCB, Chennai (S)  
Copy to: Counsel for appellant  
Copy to: Standing counsel of TNPCB  
Copy to: Law Section

// TRUE COPY //

A handwritten signature in blue ink, consisting of several overlapping, slanted strokes. Below the signature, the date '24/4/25' is written in a similar slanted style.

ASSISTANT MANAGER,  
APPELLATE AUTHORITY OF TNPCB



**BEFORE THE APPELLATE AUTHORITY  
TAMIL NADU POLLUTION CONTROL BOARD**

(Wednesday, Twenty first day of May, Two thousand and twenty five)

**HON'BLE THIRU JUSTICE M. GOVINDARAJ  
CHAIRMAN**

**Thiru Dr. B. Jeyaraman  
Member**

**Thiru Dr. A.G. Murugesan  
Member**

**APPEALS 15 & 16 / 2025**

M/s. Amman Infra,  
Rep. by its Partner, Mr. S. Kovalan,  
Old No: 4/7, New No. 4/5, M. Palapatty,  
P. Mannarpalayam,  
Salem – 636 008.

- Appellant

Vs.

1. The Tamil Nadu Pollution Control Board,  
Rep. by its Member Secretary,  
No: 76, Anna Salai,  
Guindy, Chennai – 600 032.

2. The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Sriperumbudur.

- Respondents

\*\*\*\*\*

Mr. S. Saravanan for  
Ms. B. Girija

- Counsel for the appellant

Mr. Sai Sathyajith

- Counsel for the respondents

\*\*\*\*\*

**ORDER:**

1. The appellant has got a work order for supply of ready mix concrete to M/s. Rajam Engineering Contractors, who was awarded the contract by the Superintending Engineer, Public Works Department, (Buildings (C&M) Circle, Chepauk, Chennai for construction of additional

building for MCH Care in the Institute of Social Obstetrics and Government Kasthuriba Gandhi Hospital for Women and Children at Triplicane. The said project has to be completed in 30 months from the date of commencement i.e., on or before 30.11.2026. For the purpose of supply of ready mix concrete, the appellant applies for consent to operate-Direct a ready mix concrete plant at S.F. No: 291/1B2, Thirumudivakkam Village, Kundrathur Taluk and Kancheepuram District.

2. The respondent-Board rejected the request of the appellant for Consent to Operate-Direct a ready mix concrete plant on the ground that the appellant unit is located within 250m from the approved residential layout of Sri Mahalakshmi Co-operative Nagar, the unit site falls under wet land as per the Patta No. 1790 and the unit has not obtained NOC from the District Collector for the establishment of RMC in the wet land classification under Section 47 A of the Tamilnadu Town and Country Planning Act, 1971 thereby attracting the guidelines of RMC plants in Tamilnadu with regard to Hon'ble National Green Tribunal order in Application No 24 of 2017 dated 30.3.2017.

3. It is contended by the learned counsel for the appellant that the project awarded by the Superintending Engineer, Public Works Department, Buildings Chennai is a public project for welfare of women and children, which is of public importance.

4. On a perusal of the contract, it is noted that the project involves construction of additional building for MCH Care in the Institute of Social Obstetrics and Government Kasthuriba Gandhi Hospital for women and Children at Triplicane. The said project has to be completed in 30 months from the date of commencement i.e., on or before 30.11.2026.

5. The appellant has filed an affidavit of undertaking dated 10.2.2025 that he will abide by and adhere to all and any of the conditions imposed by the 1<sup>st</sup> and 2<sup>nd</sup> respondents while granting consent in terms of the operation and pollution control measures and on completion of the project, the land will be vacated and all the machineries will be removed.

6. This Appellate Authority, considering the execution of the public projects for the purpose of building infrastructure of the nation and well being of the public, granted consent for temporary units in respect hot mix and ready mix plants. The appellant ready mix concrete plant is also sought to be a temporary one for a period of 30 months for completing the public project for welfare of women and children, which is of public importance

7. Considering the order passed by the Hon'ble National Green Tribunal in Appeal No: 2 / 2013 Dated: 10.5.2013 wherein it is observed as under:

*“.....In the instant case, taking into consideration that the unit of the appellant is a temporary one, which has been established for a specific purpose in the interest of the larger public and the affidavit is also filed by the appellant for removal of the machinery of the crusher unit immediately after the awarded work is over, the Tribunal feels it fit to issue a direction to the 2<sup>nd</sup> respondent to give consent to the appellant under both the enactments with necessary conditions for air pollution control measures within a period of 2 months here from”.*

8. The order passed by the Appellate Authority in Appeals 10 & 11 / 2020 wherein it is observed as follows:

*“14. The Appellate Authority has perused the earlier orders of the Hon'ble National Green Tribunal and the Appellate Authority passed in favour of the concerned units. The Hon'ble National*

*Green Tribunal in their order in Appeal No: 2 / 2013 has passed suitable direction for granting requisite consent stating that the appellant-unit therein can be permitted to be established and operated temporarily for specific purpose which is for the benefit and interest of the larger public. The Hon'ble National Green Tribunal by having accepted the undertaking given by the appellant concerned for removal of the entire unit immediately after the completion of the project work was of the firm view that it would be but necessary to issue such direction to the respondent-Board to grant necessary consent order to operate the concerned appellant-unit with necessary air and water pollution control measures.*

*15. The Appellate Authority have, on earlier occasions, following Hon'ble National Green Tribunal orders, issued suitable direction in favour of the appellant units concerned in Appeals 1 & 2 / 2012 and Appeals 11 & 12 / 2017. This Appellate Authority on earlier occasions set aside similar orders of rejection and directed the respondent-Board to grant consent order to the concerned appellant subject to appropriate conditions for controlling water and air pollution issues.*

*16. Applying the same reasoning adopted by the Hon'ble National Green Tribunal and the Appellate Authority in the previous cases referred to above, the present Appellate Authority is inclined to pass similar direction to the respondent-Board to grant similar order of consent to operate to the appellant-unit subject to appropriate general and special conditions for avoiding any pollution and environmental issues and for the said purpose the impugned order of rejection is liable to be set aside and is hence set aside. ...”.*

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-Direct to the temporary ready mix concrete plant at SF No. 291/1B2, Thirumudivakkam Village,

Kundrathur Taluk and Kancheepuram District only for the period upto 30.11.2026. After the completion of the project, the appellant is not entitled to renewal of consent. 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.

To

<b>Sd/-xxx MEMBER</b>	<b>Sd/-xxx MEMBER</b>	<b>Sd/-xxx CHAIRMAN.</b>
---------------------------	---------------------------	------------------------------

M/s. Amman Infra,  
Rep. by its Partner, Mr. S. Kovalan,  
Old No: 4/7, New No. 4/5, M. Palapatty,  
P. Mannarpalayam,  
Salem – 636 008.

Copy to: Member Secretary, TNPCB, Chennai  
Copy to: DEE, TNPCB, Sriperumbudur  
Copy to: Counsel for appellant  
Copy to: Standing counsel of TNPCB  
Copy to: Law Section

// TRUE COPY //

Handwritten signature in blue ink, followed by the date 21/5/25.

ASSISTANT MANAGER,  
APPELLATE AUTHORITY OF TNPCB.



**BEFORE THE APPELLATE AUTHORITY  
TAMILNADU POLLUTION CONTROL BOARD**

(Wednesday, Thirtieth day of July, Two thousand and twenty five)

**HON'BLE TMT. JUSTICE V. BHAVANI SUBBAROYAN  
CHAIRPERSON**

**Thiru Dr. A.G. Murugesan  
Member**

**Thiru Dr. B. Jeyaraman  
Member**

**APPEALS 143 & 144 / 2025**

The Director,  
M/s. Concrete OEM Private Limited,  
SF No. 116/1, 116/2B, 116/3A1, 117, 148/A, 148/2B1,  
Navaloor Village, Tiruporur Taluk,  
Chengalpet District. - Appellant

Vs.

1) The Chairman  
Tamilnadu Pollution Control Board,  
Chennai – 600 032.

2) The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Maraimalai Nagar. - Respondents

-ooOoo-

Mr. M. Karunanithi - Counsel for the appellant

Mr. Sai Sathyajith - Counsel for the respondents

\*\*\*\*\*

**ORDER:**

1. The Highways Department, Government of Tamilnadu, Chennai Circle has awarded a contract to M/s. J. Kumar Infra Projects Limited for the construction of 4 Lane Elevated Corridor in Grand Southern Trunk Road from KM 6/0 to 9/2 (Teynampet to Saidapet) on Engineering, Procurement & Construction (EPC) Mode. The said bidder has awarded a work order to M/s. Concrete OEM Private Limited, the appellant herein, for the supply of ready mix concrete. The actual time for completion of the

project is 24 months. For the purpose of supply of ready mix concrete, the appellant applied for Consent to Operate-Direct a ready mix concrete plant at S.F. 116/1, 116/2B, 116/3A1, 117, 148/A, 148/2B1, Navaloor Village, Thiruporur Taluk, Chengalpattu District.

2. The respondent-Board rejected the request of the appellant for Consent to Operate-Direct the ready mix concrete plant on the ground that the unit is surrounded by residential buildings and commercial establishments within 250 meters, thereby attracting the ready mix plant guidelines issued by the Tamilnadu Pollution Control Board as directed by the Hon'ble National Green Tribunal order dated 30.3.2017 in Application No: 24 of 2017.

3. It is contended by the learned counsel for the appellant that the project awarded by the Highways Department is a public project for safe and quick transportation of citizens, which is of national importance

4. On a perusal of the contract, it is noted that the project involves construction of 4 lane elevated corridor in Grand Southern Trunk Road from Km 6/0 to 9/2 (Teynampet to Saidapet) on Engineering, Procurement & Construction (EPC) Mode. The duration of the project is 24 months from the date of handing over of the site.

5. The appellant in his affidavit of undertaking dated 19.7.2025, filed along with the appeal, has stated that he will abide by and adhere to all and any of the conditions imposed by the 1<sup>st</sup> and 2<sup>nd</sup> respondents while granting consent in terms of the operation and pollution control measures and on completion of the project, within the stipulated time, the land will be vacated and all the machineries will be removed.

6. This Appellate Authority, considering the execution of the public projects for the purpose of building infrastructure of the nation, granted consent for temporary units. The appellant ready mix concrete plant is also sought to be a temporary one for completing the public project.

7. Considering the order passed by the Hon'ble National Green Tribunal in Appeal No: 2 / 2013 Dated: 10.5.2013 wherein it is observed as under:

*“.....In the instant case, taking into consideration that the unit of the appellant is a temporary one, which has been established for a specific purpose in the interest of the larger public and the affidavit is also filed by the appellant for removal of the machinery of the crusher unit immediately after the awarded work is over, the Tribunal feels it fit to issue a direction to the 2<sup>nd</sup> respondent to give consent to the appellant under both the enactments with necessary conditions for air pollution control measures within a period of 2 months here from”.*

8. The order passed by the Appellate Authority in Appeals 10 & 11 / 2020 wherein it is observed as follows:

*“14. The Appellate Authority has perused the earlier orders of the Hon'ble National Green Tribunal and the Appellate Authority passed in favour of the concerned units. The Hon'ble National Green Tribunal in their order in Appeal No: 2 / 2013 has passed suitable direction for granting requisite consent stating that the appellant-unit therein can be permitted to be established and operated temporarily for specific purpose which is for the benefit and interest of the larger public. The Hon'ble National Green Tribunal by having accepted the undertaking given by the appellant concerned for removal of the entire unit immediately after the completion of the project work was of the firm view that it would be but necessary to issue such direction to the respondent-Board to grant necessary consent order to operate the concerned appellant-unit with necessary air and water pollution control measures.*

*15. The Appellate Authority have, on earlier occasions, following Hon'ble National Green Tribunal orders, issued suitable direction in favour of the appellant units concerned in Appeals 1 & 2 / 2012 and Appeals 11 & 12 / 2017. This Appellate Authority on earlier occasions set aside similar orders of rejection and directed the respondent-Board to grant consent order to the concerned appellant subject to appropriate conditions for controlling water and air pollution issues.*

*16. Applying the same reasoning adopted by the Hon'ble National Green Tribunal and the Appellate Authority in the previous cases referred to above, the present Appellate Authority is inclined to pass similar direction to the respondent-Board to grant similar order of consent to operate to the appellant-unit subject to appropriate general and special conditions for avoiding any pollution and environmental issues and for the said purpose the impugned order of rejection is liable to be set aside and is hence set aside”.*

9. In line with the above judgments and considering the public interest as well as the importance of the project and the undertaking affidavit submitted by the appellant, this Appellate Authority is inclined to

direct the respondent-Board to grant consent to the temporary ready mix concrete plant at S. F. No: 116/1, 116/2B, 116/3A1, 117, 148/A, 148/2B1, Navaloor Village, Thiruporur Taluk, Chengalpattu District for a period of 24 months from the date of this order and there shall not be any extension to them for any other new project to be allotted to them in future, at this place. The respondent-Board may impose required conditions to effectively control the water and air pollution. In addition to that the Tamilnadu Pollution Control Board has to submit compliance report of pollution norms/levels every six month to this Authority. There shall not be any deviation of the materials to any other parties other than the public project awarded to him.

For filing compliance report post the matter on 24.12.2026.

With these directions, the appeals stands allowed.

**Sd/-xxx  
MEMBER**

**Sd/-xxx  
MEMBER**

**Sd/-xxx  
CHAIRPERSON.**

To

The Director,  
M/s. Concrete OEM Private Limited,  
SF No. 116/1, 116/2B, 116/3A1, 117, 148/A, 148/2B1,  
Navaloor Village, Tiruporur Taluk,  
Chengalpet District.

Copy to: Member Secretary, TNPCB, Chennai  
Copy to: DEE, TNPCB, Maraimalai Nagar  
Copy to: Counsel for appellant  
Copy to: Standing counsel of TNPCB  
Copy to: Law Section

// TRUE COPY //



6/8/2025

ASSISTANT MANAGER,  
APPELLATE AUTHORITY OF TNPCB.



**BEFORE THE APPELLATE AUTHORITY  
TAMILNADU POLLUTION CONTROL BOARD**

(Wednesday, Tenth day of December, two thousand and twenty five)

**HON'BLE TMT. V. BHAVANI SUBBAROYAN  
CHAIRPERSON**

**Thiru Dr. B. Jeyaraman  
Member**

**APPEALS 129 & 130 / 2025**

M/s. Oriental Structural Engineers Pvt. Ltd,  
Rep. by its Authorized Signatory,  
OSE Commercial Block,  
Asset 5B, Aerocity,  
Hospitality District IGI Airport,  
New Delhi – 110037. - Appellant

Vs.

1) The Tamilnadu Pollution Control Board,  
Rep. by its Member Secretary,  
No.76, Anna Salai,  
Guindy,  
Chennai – 600 032.

2) The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Thiruvallur - Respondents

-ooOoo-

Mr. R. Saravanan &  
Ms. B. Girija - Counsel for the appellant

Mr. Sai Sathyajith - Counsel for the respondents

\*\*\*\*\*

**ORDER:**

1. These appeals are filed challenging the order passed by the respondent-Board in Proc. No. F.3065 TLR / OS / DEE / TNPCB / 1 / W&A / 2025 Dt: 18.6.2025 rejecting the appellant's bitumen mix unit located at SF. No: 638 / 1B2B, 638 / 1B2C, 638 / 1B2D, Polivakkam Village, Thiruvallur Taluk, Thiruvallur District. The respondent-Board rejected the Consent to Establish-New application on the ground that the site of the

appellant-unit is situated at 3.1 KM from Mannur Reserve Forests thereby violating the siting criteria for hot mix plants issued vide B.P. No: 64 Dt: 29.7.2024. Respondent-Board files counter to the Appeals. An impleading petition was filed by Voice of Nature represented by its President Mr. R. Gokulraj.

2. The learned counsel appearing for the appellant would submit that the Tamilnadu Road Infrastructure Development Corporation (TNRIDC) has issued a contract to the appellant for the formation of New Six lane road from Sengadu (Design Chainage: 68+200) to Sriperumbudur (Design Chainage 77+900) with paved shoulders and two lane service road on both sides in Section-III of Chennai Peripheral Ring Road project under package EPC-05 on EPC mode.

3. It is further contended that the project awarded by the Taminadu Road Infrastructure Development Corporation is a public project for safe and quick transportation of citizens, which is of national importance. The duration of the project is 1095 days from the appointed date ie., 20.1.2025. The appellant files an affidavit of undertaking dated 23.3.2025 wherein it is stated that he will abide by and adhere to all and any of the conditions imposed by the respondent-Board while granting consent and on completion of the project within the stipulated time, the land will be vacated and all the machineries will be removed.

4. For the above said project, originally the appellant has filed an application to respondent-Board for establishing a ready mix concrete, bitumen and wet mix macadam plant at SF. No: 361/1, 2, 3A, 3C, 4, 362/1, 387, Eluppur Village, Thiruvallur Taluk, Thiruvallur District. The same was rejected by the respondent-Board on the ground that the site is located at a distance of 0.175 KM from Viswaksena Global School, Polivakkam, Village, and at a distance of 3 KM from the Mannur Reserve

Forests. Against which the appellant has filed appeals 28 & 29 / 2025.

This Authority by its order dated 12.3.2025 held that

*6. This Appellate Authority, considering the execution of the public projects for the purpose of building infrastructure of the nation, granted consent for temporary units. However, since Vishwaksena Global School is located at 0.175 mts from the proposed site, the appellant is directed to locate an alternate site for bitumen and wet mix macadam plant and approach the respondent-Board. The appellant ready mix concrete plant is also sought to be a temporary one for completing the national project.*

*10. In so far as the hot mix plant and wet mix macadam plant are concerned, the appellant shall find an alternative site conforming the guidelines issued in this aspect and approach the respondent-Board afresh.*

5. As per the said order, the appellant approached the respondent-Board for consent to establish the bitumen mix plant in the present site. The respondent-Board again rejected the application on 18.6.2025 on the ground that the site is located at 3.1 KM from Mannur Reserve Forests. As the appellant's application for Consent to Establish was rejected by the respondent-Board, the impleading petitioner will not have any grievance against the order passed by the respondent-Board. Accordingly the impleading application is dismissed as not maintainable.

6. This Authority is of the view that mere going through the papers and documents do not show the exact topography of the unit. Hence this Authority was inclined to visit the place in person to note down the physical features and the actual ground reality of the appellant unit. On 20.11.2025, the Chairperson and the Technical Member of this Authority along with the officials of the respondent-Board visited the site and found that the said place is not a residential area and the appellant-unit is

surrounded by many industries and there were no habitants in that area. Various industries are established in the vicinity and lots of casuarinas and eucalyptus trees are grown in that area. Regarding the reserve forest, it was noted that there are no animals in the forest area and it is only a cluster of trees which acts as a buffer zone. The Vishwaksena Sena Global School is located more than 1KM away from the present site.

7. During inspection, the following deficiencies were noted and the appellant is directed to rectify the same.

- To erect thick sheets along the boundary of the site instead of thin sheets.
- To install sprinklers to avoid dust
- To install closed conveyor belts to prevent dust emission
- Aggregates stored shall be stacked below 3m from ground level
- To develop green belt along with the boundary of the site.

8. The appellant-unit now files the compliance report dated 28.11.2025 whereby it is stated that deficiencies noted during inspection were rectified. It is further submitted that the appellant has also donated infrastructure facilities to the tune of Rs.2,00,000/- to the Panchayat Union Middle School, Thodugadu village.

9. Considering the public interest as well as the importance of the project and the undertaking submitted by the appellant, this Authority is inclined to direct the respondent-Board to grant consent to the temporary bitumen mix plant at SF. No: 638 / 1B2B, 638 / 1B2C, 638 / 1B2D, Polivakkam Village, Thiruvallur Taluk, Thiruvallur District for the limited period upto 20.1.2028. The respondent-Board shall impose required conditions to effectively control the water and air pollution. The movement of vehicles carrying the materials shall be restricted in the morning and evening time during the school opening and closing time (may be 2 hours

a day as per the school timings). The appellant shall comply with all the conditions that may be imposed by the respondent-Board and as undertaken, shall dismantle the unit on completion of the project awarded to him. There shall not be any deviation of the supply of materials to any other parties other than the public project awarded to him. It is further directed the appellant shall conduct Ambient Air Quality survey every six months and report the same to this Authority and the respondent-Board.

With the above directions, the appeals are allowed.

Sd/-xxx  
**MEMBER**

Sd/-xxx  
**CHAIRPERSON.**

To

M/s. Oriental Structural Engineers Pvt. Ltd,  
Rep. by its Authorized Signatory,  
OSE Commercial Block, Asset 5B, Aerocity,  
Hospitality District IGI Airport,  
New Delhi – 110037.

Copy to: Member Secretary, TNPCB, Chennai  
Copy to: DEE, TNPCB, Thiruvallur  
Copy to: Counsel for appellant  
Copy to: Standing counsel of TNPCB  
Copy to: Law Section

// TRUE COPY //



ASSISTANT MANAGER,  
APPELLATE AUTHORITY-TNPCB

**BEFORE THE APPELLATE AUTHORITY,  
TAMIL NADU POLLUTION CONTROL BOARD CHENNAI  
APPEAL No. 156 and 157 of 2025**

**M/s. VPMR CONSTRUCTION**

rep by its Partner

Mr. V. Prakash

1069/1. 1070/2(part) & 1070/3A2(part)

Medur Village, Ponneri Taluk,

Tiruvallur District.

... Appellant

Vs

1. The Tamil Nadu Pollution Control Board,  
Rep by its Member Secretary,  
No.76, Anna Salai, Guindy,  
Chennai - 600 032.
2. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Gummidipoondi.

... Respondents

**COUNTER AFFIDAVIT FILED ON BEHALF OF THE  
RESPONDENTS – TAMIL NADU POLLUTION CONTROL BOARD**

I, S. Vasuki, D/o. P. K. Somasundaram, aged about 56 years having office at No. 76, Mount Salai, Guindy, Chennai – 600 032 do hereby solemnly affirm and sincerely state as follows:

I am the Joint Chief Environmental Engineer and I am filing this counter on behalf of the respondents and as such I am well acquainted with the facts of the case from the records available in the office and I am authorized to file this counter affidavit on behalf of the Respondents.

2. 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.

3. It is respectfully submitted that the present appeal is filed with a prayer that

*“this Hon'ble Appellate Authority may be pleased to call for the records pertaining to the Order 1614GMP/GS/DEE/TNPCB/1/ W&A/ 2025 bearing No. dated 25.08.2025 and quash the same and direct the Respondents to grant consent to the Appellant to operate Ready Mix Concrete (RMC) Plant at Survey No. 1069/1, 1070/2 (part) & 1070/3A2 (part), Medur Village, Ponneri Taluk, Tiruvallur District under Section 21 of Air ( P & CP) Act 1981 temporarily till 31.01.2026 and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper and thus render justice.”*

4. 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 Appellate Authority.

5. It is respectfully submitted that based on the complaint received from Thiru.Vinoth Kumar, Medur dt 28.05.2025 stating that the Appellant unit M/s.VPMR Construction (RMC Plant), located at Ponneri – Pazhaverkadu State Highway in Medur Village, Ponneri Taluk, Tiruvallur District was in operation without obtaining Consent of the Board. Based on the above, the said unit was inspected on 29.05.2025. During inspection, it was observed that the

Ready Mix Concrete Plant has been in operation without obtaining prior Consent to Establish and Consent to Operate of the Board and the site of the Ready Mix Concrete Plant is located at a distance of 55m from the State Highway (Towards Ponneri to Pulicat Road). Hence, a show cause notice was issued to the unit for not in conformity with the sitting criteria for Ready Mix Concrete Plant and non-compliance of provisions of the Water Act,1974, as amended & Air Act, 1981 as amended vide proc dated 02.06.2025. The unit has furnished reply for the show cause notice issued vide letter dated 13.06.2025 reported that they are operating the RMC plant in the name and style of M/s. VPMR Construction (RMC Plant), located at S.F.No.1069/1, 1070/2 part, 1070/3A2 part, Medur Village, Ponneri Taluk, Tiruvallur District for captive purpose to supply for storm water drain construction for Greater Chennai Corporation & State Highways. Also reported that they have stopped the operations of the plant and also informed that they will operate the unit only after obtaining consent of the Board and also assured that they will not operate the plant under any circumstances.

6. It is respectfully submitted that the appellant unit M/s. VPMR Construction (RMC Plant), located at S.F.No.1069/1, 1070/2 part, 1070/3A2 part, Medur Village, Ponneri Taluk, Tiruvallur District has applied for consent of the Board through online on 29/07/2025 and 07/08/2025 to manufacture Readymix Concrete – 360 T/Day and to discharge sewage of 0.36 KLD into industry's own land and trade effluent of 1 KLD to be recycled for process and to let out emission from Cement Silos 3 Nos having individual Dust collectors with stack and DG set 125 KVA having acoustic enclosures with stack to the height of 3.5m.

7. It is respectfully submitted that based on the application filed, the unit was inspected by TNPCB officials on 08.08.2025, during inspection the unit was not in operation. The unit's site is surrounded by vacant land in the Northern direction, Eastern direction & Southern direction, State Highway Ponneri to Pazhaverkadu Road & existing consented Hot Mix Plant is located in Western direction. There is a habitation namely Kavalpatti Village is located at a distance of 800 m from the unit in Southern direction and another habitation namely Madimai Kandigai Village is located at a distance of 1000m from the unit in South Eastern direction. Also, there is a habitation namely Medur Village is located at a distance of 1000m from the unit in Northern direction. The unit is located at a distance of 55m from the State Highway Ponneri to Pazhaverkadu Road in the Western direction. Also, there is an existing consented RMC plant namely M/s. Narayanan Construction RMC Plant is located at a distance of 1200 m from the unit in the South West direction.

8. It is respectfully submitted that the location of the Ready Mix Concrete Plant of M/s. VPMR Construction, is not in conformity with one of the sitting criterion prescribed in the Guidelines of Tamil Nadu Pollution Control Board, as directed by the Hon'ble National Green Tribunal (SZ) order dated 30.03.2017 in Application No.24 of 2017, which prescribes among other things that " No RMC Plant shall be permitted within 250 meters from the nearby residential area, layouts, NH/SH, educational institutions, religious places and human settlements with population more than 500 and there should be at least 250 meters distance between the two RMC plants" viz. the location of the RMC plant is at a distance of only 55m from State Highway – SH104

(Ponneri – Pazhaverkadu Road), against the minimum prescribed distance of 250m from State Highway. Hence, the CTO Direct application filed by the unit was rejected vide office proceeding No. F.1614GMP/GS/DEE/TNPCB/1/W&A/2025 Dated: 25/08/2025.

9. It is respectfully submitted that despite rejection of the above consent an inspection was conducted on 03.09.2025 it was observed that the appellant unit was carrying out Ready-Mix Concrete production using a DG set, thereby operating without valid consent and also in continued violation of the Air (P&CP) Act 1891 as amended and the Water (P&CP) Act 1974 as amended. Hence the 2<sup>nd</sup> Respondent vide IR No.F.1614GMP/GS/DEE/GMP/2025, Dated: 08.09.2025 has made a recommendation seeking direction for closure and sealing of the unit's premises under section 31A of Air (Prevention and control of Pollution) Act 1981 and 33 A of Water (Prevention and control of Pollution) Act 1974.

10. It is respectfully submitted that the Respondent Board vide Proc No. T6/TNPCB/F.019866/GMP/2025, Dated: 14.10.2025 has issued orders for closure and sealing of the appellant unit. Based on the Board's Proceeding the unit was sealed and closed on 16.10.2025 by the Tahsildar in the presence of TNPCB officials.

11. It is respectfully submitted that aggrieved on the said rejection letter dated: 25.08.2025 the unit of M/s. VPMR Construction, has filed the present appeal. (Appeal No. 156 & 157 of 2025) before the Hon'ble Appellate Authority, Chennai against the above said rejection order.

12. It is respectfully submitted that with regard to para 1 to 7 and grounds a to g has been sufficiently addressed in the counter affidavit by this Respondent.

For the reasons stated above, it is therefore humbly prayed that this Hon'ble Appellate Authority may be pleased to dismiss the Appeal with costs and pass such order or other orders as this Hon'ble Appellate Authority may deem fit and necessary in the circumstances of the case and thus render justice.

*S. Vaic 7.1.26*  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
76, MOUNT SALAI, GUINDY,  
CHENNAI - 600 032.

**BEFORE ME**

Solemnly affirmed at Chennai  
on this the 7<sup>th</sup> day of January, 2026  
and signed her name in my presence.

**ADVOCATE: CHENNAI**

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**HON'BLE APPELLATE AUTHORITY**  
**- TAMIL NADU POLLUTION CONTROL**  
**BOARD**

**Application No.156 AND 157 of 2025**

M/S VPMR CONSTRUCTION  
Rep by its Partner Mr. V. Prakash,  
1069/1, 1070(part) & 1070/3A2(part),  
Medur Village, Ponneri Taluk,  
Tiruvallur District

..Appellant

-VS-

1. The Tamil Nadu Pollution Control Board,  
Rep by its Member Secretary,  
No.76, Mount Salai, Guindy,  
Chennai – 600 032.

2. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Gummidipoondi.

...Respondents

**COUNTER AFFIDAVIT FILED ON**  
**BEHALF OF THE RESPONDENTS – TAMIL**  
**NADU POLLUTION CONTROL BOARD**

**Thiru:** S.Sai Sathya Jith, Advocate  
for Respondent Board Standing  
Counsel, TNPCB

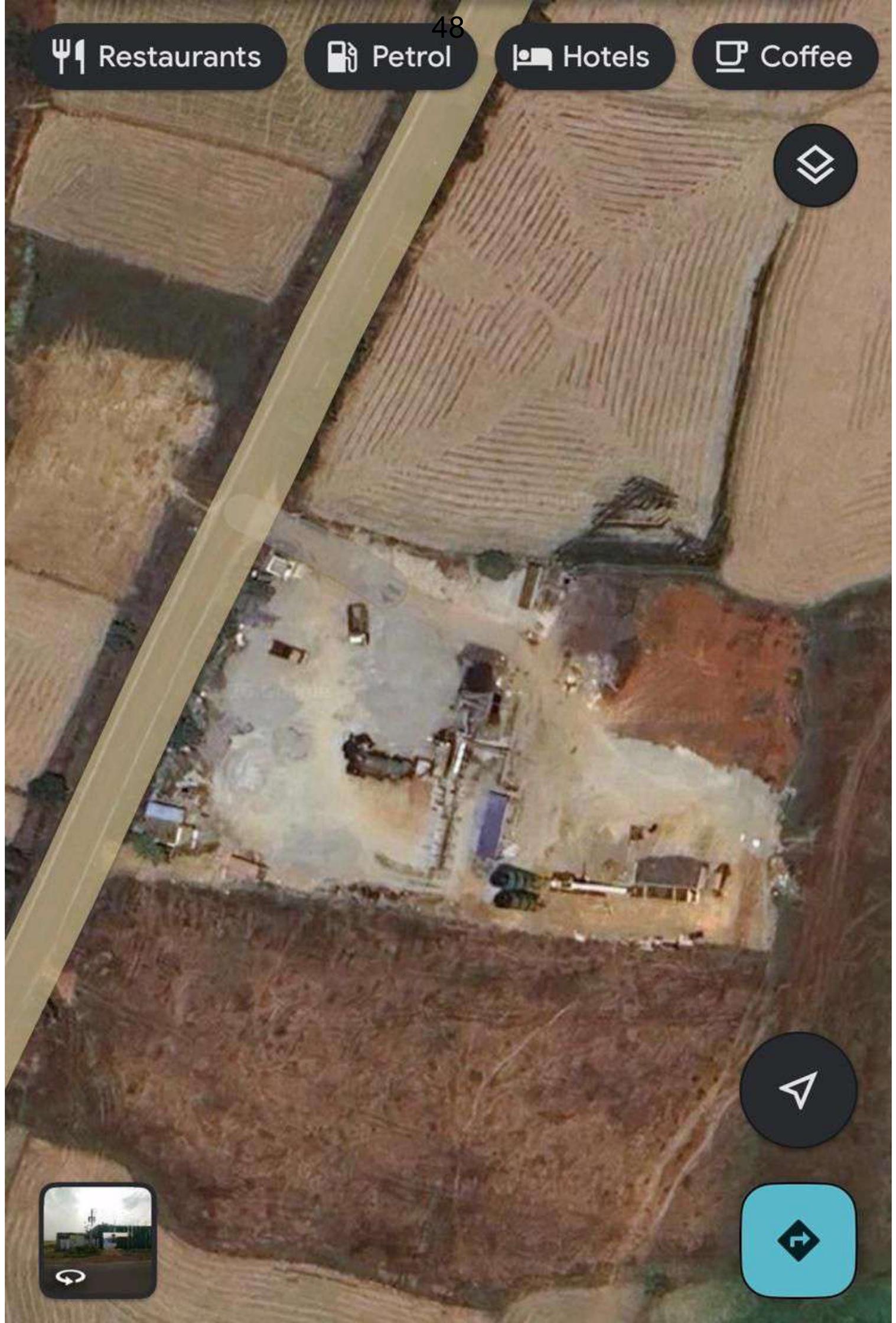
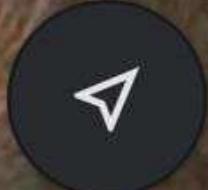
**Dated: 09.01.2026**

🍴 Restaurants

🛢️ Petrol

🏨 Hotels

☕ Coffee



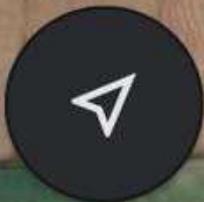
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 Restaurants

 Petrol

 Hotels

 Coffee



Google Maps



**BEFORE THE NATIONAL GREEN  
TRIBUNAL(SZ), SITTING AT  
CHENNAI**

(Under Section 18(1) r/w S. 16 (a) &  
(f) of National Green Tribunal Act,  
2010)

**Appeal Nos. 8 & 9 of 2026 (SZ)**

**Between:**

M/s. VPMR Construction  
Rep. by its Partner  
Mr. V. Prakash,  
1069/1, 1070/2 (P) & 1030/3A2 (P),  
Medur Village, Ponneri TK,  
Tiruvallur District.

...Appellant

-Versus-

1. The Tamil Nadu Pollution Control  
Board  
Rep. by its Chairman,  
No. 76, Anna Salai,  
Gunidy, Chennai – 600 032 & Anr.,

...Respondents

**COMMON ADDITIONAL TYPED  
SET OF PAPERS FILED BY THE  
APPELLANT**

M/s MD ARSHADULLAH SHERIFF  
9176869284  
**COUNSEL FOR APPELLANT**