

BEFORE THE NATIONAL GREEN TRIBUNAL, BENCH AT CHENNAI

APPEAL No. 69 OF 2024

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

....Appellant

AND

1. The Chairman,
Tamil Nadu Pollution Control Board,
Chennai and 2 others

... Respondents

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Certified to be true copies of the respective originals

Dated at Chennai on this the 4th day of September, 2024.



Counsel for Appellant

BEFORE THE NATIONAL GREEN TRIBUNAL, BENCH AT CHENNAI

APPL. No. 69 OF 2024

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

..... Appellant

AND

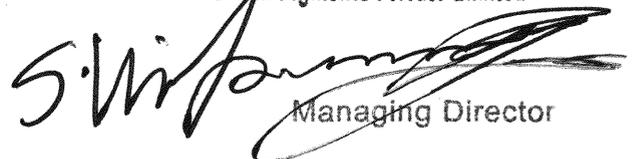
1. The Chairman
Tamil Nadu Pollution Control Board
Chennai
2. The Joint Chief Environmental Engineer
Tamil Nadu Pollution Control Board
#32, 33A, Rajarajeshwari Nagar South
Perumalpuram
Tirunelveli – 627 010
At Present:
30/2, SIDCO Industrial Estate
Pettai
Tirunelveli – 627 010
3. The District Environmental Engineer
Tamil Nadu Pollution Control Board
Thoothukudi.

.... Respondents

REJOINDER FILED ON BEHALF OF THE APPELLANT

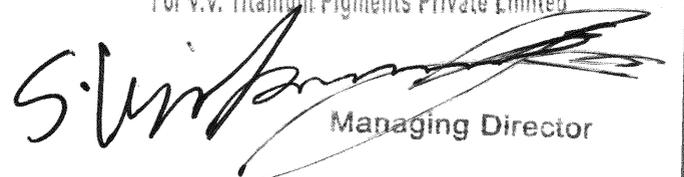
1. The Appellant denies all the allegations / averments contained in the Reply dated 18.08.2025 filed by the Respondents except those that are specifically admitted herein. The averments made in the Reply Statement are contrary to facts and the applicable provisions of The Water (Prevention & Control of Pollution) Act 1974, r/w Tamil Nadu Water (Prevention & Control of Pollution) Rules 1983 which frames specific guidelines for taking samples of effluents and the procedure to be followed in connection therewith. The Appellant prays that the averments contained in the Appeal filed under Section 16 (G) r/w 18 (1) of the National Green Tribunal Act 2010 may be read as part & parcel of this Rejoinder for better appreciation of facts.

For V.V. Titanium Pigments Private Limited


Managing Director

2. The Appellant submits that the entire proceedings by the Pollution Control Board is invalid as it is not in conformity with The Water (Prevention & Control of Pollution) Act 1974 r/w Tamil Nadu Water (Prevention & Control of Pollution) Rules 1983. The procedure to be followed is enumerated under Section 21 of the said Act. Sub Section 21(2) stipulates that the result of any analysis of the sample of any sewage or trade effluent taken under Sub Section (1) shall not be admissible in evidence in any legal proceedings, unless the Provisions in Sub Sections (3), (4) and (5) are complied with. In this case, none of the Sub Sections have been complied. This apart, neither the inspection by the Joint Chief Environmental Engineers of NEERI officials have complied with the provisions of the said Sub Sections. They have not issued the statutory notice under Rule 25 of the Tamil Nadu Water (Prevention & Control of Pollution) Rules 1983. This has been confirmed by the Joint Chief Environmental Engineer (In Charge), TNPCD Tirunelveli, vide his letter bearing No. இதசகூபொ(க)/தநாமாகவா/திலி/தஅஉச/111A(11) ந.எண் 1551/2025 dated 24.09.2025 (**Annexure - I**). Consequently, the entire action initiated by the Respondents are invalid as both the inspection and the sample analysis are legally valid as per Section 21 (2) of the said Act.
3. The Appellant submits that the NEERI Report in the case of M/s Sterlite Copper, Tuticorin, has been cited stating that, amongst other things, the Appellant was engaged in the manufacture of Titanium Dioxide, Ferrous Sulphate and Hydrochloric Acid etc. It is pertinent to point out that the said NEERI Report pertains to the inspection of M/s Sterlite Copper smelter plant in SIPCOT Industrial Complex, Meelavittan, Tuticorin. It is pertinent to point out that the Appellant is not engaged in the manufacture of hydrochloric acid and that the Report does not pertain to the Appellant Company as there is neither an inspection report nor a sample analysis report against the company. This fact goes to prove that there was no inspection as on 07.04.2011 as alleged in the impugned order. *For a statutory inspection, at*

For V.V. Titanium Pigments Private Limited


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first notice should be served, then sample should be collected and acknowledgment to be obtained in the prescribed form. Sample should be analyzed in the authorized laboratory. None of the above said statutory requirements are complied with respect to the inspection of Kilburn Chemicals. But it was complied with respect to Sterlite Coppers. So that inspection is not a statutory binding inspection.

4. The Appellant further submits, as stated in the Appeal that the Appellant purchased the Plant from M/s Kilburn Chemicals Ltd., Tuticorin on 15.10.2011 only. The Appellant was unaware of any act of alleged inspection on 07.04.2011 and therefore the purchase was in good faith. The statutory notices were served to TNPCB about the purchase, even at that time also, no objection by TNPCB. This apart, the alleged inspection of JCEE (M), Tirunelveli on 04.06.2018 also failed to comply with the statutory requirement of Section 21 (3), (4) and (5) of The Water (Prevention & Control of Pollution) Act 1974 r/w Rule 25 of the Tamil Nadu Water (Prevention & Control of Pollution) Rules 1983. Hence, it is submitted that in terms of Section 21 (2) of the Act, the said Report would not be admissible in evidence in any legal proceedings. The Appellant has obtained primary documentary confirmation from the Tamil Nadu Pollution Control Board under the Right to Information Act 2005. The Board by its official communication bearing Reference Nos. இதசகூபொ(க)/தநாமாகவா/திலி/தஅஉச/111A(11) ந.எண் 1551/2025 dated 24.09.2025 **(Annexure - I)** and இதசகூபொ(க)/தநாமாகவா/திலி/தஅஉச/111A(14) ந.எண் 242397/2025 dt.30.10.2025 **(Annexure - II)** has confirmed that as on 04.06.2018 there were no complaints, legal proceedings or statutory violations recorded against the Appellant's Unit. This fact would clearly exonerate the Appellant and hence the proceedings against the Appellant is invalid in law.
5. The Appellant submits that in the light of the above communication issued by the Board under the Right to Information Act, it is evident that

For V.V. Titanium Pigments Private Limited


Managing Director

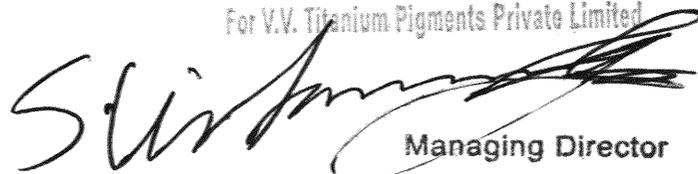
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- a. The two samples taken by the Respondents are not from the Appellant's Unit but from places opposite their unit which belongs to the nearby chemical industry.
- b. The State Highway leading to Puthiamputhur runs between the places where the samples have been taken and the Appellant's unit.
- c. No statutory inspection in accordance with Section 21 (1) to (5) The Water (Prevention & Control of Pollution) Act 1974 was recorded against the Appellant on the dates relied upon by the Respondent.
- d. And the sample analysis for inspection relied upon by the Respondent is not properly on record against the Appellant and is inadmissible for the purpose of levying environmental compensation.

It is thus seen that the impugned orders are founded on undocumented records and not in conformity with the statutory provisions and thus is legally unsustainable. It is made clear from the RTI Report that there is no record of any individual official statutory inspection report or notice against the Appellant for the alleged inspection stated to have been done on 07.04.2011. It is also pertinent to note that the Board's file does not contain any adverse finding attributable to the Appellant from that date.

6. The Appellant submits that at the time of purchase from M/s Kilburn Chemicals Limited there were no notices or legal proceedings pending against the seller. The black and pale black colored waste mentioned in Para 8 of the Reply was the raw material Ilmenite. It nether contains hazardous material nor would it create any type of pollution. Moreover, in the Letter dated 12.06.2018 issued by TNPCB it is mentioned that the samples of black colored materials were sent for analysis to find out whether it is hazardous material or not. Till date no report has been received which reinforces the fact that the raw material was only ilmenite which will not create or cause any hazard. In any event, as directed by the Board, in its letter dated 12.06.2018 the Appellant has complied with all the requirements. Therefore, the contentions of the Respondents are unsustainable.

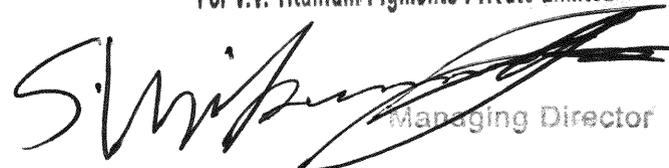
For V.V. Titanium Pigments Private Limited


Managing Director

7. The Appellant states that certain defects pointed out by NEERI is not against the Appellant but against other companies, specifically against M/s Sterlite Copper when the officials of NEERI visited the sites of the said company on 10.10.2018. No inspection was carried out by NEERI on 10.10.2018 in the Appellant's site. This is an undisputed fact because there is no evidence of issuance of any notice and no report has been filed by NEERI on the alleged inspection dated 10.10.2018. Therefore, the misinterpretation by the 1st Respondent of the Order of the Hon'ble NGT in OA No. 1038 of 2018 dated 14.11.2019 (**Annexure - III**) which forms the sole basis for the impugned order is unsustainable. The Hon'ble NGT's Order pertains solely to the inspection of Polluted Industrial Areas (PIAs). No inspections have been carried out by TNPCB on private industry. Consequently, the misinterpretation of the Order of the Hon'ble NGT cannot form the sole basis for imposition of environmental compensation against the Appellant. It is a matter of record that these facts and submissions of the Appellant were confirmed by TNPCB itself vide Reply Letter No. த.நா.மா.க.வா./த.பெ.உ./010240கோ.எண். 182/2023 dated 15.06.2023 (**Annexure - IV**) dated 15.06.2023.

8. It is pertinent to point out that TNPCB has submitted a detailed report before the Hon'ble High Court, Madras and the Hon'ble Supreme Court against M/s Sterlite Copper, which resulted in the closure order issued against the said company. It does not relate to the Appellant at all. Though, Ilmenite is not a hazardous waste to run the plant smoothly, the Appellant has complied with the directions issued by TNPCB and has submitted its report within the time frame granted. This will establish that there is no fault on the part of the Appellant. Consequently, that a complaint filed by the Counsel for the Intervenor, on behalf of the Anti-Sterlite People Committee, before the NGT Committee constituted by the Hon'ble Principal Bench has no relevance to the present proceedings. The factual position is that on the alleged date of

For V.V. Titanium Pigments Private Limited

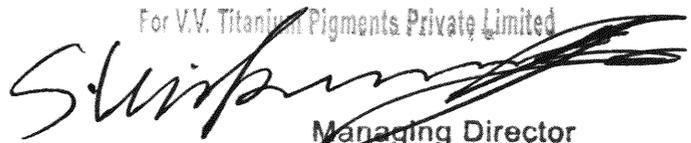

Managing Director

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inspection, namely, 07.04.2011 the Appellant Company, M/s V.V. Titanium Pigments Private Limited was not the owner of the property.

9. The factual matrix is that M/s Kilburn Chemicals Ltd. & M/s V.V. Minerals entered into a Memorandum of Understanding on 29.07.2011 wherein the latter agreed to take over the plant of Kilburn Chemicals Ltd. within the time frame stipulated therein. The said Memorandum of Understanding is filed as **Annexure - V**. The said plant was taken over on 15.10.2011 and it was registered under the name & style of M/s V.V. Titanium Pigments Pvt. Ltd., the Appellant herein. The alleged inspection dated 07.04.2011 is mentioned only in the Letter dated 28.01.2020 for levy of compensation by TNPCB. The Appellant vide Letter dated 04.03.2020 replied to TNPCB requesting for a copy of the notice issued for inspection dated 07.04.2011 and the report thereof. The same has not been furnished till date. The Appellant reiterates that even though no pollution or damage was caused to the environment by the Appellant, it complied with the Directions dated 12.06.2018. The detailed proposal for reclaiming the area was submitted and implemented through University of Madras, CERG, Chennai by the Appellant. With regard to reclamation the Appellant has submitted and updated the developments periodically to TNPCB.
10. This apart, the Appellant vide Letter No. VVTi / L&PR/TPCB/MAINPLANT/2025 - 26 dated 30.05.2025 (**Annexure - VI**) has submitted a consolidated Report on the findings, recommended remedial measures and compliance status in the detailed Land Reclamation and Post Monitoring Studies received from the University of Madras, CERG, Chennai. Therefore, the averment that the Appellant has neither submitted the technical report nor carried out reclamation of the contaminated site is incorrect. This is more so because the site was never contaminated and there is neither inspection nor analysis report filed to show any contamination. Hence, the imposition of compensation is unsustainable. The Appellant has already issued a detailed reply on 04.03.2020 (**Annexure - VII**) denying

For V.V. Titanium Pigments Private Limited



Managing Director

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the allegations mentioned in the impugned order and requesting to furnish a copy of the report pertaining to the alleged inspection dated 07.04.2011. This has not been complied with by TNPCB because the Appellant industry does not fall under the category 'd' and 'e' of the 1st Respondent's letter dated 28.01.2020. The request under the Right to Information Act was replied by TNPCB on 15.06.2023 stating that no file or document exists relating to inspections conducted on any particular industry, as no inspection was carried out in respect to individual industry.

11. It is submitted that the Impugned Order dated 28.01.2020 stems from the Letter dated 14.01.2020 issued by the 3rd Respondent for which a detailed Reply was sent on 04.03.2020. In the absence of any material to show that there was a notice of inspection or an analysis report of such inspection the imposition of Rs. 100 lakhs as compensation on the Appellant is unsustainable. It is also pertinent to note that a perusal of the letter dated 14.08.2023 (**Annexure - VIII**), which consists of format A & B, the number of industries not complying with environmental standards is shown as nil. These details are issued by the DEE Tuticorin. When no industry, including the Appellant, has violated the environmental standards, the question of imposition of compensation does not arise. Moreover, no statutory inspection has been done by any of the officers even on 30.10.2018 as confirmed by the letter dated 16.02.2022 by DEE, Tuticorin. The reclamation of the site is not a fallout of the alleged inspection dated 07.04.2011 referred in the DEE, Tuticorin Report dated 14.01.2020. Therefore, the letter dated 14.01.2020 is an after thought issued after a period of 9 years and it is unsustainable.

12. It is evident from the report, "Evaluation of CEPI Score and Action Plan for CEPI Area, of Thoothukudi" submitted by TNPCB during January 2020 that the Appellant's unit is effectively implementing the Pollution Abatement Measures and thereby maintaining the air, water, land and other standards prescribed by the Board. The Appellant has provided adequate monitoring bore wells in selected spots covering the entire area where ferro gypsum is being stored. Ferro gypsum is a non-hazardous material.

For V.V. Titanium Pigments Private Limited


Managing Director

The same has been informed to the Board and the officials have taken samples from the monitoring borewells periodically from December 2022 for analysis and for their RoAs for which requisite fee has been paid. Recently, as advised by the Board, the Appellant has taken steps towards the diligent implementation of "Kurunkadugal Scheme" by allotting exclusive lands for the plantation of pollution reducing species such as Poovarasu, Magizham, Athimaram, Vilvam, Panaimaram, Novalmaram, Vembu, Alamaram, Arasamaram, Mamaram, Mahogany, Ilupai, Chavukkumaram, etc. received from the Forest Department, local nurseries and their own nursery. Thus, it is evident that the Appellant has been complying with all the directions / conditions imposed by TNPCB. The Appellant further submits that its Plant's process is of continuous nature and its Effluent Treatment Plant is also continuously running for treating the trade effluent. In its ETP, during neutralization process, the trade effluent is neutralized resulting in continuous generation of ferro gypsum and hence, the disposal also continues.

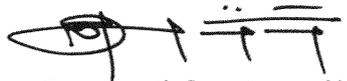
13. It is submitted that from the factual matrix stated above, it is evident, that the Appellant has not violated the provisions of the Water (Prevention & Control of Pollution) Act 1974 r/w the Tamil Nadu Water (Prevention & Control of Pollution) Rules 1983. The Appellant has diligently complied with the directions of the Board to ensure that the environment is protected. Therefore, by any standards the Appellant cannot be termed as a Polluter and no liability can be fastened on the Appellant for any acts, if done by the Seller, prior to the purchase of the area by the Appellant. Consequently, the imposition of environmental compensation of Rs. 100 lakhs, being contrary to the provisions of the Water (Prevention & Control of Pollution) Act 1974 r/w Rule 25 of the Tamil Nadu Water (Prevention & Control of Pollution) Rules 1983 is unsustainable.

For V.V. Titanium Pigments Private Limited


Managing Director

14. It is therefore prayed that this Hon'ble Tribunal may be pleased to allow the Appeal by setting aside the impugned order passed by the TNPCB and directing the Respondents to grant the consent orders for the remaining Two years (2026-2027 & 2027-2028) and/or for the period the applicant is applied for (maximum five years only) as prayed for in the Appeal and thus render justice.

Dated at Chennai on this the 30th day of January, 2026.


Counsel for Appellant

For V.V. Titanium Pigments Private Limited

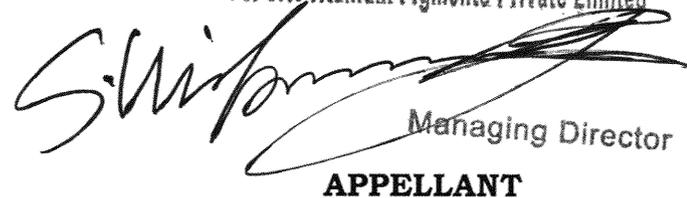

Managing Director
Appellant

VERIFICATION

I, S. Vaikundarajan, Managing Director, M/s. V.V. Titanium Pigment Private Limited, 68 years, having office at A-81, SIPCOT Industrial Complex, Meelavittan Village, South Veerapandiyapuram (PO) Thoothukudi - 628 002 do hereby verify that the contents of paras 1 to 14 and are true to the knowledge of me and that I have not suppressed any material facts.

Verified at Chennai on this the 30th day of January, 2026.

For V.V. Titanium Pigments Private Limited


Managing Director
APPELLANT



தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்

அனுப்புநர்

பெறுநர்

திரு. கு.இராமராஜ், எம்.இ., எம்.பி.ஏ.,
பொது தகவல் அலுவலர் /
இணை தலைமை சுற்றுச்சூழல்
பொறியாளர்(க) (சஉ/பொ),
தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்,
பிளாட் எண். 30/2, 31 & 32 Pt., முதல்தளம்,
சிட்கோ தொழில் வளாகம், பேட்டை.
திருநெல்வேலி - 627 010.

எஸ். கிருஷ்ணமூர்த்தி,
52/2E, முதல் தளம்,
டி.வி.எஸ் அப்பார்ட்மெண்ட்,
திசையன்விளை,
திருநெல்வேலி மாவட்டம் - 627 657.

கடித எண். இதசு(சு.பொ(க)/தநாமாகவா/திலி/தஅஉச/111A (11) ந.எண். 1551/2025,
நாள். 24.09.2025.

ஐயா,

- பொருள் : தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம் - இணை தலைமை சுற்றுச்சூழல் பொறியாளர்(க) அலுவலகம், திருநெல்வேலி - தகவல் அறியும் உரிமை சட்டம், 2005 - தகவல்கள் வழங்குவது - தொடர்பாக.
- பார்வை : தங்களது 02.09.2025 தேதியிட்ட மனு இவ்வலுவலகத்தில் பெறப்பட்ட நாள் 08.09.2025.

பார்வையில் குறிப்பிடப்பட்டுள்ள தகவல் அறியும் உரிமைச் சட்டம், 2005-ன் கீழ் பெறப்பட்ட மனு தொடர்பாக கீழ்க்கண்ட தகவல்கள் தங்களுக்கு வழங்கப்படுகிறது.

கேள்வி எண்	வழங்கப்படும் தகவல்கள்
1	இவ்வலுவலகக் கோப்புகளின்படி, 04.06.2018 அன்று திருநெல்வேலி இணை தலைமை சுற்றுச்சூழல் பொறியாளர் அவர்கள் தூத்துக்குடியில் உள்ள தி/ள்.வி.வி. டைட்டானியம் பிக்மெண்ட்ஸ் நிறுவனத்தின் தொழிற்சாலையை ஆய்வு செய்வதற்கு வழங்கிய கையொப்பமிட்ட சட்டப்படியான அறிவிப்பு நகல்கள் எதுவும் இல்லை,
2	இவ்வலுவலக கோப்புகளின் படி, 04.06.2018 அன்று கீழ்க்கண்ட இடங்களில் தேங்கிய நீரின் மாதிரிகள் சேகரிக்கப்பட்டுள்ளன. • தி/ள். வி.வி. டைட்டானியம் பிக்மெண்ட்ஸ் பிரைவேட் லிமிடெட் நிறுவன நிர்வாக வாயிலின் எதிர்புறம். • தி/ள். வி.வி. டைட்டானியம் பிக்மெண்ட்ஸ் பிரைவேட் லிமிடெட் நிறுவன மேற்கு வாயிலின் எதிர்புறம்.
3	இவ்வலுவலக கோப்புகளின் படி, 04.06.2018 அன்று

ஆகும்.

தகவல் அறியும் உரிமைச் சட்டம், 2005-ன் கீழ் பெறப்பட்ட மனு தொடர்பாக, தாங்கள் கேட்டிருந்த தகவல்கள் மொத்தம் 8 பக்கங்கள், இருப்பதால் பக்கத்திற்கு ரூ. 2/- வீதம் மொத்தம் ரூ. 16/- (ரூபாய் பதினாறு மட்டும்) மாவட்ட சுற்றுச்சூழல் பொறியாளர், தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம், பிளாட் எண். 30/2, 31 & 32 Pt, தரைத்தளம், சிட்கோ தொழில் வளாகம், பேட்டை, திருநெல்வேலி - 627 010 அலுவலகத்தில் செலுத்திவிட்டு அதன் ரசீது நகலை இவ்வலுவலகத்திற்கு அனுப்பவும்.

இக்கடிதம் பெற்றமைக்கு ஒப்புதல் வழங்கக் கேட்டுக் கொள்ளப்படுகிறது.

இணைப்பு: மேற்கூறியபடி.

மேல்முறையீட்டு அலுவலர் முகவரி

திரு. சி. இராஜேந்திர பாபு, எம்.டெக்., எம்.பி.ஏ.,

மேல்முறையீட்டு அலுவலர் / கூடுதல் முதன்மை சுற்றுச்சூழல் பொறியாளர்,

தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்,

76, மவுண்ட் சாலை, திண்டி,

சென்னை - 600 032.

மின்னஞ்சல் முகவரி- rtisec@tnpcb.gov.in

பொது தகவல் அலுவலர் /

இணை தலைமை சுற்றுச்சூழல் பொறியாளர்(க) (கூ./பொ),

தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்,

திருநெல்வேலி.

24/09/25

24.9.2025

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நாள் : 02.09.2025

அனுப்புனர்

எஸ்.கிருஷ்ணமூர்த்தி,
52/2E, முதல் தளம்,
டிவிஎஸ் அப்பார்ட்மெண்ட்,
திசையன்விளை - 627 657
திருநெல்வேலி மாவட்டம்



பெறுநர்

உயர்திரு. பொது தகவல் அலுவலர் /
இணை தலைமை சுற்றுப்புற சூழல் நல பொறியாளர்,
தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்,
32, 33 A/3 ராஜராஜேஸ்வரி நகர்,
பெருமாள்புரம்,
திருநெல்வேலி - 627 007

ஐயா,

தகவல் அறியும் உரிமை சட்டத்தின் கீழ் எனக்கு கீழ்க்கண்ட
தகவல்களை வழங்க கேட்டுக் கொள்கிறேன்.

1. கடந்த 04.06.2018 அன்று திருநெல்வேலி இணை தலைமை
சுற்றுப்புற சூழல் நல பொறியாளர் (Joint Chief Environmental
Engineer (M)) அவர்கள் தூத்துக்குடியில் உள்ள விவி
டைட்டானியம் பிக்மெண்ட்ஸ் நிறுவனத்தின் தொழிற்சாலையை
ஆய்வு செய்வதற்கு வழங்கிய சட்டப்படியான அறிவிப்பு
நகல்கள் வழங்க கேட்டுக் கொள்கிறேன்.
2. மேற்கண்ட ஆய்வின் போது திருநெல்வேலி இணை தலைமை
சுற்றுப்புற சூழல் நல பொறியாளர் (Joint Chief Environmental
Engineer (M)) அவர்கள் மேற்கண்ட தொழிற்சாலையில்
சேகரித்த மாதிரி விபரங்களை தெரியப்படுத்த கேட்டுக்
கொள்கிறேன்.

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3. அவ்வாறு சேகரிக்கப் பட்ட மாதிரிகளை பகுப்பாய்வு செய்ததற்கான பகுப்பாய்வு அறிக்கை நகல்களை வழங்க கேட்டுக் கொள்கிறேன்.

4. அவ்வாறு ஆய்வு மேற்கொள்ளும் போது தொழிற்சாலையின் பொறுப்பான நபர்களிடம் பெறப் பட்ட கையொப்பம் அடங்கிய ஆய்வறிக்கை நகல் வழங்க கேட்டுக் கொள்கிறேன்.

மேற்கண்ட தகவல்களை பெறும் வகைக்கு தகவல் அறிந்து கொள்ளும் உரிமை சட்டத்தின் கீழ் உரிய விண்ணப்ப கட்டணமாக ரூ.10-க்கு இத்துடன் நீதிமன்ற வில்லை ஒட்டி அனுப்பி உள்ளேன். மேலும் தொகை எதுவும் செலுத்த வேண்டியிருந்தால் தங்களிடமிருந்து தகவல் கிடைத்தவுடன் அத்தொகையும் செலுத்திவிடுவேன் என உறுதிசூறுகிறேன்.

நன்றி

தங்கள் உண்மையுள்ள

S. Krishnamoorthy

எஸ்.கிருஷ்ணமூர்த்தி

SP-002		PROOF OF DELIVERY		EMS SPEED POST	
4 Date Mailed Year Month Day		5 Time mailed Hours Minutes		20 A Despatch charge	
				20 B Office of Origin	
Customs declaration				Number Of Speed Post Article	
21 Description of Contents Applicable for international EMS Speed Post only				27 Name in Print of the person receiving delivery of the item	
				28 Signature	
22		23		25	
		24 Value		26	
		Weight In Kg.		30 Time of delivery in minutes	
<input type="checkbox"/> Gift		<input type="checkbox"/> Sample of merchandise		TAMILNADU POLLUTION CONTROL BOARD TIRUNELVELI	
Sender			Addressee		
8 Name and address of sender சா. விஜயலக்ஷ்மி, 52/2E, சூரிய புரம், சிவசாமல்பேட்டை, தருமபுரம், திருநெல்வேலி			12 Name and address of addressee உயர்நீதி, சா. விஜயலக்ஷ்மி புரம், சிவசாமல்பேட்டை, தருமபுரம், திருநெல்வேலி		
9 Sender's postal code → 627657			14 Addressee's postal code → 627010		

14

Translation

By RPAD

Tamil Nadu Pollution Control Board

From

Mr. K. Ramaraj. M.E., M.B.A.,
Public Information Officer/
Joint Chief Environmental
Engineer(M) (J/E)
Tamil Nadu Pollution Control Board,
Flat No. 30/2, 31 & 32 Pt, First Floor,
CITCO Industrial Complex, Pettai,
Tirunelveli – 627 010

To

S. Krishnamoorthy
52/2E, First Floor,
TVS Apartment,
Thisayanvilai,
Tirunelveli District – 627 657.

Letter No. JCEE(M)/TNPCB/TVL/RTIA/111A (11) C. No. 1551/2025

Dated 24.09.2025

Sir,

Subject: Tamil Nadu Pollution Control Board- Joint Chief Environmental Engineers(M) Office, Tirunelveli- Right to Information Act, 2005 – Regarding providing Information.

Reference: Your Petition dated 02.09.2025 has been received in this office. Dated 08.09.2025.

The following information is provided to you in connection with the petition received under the Right to information Act, 2005 referred to in the notice.

Question. No	Information provided
1	As per the records available in this office, on 04.06.2018, the authorised legal notice issued by the Tirunelveli Joint Chief Engineer for inspection of the factory of M/s. V.V. Titanium Pigments Company in Tuticorin is not available.
2	As per the records of the office on 04.06.2018 the samples of the stagnant water were collected from the following areas <ul style="list-style-type: none"> • Opposite to the entrance of administrative block of the M/s V.V. Titanium Pigments Private Limited. • Opposite to the West Entrance of administrative block of M/s V.V. Titanium Pigments Private Limited.

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In respect of the petition received under the Rights to Information Act, 2005, the information sought by you is total 8 pages, therefore please pay Rs. 2/- per page, totalling Rs. 16/- (Rupees sixteen only) to the office of the District Environmental Engineer, Tamil Nadu Pollution Control Board, Plot. No. 30/2, 31 & 32 Pt, Ground Floor, CITCO Industrial Complex, Pettai, Tirunelveli - 627010 and send a copy to the receipt to this office.

Kindly acknowledge the receipt of this letter

Enclosure: As said above

Address of Appellate authority

Mr. C. Rajendra Babu M.Tech., M.B.A.,
Appellate Officer/ Additional Chief Environmental Engineer,
Tamil Nadu Pollution Control Board,
76, Mount Road, Guindy,
Chennai- 600032.
E-mail id: rtisec@tnpcb.gov.in

-Sd-
Public Information Officer
Joint Chief Environmental Engineer(s)
Tamil Nadu Pollution Control Board,
Tirunelveli

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From

S. Krishnamoorthy,
52/2E, First Floor,
TVS Appartement,
Thisayanvilai - 627 657,
Tirunelveli District.

To

Respected Public Information Officer,
Joint Chief Environmental Engineer(s),
Tamil Nadu Pollution Control Board,
32, 33 A/3 Rajeshwari Nagar,
Perumal Puram,
Tirunelveli - 627 007.

Sir,

Kindly furnish the following information under the Right to Information Act.

1. Kindly furnish the copies of Authorised legal notice to conduct the inspection in the factory of V.V. Titanium Pigments on 04.06.2018 by Tirunelveli Joint Chief Environmental Engineer.
2. Kindly furnish the details of samples collected from the factory by Tirunelveli Joint Chief Environmental Engineer during the inspection.
3. Kindly furnish the report of such samples which are collected and analysed.
4. Kindly furnish a copy of research report containing the signatures obtained from the responsible persons of the factory during the inspection.

I have attached a court receipt for Rs. 10 as the application fee under the Right to Information Act for obtaining the above information. I undertake that if any further amount is required to be paid, I will pay that amount as soon as I receive the information from you.

Thank you

Your faithfully

-Sd-

Krishnamoorthy



தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்

அனுப்புநர்

திரு. கு.இராமராஜ், எம்.இ., எம்.பி.ஏ.,
பொது தகவல் அலுவலர் /
இணை தலைமை சுற்றுச்சூழல்
பொறியாளர்(க) (சவ./பொ),
தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்,
பிளாட் எண். 30/2, 31 & 32 Pt., முதல்தளம்,
சிட்கோ தொழில் வளாகம், பேட்டை.
திருநெல்வேலி - 627 010.

பெறுநர்

திரு. எஸ். வைகுண்டராஜன்,
கீரைக்காரன்தட்டு,
மகாதேவன்குளம் அஞ்சல்,
திசையன்விளை (வழி),
திருநெல்வேலி மாவட்டம் - 627 657.

கடித எண். இதசு.கு.பொ(க)/தநாமாகவா/திலி/தஅஉச/11A (14) ந.எண். 242397/2025,
நாள். 30.10.2025.

ஐயா,

பொருள் : தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம் - இணை தலைமை சுற்றுச்சூழல்
பொறியாளர்(க) அலுவலகம், திருநெல்வேலி - தகவல் அறியும்
உரிமை சட்டம், 2005 - தகவல்கள் வழங்குவது - தொடர்பாக.

பார்வை : தங்களது 15.10.2025 தேதியிட்ட மனு இவ்வலுவலகத்தில் பெறப்பட்ட
நாள் 17.10.2025.

பார்வையில் குறிப்பிடப்பட்டுள்ள தகவல் அறியும் உரிமைச் சட்டம், 2005-ன் கீழ்
பெறப்பட்ட மனு தொடர்பாக கீழ்க்கண்ட தகவல்கள் தங்களுக்கு வழங்கப்படுகிறது.

கேள்வி எண்	வழங்கப்படும் தகவல்கள்
1	இவ்வலுவலகக் கோப்புகளின் படி, 04.06.2018 அன்று திருநெல்வேலி இணை தலைமை சுற்றுச்சூழல் பொறியாளர் அவர்கள் தூத்துக்குடியில் உள்ள தி/ள்.வி.வி. டைட்டானியம் பிக்மெண்ட்ஸ் நிறுவனத்தின் தொழிற்சாலையை ஆய்வு செய்வதற்கு வழங்கிய கையொப்பமிட்ட சட்டப்படியான அறிவிப்பு நகல்கள் எதுவும் இல்லை.
2	இவ்வலுவலகக் கோப்புகளின் படி, தொழிற்சாலையின் பொறுப்பான நபரிடம் பெறப்பட்ட கையொப்பம் அடங்கிய அத்தாட்சி நகல் ஏதும் இல்லை. ஆனால், 04.06.2018 அன்று மேற்கொள்ளப்பட்ட ஆய்வறிக்கையின் மொத்த பக்கங்கள் 7 ஆகும்.

தகவல் அறியும் உரிமைச் சட்டம், 2005-ன் கீழ் பெறப்பட்ட மனு தொடர்பாக, தாங்கள்
கேட்டிருந்த தகவல்கள் மொத்தம் 7 பக்கங்கள், இருப்பதால் பக்கத்திற்கு ரூ. 2/- வீதம்
மொத்தம் ரூ. 14/- (ரூபாய் பதினான்கு மட்டும்) மாவட்ட சுற்றுச்சூழல் பொறியாளர், தமிழ்நாடு
மாசு கட்டுப்பாடு வாரியம், பிளாட் எண். 30/2, 31 & 32 Pt, தரைத்தளம், சிட்கோ தொழில்

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வளாகம், பேட்டை, திருநெல்வேலி - 627 010 அலுவலகத்தில் செலுத்திவிட்டு அதன் ரசீது
நகலை இவ்வலுவலகத்திற்கு அனுப்பவும்.

இக்கடிதம் பெற்றமைக்கு ஒப்புதல் வழங்கக் கேட்டுக் கொள்ளப்படுகிறது.

இணைப்பு: மேற்கூறியபடி.

மேல்முறையீட்டு அலுவலர் முகவரி

திரு. சி. இராஜேந்திர பாபு, எம்.டெக்., எம்.பி.ஏ.,
மேல்முறையீட்டு அலுவலர் / கட்டுதல் முதன்மை சுற்றுச்சூழல் பொறியாளர்,
தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்,
76, மவுண்ட் சாலை, கிண்டி,
சென்னை - 600 032.
மின்னஞ்சல் முகவரி- rtisec@tnocb.gov.in

திரு. சி. இராஜேந்திர பாபு
30.10.2024

பொது தகவல் அலுவலர் /

இணை தலைமை சுற்றுச்சூழல் பொறியாளர்(க) (கூ./பொ).
30/10/24 தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்,
திருநெல்வேலி.

Received on 31.10.2024 by Speed post No.

ET70209497/IN

S. VAIKUN্ডARAJAN

Keerthikaranthattu
Mahadevankulam P.O.
Tisaiyanvilai (Via)
Tirunelveli Dt. - 627 657
Tamilnadu, India.

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Tele : Off : 04637 - 27120

04637 - 27320

E-mail : vaikundarajan@vvgroup.bi

நாள் : 15.10.2025

பெறுநர்

உயர்திரு. பொது தகவல் அலுவலர் /
இணை தலைமை சுற்றுப்புற சூழல் நல பொறியாளர்,
தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்,
32, 33 A/3 ராஜராஜேஸ்வரி நகர்,
பெருமாள்புரம், திருநெல்வேலி - 627 007

ஐயா,

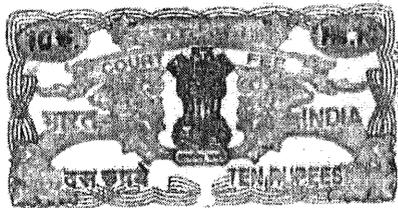
தகவல் அறியும் உரிமை சட்டத்தின் கீழ் எனக்கு கீழ்க்கண்ட தகவல்களை வழங்க கேட்டுக் கொள்கிறேன்.

1. கடந்த 04.06.2018 அன்று திருநெல்வேலி இணை தலைமை சுற்றுப்புற சூழல் நல பொறியாளர் (Joint Chief Environmental Engineer (M)) அவர்கள் தூத்துக்குடியில் உள்ள விவி டைட்டானியம் பிக்மெண்ட்ஸ் நிறுவனத்தின் தொழிற்சாலையை ஆய்வு செய்வதற்கு வழங்கிய சட்டப்படியான அறிவிப்பு நகல்கள் வழங்க கேட்டுக் கொள்கிறேன்.
2. அவ்வாறு ஆய்வு மேற்கொள்ளும் போது தொழிற்சாலையின் பொறுப்பான நபர்களிடம் பெறப் பட்ட கையொப்பம் அடங்கிய அத்தாட்சி நகல் வழங்க கேட்டுக் கொள்கிறேன்.

மேற்கண்ட தகவல்களை பெறும் வகைக்கு தகவல் அறிந்து கொள்ளும் உரிமை சட்டத்தின் கீழ் உரிய விண்ணப்ப கட்டணமாக ரூ.10-க்கு இத்தாடன் நீதிமன்ற வில்லை ஒட்டி அனுப்பி உள்ளேன். மேலும் தொகை எதுவும் செலுத்த வேண்டியிருந்தால் தங்களிடமிருந்து தகவல் கிடைத்தவுடன் அத்தொகையும் செலுத்திவிடுவேன் என உறுதிசூறுகிறேன்.

நன்றி

தங்கள் உண்மையுள்ள



S. Vaikundarajan

எஸ்.வைகுண்டராஜன்

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Translation

By RPAD

Tamil Nadu Pollution Control Board

From

Mr. K. Ramaraj. M.E., M.B.A.,
Public Information Officer/
Joint Chief Environmental
Engineer(M) (J/E)
Tamil Nadu Pollution Control Board,
Flat No. 30/2, 31 & 32 Pt, First Floor,
CITCO Industrial Complex, Pettai,
Tirunelveli – 627 010

To

Mr. S. Vaikundarajan,
Keeraikarantattu,
Mahadevankulam Post,
Thisayanvilai (via),
Tirunelveli District – 627 657.

Letter No. JCEE(s)/TNPCB/TVL/RTIA/111A (11) C. No. 242397/2025
Dated 30.10.2025

Sir,

Subject: Tamil Nadu Pollution Control Board- Joint Chief Environmental Engineers(M) Office, Tirunelveli- Right to Information Act, 2005 – Regarding providing Information.

Reference: Your Petition dated 15.10.2025 has been received in this office. Dated 17.10.2025.

The following information is provided to you in connection with the petition received under the Right to information Act, 2005 referred to in the notice.

Question. No	Information provided
1	As per the records of the office, on 04.06.2018, the authorised legal notice issued by the Tirunelveli Joint Chief Engineer for inspection of the factory of M/s. V.V. Titanium Pigments Company in Tuticorin is not available.
2	As per the records of the office, the copies of signatures obtained from the responsible persons of the factory during the inspection but the number of pages in the inspection report is 7.

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In respect of the petition received under the Rights to Information Act, 2005, the information sought by you is total 7 pages, therefore please pay Rs. 2/- per page, totalling Rs. 14/- (Rupees fourteen only) to the office of the District Environmental Engineer, Tamil Nadu Pollution Control Board, Plot. No. 30/2, 31 & 32 Pt, Ground Floor, CITCO Industrial Complex, Pettai, Tirunelveli - 627010 and send a copy to the receipt to this office.

You are requested to acknowledge the receipt of this letter

Enclosure: As said above

Address of Appellate authority

Mr. C. Rajendra Babu M.Tech., M.B.A.,
Appellate Officer/ Additional Chief Environmental Engineer,
Tamil Nadu Pollution Control Board,
76, Mount Road, Guindy,
Chennai- 600032.
E-mail id: rtisec@tnpcb.gov.in

-Sd-

Public Information Officer
Joint Chief Environmental Engineer(s)
Tamil Nadu Pollution Control Board,
Tirunelveli

Received on 31.10.2025 by speed post No. ET70209497/IN

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S. Vaikundarajan,
Keeraikaranthattu,
Mahadevankulam Post,
Thisayanvilai (via),
Tirunelveli District – 627 657

Tele: Offc: 04637-27120
04637-27320
E- mail: vaikundarajan@vvgroup.b

Date: 15.10.2025

To

Respected Public Information Officer,
Joint Chief Environmental Engineer(M),
Tamil Nadu Pollution Control Board,
32, 33 A/3 Rajeshwari Nagar,
Perumal Puram,
Tirunelveli – 627 007.

Sir,

Kindly furnish the following information under the Right to Information Act

1. Kindly furnish the copies of Authorised legal notice to conduct the inspection in the factory of V.V. Titanium Pigments on 04.06.2018 by Tirunelveli Joint Chief Environmental Engineer.
2. Kindly furnish a copy of the signatures obtained from the responsible persons of the factory during the inspection.

I have attached a court receipt for Rs. 10 as the application fee under the Right to Information Act for obtaining the above information. I undertake that if any further amount is required to be paid, I will pay that amount as soon as I receive the information from you.

Thank you

Your faithfully

-Sd-

Vaikundarajan

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Annexure - III

Corrected on 19.11.2019

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1038/2018

(With report dated 01.11.2019)

News item published in "The Asian Age" Authored by Sanjay Kaw
Titled "CPCB to rank industrial units on pollution levels"

Date of hearing: 14.11.2019

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Respondent(s):

Mr. Raj Kumar, Advocate
Ms. Nandini Sen, Advocate for State of West
Bengal
Mr. Attin Shankar Rastogi, Advocate
Mr. Dhananjay Bajjal, Advocate for TSPCE

ORDER

1. The question for consideration is remedial action for control of pollution in identified polluted industrial clusters in compliance of earlier order of this Tribunal dated 10.07.2019 requiring the statutory authorities to take action by way closure, prosecution and recovery of compensation from identified polluters in polluted industrial clusters. The said directions are set out in later part of this order.
2. The matter has been earlier dealt with inter alia vide orders dated 13.12.2018 and 10.07.2019 in the light of Comprehensive

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Environmental Pollution Index (CEPI) which includes weightages on nature of pollutants, ambient pollutant concentrations, receptors (number of people affected) and additional high risk element prepared by the CPCB in exercise of its statutory functions under the Air (Prevention and Control of Pollution) Act, 1981 (the Air Act), the Water (Prevention and Control of Pollution) Act, 1974, (the Water Act) and the Environment (Protection) Act, 1986 (the EPA Act). Based on the data with regard to pollution, the areas are ranked as 'critically polluted area' (CPA), 'severely polluted area' (SPA) and 'other polluted areas' (OPAs).

3. Vide order dated 13.12.2018, this Tribunal directed the Pollution Control Boards / Pollution Control Committees (PCBs/PCCs) to finalize time bound action plan to bring all the Polluted Industrial Areas (PIAs) within safe parameters as per the Air Act, the Water Act and the EPA Act. Accordingly, report was compiled by the CPCB and furnished to the MoEF&CC as shown by a letter dated 17.05.2019 which was handed over during the hearing before this Tribunal on 10.07.2019.

4. After considering the said data, this Tribunal in the order dated 10.07.2019 held that the Rule of Law required prohibiting polluting activities to protect the environment and public health. While remedial action may certainly be planned, current violation of law could not be ignored and was actionable by way of stopping polluting activities, initiating prosecution and recovering compensation on 'Polluter Pays' principle. The statutory authorities are accountable for performing their statutory duties. Referring to some of the earlier orders on the subject, this Tribunal observed:

"7. Ill effects of industrial pollution on the environment and public health are well acknowledged. This has made it necessary to strictly apply the principles of 'Sustainable Development' and permit any activity to be carried out without degrading the environment. The statutory scheme under the Air Act, the Water Act and the EPA Act provides for standards for air and water quality which must be maintained and violation thereof is a criminal offence¹. Any violation has to be visited with stopping of polluting activity, prosecution and compensation for restoration of environment. Accordingly, in the order dated 13.12.2018 this Tribunal observed:

"5. Purpose of economic development in any region is to provide opportunities for improved living by removing poverty and unemployment. While industrial development invariably creates more jobs in any region, such development has to be sustainable and compliant with the norms of environment. In absence of this awakening or tendency for monitoring, industrialization has led to environmental degradation on account of industrial pollution. It is imperative to ensure that steps are taken to check such pollution to uphold statutory norms. Adequate and effective pollution control methods are necessary.

6. Dust, smoke, fume and toxic gas emissions occur as a result of highly polluting industries such as thermal power plants, coal mines, cement, sponge iron, steel and ferrous alloys, petroleum and chemicals unless right technology is used and precaution taken. Industry specific clusters have not only become hazardous but also cause irreparable damage to our ecology and environment, often breaching the environment's carrying capacity, adversely affecting public health.

7. In Karnataka Industrial Areas Development Board vs. C. Kenchappa & Ors², the Hon'ble Supreme Court observed, as guiding rules for Sustainable Development, that humanity must take no more from nature than man can replenish and that people must adopt lifestyles and development paths that work within the nature's limit. In Vellore Citizens Welfare Forum Vs. Union of India, the Hon'ble Supreme Court recognized the Precautionary Principle and explained that environmental measures by the State Government and the statutory authorities

¹ Section 7 read with Section 15 of the EPA Act, Section 24 read with Section 41 and Section 45A of the Water Act, Section 21 and Section 22 read with Section 37 of the Air Act.

² (2006) 6 SSC 383

must anticipate, prevent and attack the causes of environmental degradation.

8. This Tribunal has applied the same principles in deciding matters before it in terms of Section 20 of the National Green Tribunal Act 2010.

9 to 12.....xxxx.....xxxx.....xxxx

13. The action plan to be prepared in the States may be done by the Committee constituted by the Chief Secretary within one month from today as several Departments may be involved in the exercise. The final preparation of the action plan including its execution may be overseen by the Chief Secretary of the concerned State, along with the other connected major environmental issues of the States, such as pollution of river stretches, nonattainment cities in terms of air quality and solid waste management, utilization of treated sewage, covered by order of this Tribunal dated 20.09.2018 in Original Application No. 673/2018, News Item Published in 'The Hindu' authored by Shri. Jacob Koshy titled 'More river stretches are now critically polluted: CPCB', order dated 08.10.2018 in Original Application No. 681/2018, News Item Published In 'The Times of India' Authored by Shri. Vishwa Mohan titled 'NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around August 15', order dated 20.08.2018 in Original Application No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 and order dated 27.11.2018 in Original Application No. 148/2016, Mahesh Chandra Saxena Vs. South Delhi Municipal Corporation & Ors. The Chief Secretary will take meetings on all these issues once in three months (quarterly) and will forward Report to NGT by e-mail."

8. We may also note that on 16.01.2019, while considering the issue of compliance of Solid Waste Management Rules, 2016 and other Waste Management Rules in O.A. No. 606/2018, Compliance of MSW Rules, 2016, the Tribunal required the presence of the Chief Secretaries in person after monitoring the subjects mentioned in the said order which included polluted industrial clusters.

9. Accordingly, the Chief Secretaries appeared before this Tribunal and filed their respective versions on the subject. They have been asked to take necessary steps to enforce the environment norms and furnish periodical

reports to this Tribunal. The directions include monitoring of important environmental issues including the issue of polluted industrial clusters by a Central Monitoring Committee with representatives from the Central Government and the Chief Secretaries of the States, undertaking carrying capacity study of the areas where violation of environmental norms is established, training programme of the officers concerned with the enforcement of the environmental norms, preparation of annual environmental plan for the country giving status of gaps in compliance of environmental norms.³ The Tribunal noted the private studies which may need to be verified assessing the number of deaths and diseases from pollution.⁴

“38. Death attributable to pollution to be 2.51 million in 2015, highest in the world. Air pollution, the number of deaths in India from ambient air pollution was 1.09 million, while deaths from household air pollution from solid fuels were 0.97 million. In the case of water pollution, 0.5 million deaths were caused by unsafe water source, while unsafe sanitation caused 0.32 million deaths. Deaths from air pollution were a result of diseases such as heart disease, stroke, lung cancer, and chronic obstructive pulmonary disease (COPD). Pollution has been responsible for the most non communicable disease deaths. India ranks a dismal 110 of 149 countries on the Sustainable Development Index. With rapid urbanization, the country is facing massive waste management challenge. Over 377 million urban people live in 7,935 towns and cities and generate 62 million tonnes of municipal solid waste per annum. Only 43 million tonnes (MT) of the waste is collected, 11.9 MT is treated and 31 MT is dumped in landfill sites. An alarming 80% of India's surface water is polluted. Indian cities generate 10 billion gallons or 38 billion litres of municipal waste water every day, out of which only 29% of it is treated.

40. In case extent of convictions for the environment related offences do not correspond to the extent of crime, paradigm shift in policies and strategies for implementation of law may need to be considered. Similarly, the mechanism for recovery of compensation may need to be revised on that pattern. Such review of policy cannot be left to the Local Bodies or the Pollution Control Boards but has to be at highest level in the State and further review at the national level. As noted in some of the studies, the ranking of the country

³ O.A 606/2018, order dated 17.05.2019, at para 27

⁴ Ibid

in compliance of environmental norms needs to be brought to respectable higher position which may be possible only if there is change in policies and strategies for implementation of necessary norms at every level in right direction. The scale of compensation needs to be suitably revised so that the same is deterrent and adequate to meet the cost of reversing the pollution.”

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11. During the hearing today, a copy of the letter dated 17.05.2019 was handed over by the Learned Counsel for the CPCB, indicating the latest CEPI scores for 100 polluted industrial areas/clusters monitored during 2018. The said scores are as follows:

The CEPI Scores in descending order for Industrial Areas/Clusters monitored during 2018

Sl. No.	Name of Polluted Industrial Areas (PIAs)	Air	Water	Land	* CEPI Score	# Status of Environment
1.	Tarapur(Maharashtra)	72.00	89.00	59.25	93.69	Ac_Wc_Ls
2.	Najafgarh-Drain basin including Anand Parbat, Naraina, Okhla, Wazirpur(Delhi)	85.25	86.00	55.75	92.65	Ac_Wc_Ls
3.	Mathura(Uttar Pradesh)	86.00	81.00	45.00	91.10	Ac_Wc_Ln
4.	Kanpur(Uttar Pradesh)	66.00	85.00	45.00	89.46	Ac_Wc_Ln
5.	Vadodara(Gujarat)	82.00	80.75	48.75	89.09	Ac_Wc_Ln
6.	Moradabad(Uttar Pradesh)	76.00	71.50	68.75	87.80	Ac_Wc_Lc
7.	Varanasi-Mirzapur(Uttar Pradesh)	87.50	80.00	39.63	85.35	Ac_Wc_Ln
8.	Bulandsahar-Khurza(Uttar Pradesh)	79.50	76.00	36.75	85.23	Ac_Wc_Ln
9.	Gurgaon(Haryana)	70.00	80.00	36.75	85.15	Ac_Wc_Ln
10.	Manali (Tamil Nadu)	59.75	72.25	71.75	84.15	As_Wc_Lc
11.	Panipat(Haryana)	66.00	72.75	60.00	83.54	Ac_Wc_Lc
12.	Firozabad(Uttar Pradesh)	76.00	72.00	32.50	81.62	Ac_Wc_Ln
13.	Udham Singh Nagar (Uttarakhand)	33.00	79.50	26.00	81.26	An_Wc_Ln
14.	Jodhpur (Rajasthan)	67.00	66.00	65.00	81.16	Ac_Wc_Lc
15.	Pali (Rajasthan)	66.00	65.00	65.50	80.48	Ac_Wc_Lc
16.	Ankleshwar (Gujarat)	72.00	57.50	51.00	80.21	Ac_Ws_Ls
17.	Gajraula Area(Uttar Pradesh)	71.00	70.00	45.00	80.14	Ac_Wc_Ln
18.	Vapi (Gujarat)	66.00	75.00	30.00	79.95	Ac_Wc_Ln
19.	Siltara Industrial Area	76.00	51.75	31.75	79.94	Ac_Ws_Ln

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	(Chhattisgarh)					
20.	Bhiwadi (Rajasthan)	66.50	71.00	44.75	79.63	Ac_Wc_Ln
21.	Vellore -North Arcot (Tamil Nadu)	49.00	75.00	35.75	79.38	An_Wc_Ln
22.	Sanganer Industrial Area (Rajasthan)	65.00	71.88	39.50	79.10	Ac_Wc_Ln
23.	Byrnihat (Assam)	67.00	70.50	39.50	78.31	Ac_Wc_Ln
24.	Peenya(Karnataka)	41.00	66.00	70.00	78.12	An_Wc_Lc
25.	Jaipur (Rajasthan)	61.88	71.88	31.75	77.40	Ac_Wc_Ln
26.	Surat (Gujarat)	46.00	68.25	56.00	76.43	An_Wc_Ls
27.	Chandrapur (Maharashtra)	75.00	23.75	23.75	76.41	Ac_Wn_Ln
28.	Agra(Uttar Pradesh)	60.00	66.88	47.00	76.22	Ac_Wc_Ln
29.	Pattancheru Bollaram (Telangana)	56.00	70.00	32.25	75.42	As_Wc_Ln
30.	Jalandhar (Punjab)	53.50	66.88	44.50	74.76	As_Wc_Ln
31.	Ludhiana (Punjab)	53.50	71.00	16.00	73.48	As_Wc_Ln
32.	Tiruppur (Tamil Nadu)	33.00	65.00	64.00	72.39	An_Wc_Lc
33.	Ghaziabad(Uttar Pradesh)	57.50	66.00	32.25	72.30	As_Wc_Ln
34.	Mettur (Tamil Nadu)	41.25	19.38	69.38	71.82	An_Wn_Lc
35.	KIADB Industrial Area, Jigini, Anekal (Bengaluru)	52.00	66.00	28.25	70.99	As_Wc_Ln
36.	Vatva(Gujarat)	57.00	66.00	25.50	70.94	As_Wc_Ln
37.	Raipur (Chhattisgarh)	67.00	45.75	25.00	70.77	Ac_Wn_Ln
38.	Rajkot(Gujarat)	51.75	61.50	45.75	70.62	As_Wc_Ln
39.	Aurangabad(Maharashtra)	45.00	65.38	28.75	69.85	An_Wc_Ln
40.	Dombivali (Maharashtra)	62.00	63.50	27.25	69.67	Ac_Wc_Ln
41.	Nashik(Maharashtra)	56.50	60.00	42.00	69.49	As_Wc_Ln
42.	Batala (Punjab)	63.00	62.75	25.50	68.92	Ac_Wc_Ln
43.	Noida(Uttar Pradesh)	59.75	62.75	27.00	68.76	As_Wc_Ln
44.	Baddi(Himachal Pradesh)	63.00	63.75	19.75	68.26	Ac_Wc_Ln
45.	Vijayawada(Andhra Pradesh)	60.50	49.25	38.75	68.04	Ac_Wn_Ln
46.	Bandel (West Bengal)	59.50	47.00	42.75	67.64	As_Wn_Ln
47.	Ramgarh(Jharkhand)	56.75	50.00	46.25	66.75	As_Ws_Ln
48.	Kukatpally (Telangana)	43.75	61.00	32.00	66.46	An_Wc_Ln
49.	Ib-Valley (Orissa)	48.75	59.00	36.75	66.35	An_Ws_Ln
50.	Tuticorin (Tamil Nadu)	29.75	46.00	61.00	66.34	An_Wn_Lc
51.	Navi Mumbai(Maharashtra)	56.00	63.00	16.00	66.32	As_Wc_Ln
52.	Meerut(Uttar Pradesh)	52.00	65.00	6.00	66.09	As_Wc_Ln
53.	Parwanoo(Himachal Pradesh)	19.00	61.88	53.75	65.77	An_Wc_Ls
54.	Kala Amb(Himachal Pradesh)	17.00	64.00	27.75	65.70	An_Wc_Ln

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55.	Bidar(Karnataka)	31.00	60.00	45.50	65.64	An_Wc_Ln
56.	Durgapur (West Bengal)	62.50	43.50	18.75	65.56	Ac_Wn_Ln
57.	Aligarh(Uttar Pradesh)	56.25	61.88	11.88	64.42	As_Wc_Ln
58.	Hajipur(Bihar)	57.50	41.13	39.25	64.36	As_Wn_Ln
59.	Hazaribagh(Jharkhand)	61.00	20.00	41.00	64.20	Ac_Wn_Ln
60.	Coimbatore (Tamil Nadu)	47.25	53.75	45.25	63.64	An_Ws_Ln
61.	Singrauli (UP & MP)	45.00	57.25	27.75	62.59	An_Ws_Ln
62.	Cuddalore (Tamil Nadu)	25.00	58.25	41.25	62.56	An_Ws_Ln
63.	Faridabad(Haryana)	55.25	53.75	28.75	62.17	As_Ws_Ln
64.	Bhavnagar (Gujarat)	61.00	15.50	15.50	61.94	Ac_Wn_Ln
65.	Howrah (West Bengal)	60.50	20.00	16.00	61.76	Ac_Wn_Ln
66.	Paradeep (Orissa)	43.00	57.50	17.00	60.61	An_Ws_Ln
67.	Erode (Tamil Nadu)	34.13	47.00	52.75	60.33	An_Wn_Ls
68.	Sarakela (Jharkhand)	57.75	17.50	34.00	60.26	As_Wn_Ln
69.	Kattedan(Telangana)	42.25	50.75	45.25	60.17	An_Ws_Ln
70.	Dhanbad(Jharkhand)	43.00	57.50	12.50	59.78	An_Ws_Ln
71.	Indore(Madhya Pradesh)	18.50	56.88	20.75	58.53	An_Ws_Ln
72.	Bhadravati(Karnataka)	45.00	52.00	30.00	58.48	An_Ws_Ln
73.	Mandideep (Madhya Pradesh)	56.00	55.25	10.00	58.43	As_Ws_Ln
74.	Mangalore(Karnataka)	15.00	54.50	54.25	58.20	An_Ws_Ls
75.	Barajamda(Jharkhand)	51.88	25.63	46.75	57.64	As_Wn_Ln
76.	Korba (Chhattisgarh)	43.75	17.75	54.00	57.57	An_Wn_Ls
77.	Ahmedabad(Gujarat)	53.50	48.50	16.00	57.11	As_Wn_Ln
78.	Haridwar (Uttarakhand)	50.75	52.38	13.75	55.70	As_Ws_Ln
79.	Asansol (West Bengal)	54.00	16.25	13.75	55.03	As_Wn_Ln
80.	Chembur(Maharashtra)	52.25	50.75	10.00	54.67	As_Ws_Ln
81.	Morbi (Gujarat)	51.00	47.25	14.00	54.24	As_Wn_Ln
82.	Mandi Govindgarh (Punjab)	28.75	53.75	1.50	53.91	An_Ws_Ln
83.	Ralchur(Karnataka)	32.75	47.88	32.50	53.42	An_Wn_Ln
84.	West Singhbhum(Jharkhand)	51.88	25.88	11.25	53.28	As_Wn_Ln
85.	Greater Kochin (Kerala)	47.38	35.88	29.50	52.94	An_Wn_Ln
86.	Pimpri-Chinchwad(Maharashtra)	52.00	6.25	5.25	52.16	As_Wn_Ln
87.	Gwalior (Madhya Pradesh)	50.00	43.13	7.75	51.67	As_Wn_Ln
88.	Junagarh (Gujarat)	47.00	25.00	35.00	51.64	An_Wn_Ln
89.	Jajpur (Orissa)	43.50	26.25	41.25	49.62	An_Wn_Ln
90.	Nagda -Ratlam (Madhya Pradesh)	12.00	47.00	28.00	48.78	An_Wn_Ln

91.	Jamshedpur(Jharkhand)	46.00	19.25	20.25	48.10	An_Wn_Ln
92.	Mahad(Maharashtra)	41.00	35.75	29.00	47.12	An_Wn_Ln
93.	Bhillai-Durg (Chhattisgarh)	43.00	32.75	19.75	46.69	An_Wn_Ln
94.	Angul Talchar (Orissa)	44.75	13.25	23.00	46.43	An_Wn_Ln
95.	Halua (West Bengal)	45.00	35.00	3.75	45.72	An_Wn_Ln
96.	Vishakhapatam (Andhra Pradesh)	27.25	12.75	42.75	44.74	An_Wn_Ln
97.	Dewas (Madhya Pradesh)	28.00	31.63	31.75	37.79	An_Wn_Ln
98.	Jharsuguda (Orissa)	36.00	21.50	8.75	37.20	An_Wn_Ln
99.	Digboi (Assam)	23.50	25.25	6.50	26.39	An_Wn_Ln
100.	Pithampur (Madhya Pradesh)	13.50	19.50	6.75	20.23	An_Wn_Ln

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2. Question for consideration is whether mere making of action plans obviates the requirement of enforcing the law. Continued polluting activities are criminal offences under the law of the land. The rule of law requires prohibiting such activities to⁵ safeguard the environment and the innocent victims.⁶

13. The answer has to be in the negative. Once the industrial clusters have been notified as polluting, while action plans may certainly be prepared, the polluting activity, which is a criminal offence, cannot be allowed to be continued. The essence of rule of law is that no activity which is against the law is allowed to continue and the person violating the law is punished according to law.⁷ Thus merely requiring improvement does not obviate the need for punishing the law violators/polluters; stopping polluting activity and recovering compensation for the damage already caused so as to recover the cost of restoration⁸ is the

⁵ Under Section 5 of the EPA Act, Section 31A of the Air Act and Section 33A of the Water Act, the power of Board to give directions includes the power to direct the closure, prohibition or regulation of any industry, operation or process; or the stoppage or regulation of the supply of electricity or water or any other service.

⁶ [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(18\)30261-4/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(18)30261-4/fulltext) stating 1.24 million deaths in India in 2017, which were 12.5% of the total deaths, were attributable to air pollution, including 0.67 million from ambient particulate matter pollution and 0.48 million from household air pollution. ⁷ Goa Foundation Vs. Union of India and Ors., (2014) 6 SCC 590, at para 72-75, the Supreme Court noted the power that rests with the Pollution Control Board under Section 31 A of the Air Act and Section 33 A of the Water Act and directed that the authorities should take stringent actions in line with these power in cases of polluting industries. ⁸ Tirupur Dyeing Factory Owners Association Vs. Noyyal River Ayacutdars Protection Association & Ors., (2009) 9 SCC 737, in paras 26, 27, 33 & 34, the Supreme Court emphasis on developmental activities to be such that it does not compromises with the ability of the future generation to meet their needs and in this regard, authorities are to take into consideration the macro effect of wide-scale land and environmental degradation caused by absence of remedial measures.

⁷ Goa Foundation Vs. Union of India and Ors., (2014) 6 SCC 590, at para 72-75, the Supreme Court noted the power that rests with the Pollution Control Board under Section 31 A of the Air Act and Section 33 A of the Water Act and directed that the authorities should take stringent actions in line with these power in cases of polluting industries.

⁸ Tirupur Dyeing Factory Owners Association Vs. Noyyal River Ayacutdars Protection Association & Ors., (2009) 9 SCC 737, in paras 26, 27, 33 & 34, the Supreme Court emphasis on

mandate of law. This having not been done, the Tribunal is under a duty to direct the statutory regulators to perform their functions and take steps forthwith for stopping polluting activities, initiating prosecutions against the polluters and assessing and recovering compensation from such identified polluters at least for five years which is the period specified under Section 15(3) of the National Green Tribunal Act, 2010.

14. We reiterate that economic development is not to be at the cost of health of the public and in violation of law of the land. Unless the polluting industries tackle the problem they have created, their operations have to be stopped/suspended.⁹ Reference may be made to the judgement in the case of *Indian Council for Enviro Legal Action & Ors. Vs. Union of India & Ors.*¹⁰

"Respondents 4 to 8 have earned the dubious distinction of being categorised as 'rogue industries'. They have inflicted untold misery upon the poor, unsuspecting villagers, despoiling their land, their water sources and their environment - all in pursuance of their private profit. They have forfeited all claims of any consideration by this Court. Accordingly, we herewith order the closure of all plants and factories of Respondents 4 to 8 located in Bichini village. The RPCB is directed to seal all factories/units/plants of the said respondents forthwith."

15. We may note that this Tribunal has dealt with cases of industrial pollution and exercising its jurisdiction under Sections 14, 15 and 20 of the NGT Act, 2010 directed the regulatory authorities to prohibit polluting activities, prosecute the polluters and assess and recover compensation. In the case of *Morbi Industrial Cluster*,¹¹ which ranks at 81 based on its CEPI score, (where air pollution is critical though overall index places it in OPA), the Tribunal noted the air quality as shown in the inspection report furnished in the said case, to be as follows:

developmental activities to be such that it does not compromise with the ability of the future generation to meet their needs and in this regard, authorities are to take into consideration the macro effect of wide-scale land and environmental degradation caused by absence of remedial measures.

⁹ *M.C Mehta (Badkhal and Surajkund Lakes Matters) vs. Union of India & Ors.*, (1997) 3 SCC 715 at para 10 & 11, where the Supreme Court prohibited any construction activities around the said lakes on account of precautionary principle to protect these lakes; *Vellore Citizens Welfare Forum Vs. Union of India & Ors.*, (1996) 5 SCC 647 at para 9, where the Supreme Court discussed the rights guaranteed under Article 21 of the Constitution of India and directed that all tanneries which have not obtained the consents will be not reopened and that no new tanneries will be permitted to be open in the prohibited area.

¹⁰ (1996) 3 SCC 212 at para 70.

¹¹ Order dated 06.03.2019 in Original Application No. 20/2017 (WZ), *Babubhai Ramubhai Saini Vs. Gujarat Pollution Control Board & Ors.*

"Ambient Air Quality Status: As per National Green Tribunal committee report average ambient air quality (7 Stations) monitored PM10 = 552.66 $\mu\text{g}/\text{m}^3$, PM2.5 = 289.61 $\mu\text{g}/\text{m}^3$, SO2 = 152.81 $\mu\text{g}/\text{m}^3$. Compared to that, Average ambient air quality monitored (4 Stations) in last 3 months (Aug- 18 to Nov-18) is PM10 = 199.1 $\mu\text{g}/\text{m}^3$, PM2.5 = 60.6 $\mu\text{g}/\text{m}^3$. Though not meeting with standards, this shows improvement in air quality of MorbiWankner Region."

16. Since the industries in the said area were operating in violation of Air Act, having adverse consequences on health and environment, applying the Sustainable Development and Precautionary principles, the Tribunal directed the GPCB to close all the coal gasifier industries and take steps for prosecution of such industries which violated the law and recover compensation for the damage to the public health to be assessed by a Joint Committee of GPCB, OPCB and NEERI, taking into account the cost of restoration of the environment and the element of deterrence.

17. The Tribunal observed:

"22. Purpose of economic development in any region is to provide opportunities for improved living by removing poverty and unemployment. While industrial development invariably creates more jobs in any region, such development has to be sustainable and compliant with the norms of environment. In absence of this awakening or tendency for monitoring, industrialization has led to environmental degradation on account of industrial pollution. It is imperative to ensure that steps are taken to check such pollution to uphold statutory norms. Adequate and effective pollution control methods are necessary.

23. We may also note that as per data compiled by the CPCB Morbi Wankaner is one of the polluted industrial clusters. Vide order dated 13.12.2018 in Original Application No. 1038/2018, this Tribunal considered the subject matter of critically polluted industrial clusters and directed preparation of action plans by the respective States for remedying the situation.

24. Even though, this area is polluted but not 'critically polluted', the same may not be covered by the said order, but the fact remains that there is high amount of pollution as shown by the latest report of the GPCB quoted above in para no. 13.

¹² Order dated 06.03.2019 in Original Application No. 20/2017 (WZ), Babubhai Ramubhai Saini Vs. Gujarat Pollution Control Board & Ors

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PM10 is equal to 552.66 and PM2.5 is equal to 289.61. Stringent measures are, thus, required in the interest of protection of environment and public health.

25. Accordingly, we allow the applications and direct the GPCB to close all coal gasifiers industries and units operating with the help of coal gasifiers without prejudice to such units switching over to non-coal gasifiers or PNG or technology consistent with the above report. The GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health. This amount may be assessed by a Committee with representatives of CPCB, GPCB and NEERI. The CPCB will be the nodal agency for coordination and compliance. The Committee may suggest restoration plan.¹⁸

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22. In view of water pollution caused by absence/dysfunctional CETPs/ETPs/STPs, the Tribunal has, in the case of Aryavart Foundation Vs. M/s Vapi Green Enviro Ltd. & Ors,¹³ directed all defaulting industries, other than green and white category, connected with CETP, to make deposits with the CPCB towards interim environmental compensation, pending assessment of actual compensation and further action.¹⁴

- (i) Large Industries – Rs. 1 crore each
- (ii) Medium Industries – Rs. 50 Lakhs each
- (iii) Small Industries – Rs. 25 Lakhs each

23. In the present case, in view of massive exercise already done by CPCB, it is not necessary to require any further verification about the existence of pollution in the said PIAs. The Tribunal can direct that the polluting activities cannot be allowed to continue till adequate measures are taken as the Tribunal is bound to apply the 'Sustainable Development'¹⁵ 'Precautionary'¹⁶ and 'Polluter Pays'¹⁷

¹³ O.A 95/2018, order dated 11.01.2019

¹⁴ Para 55, of O.A 95/2018, order dated 11.01.2019

¹⁵ M.C Mehta Vs. Union of India (1997) 2 SCC 353, where the Supreme Court of India held – The development of industry is essential for the economy of the country, but at the same time the environment and the ecosystems have to be protected. The pollution created as a consequence of development must be commensurate with the carrying capacity of our ecosystem.

¹⁶ M.C Mehta vs. Union of India & Ors., (2009) 6 SCC 142, at para 23, 30 & 46, the Supreme Court addressed the issue of wide threat to forest ecology vis-à-vis the mining activities in the Aravalli hills and explained that it is important to evoke the precautionary principle to impose complete ban on mining in the Aravalli Range in state of Haryana

¹⁷ Indian Council for Enviro Legal Action & Ors. Vs. Union of India & Ors., (1996) 3 SCC 212 Para 16, Vellore Citizens Welfare Forum Vs. Union of India & Ors. (1996) 5 SCC 647 Para 12-18 – holding that "Polluter Pay" principle is 'accepted principle and part of environmental law of the

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principle under Section 20 of the National Green Tribunal Act, 2010 to protect the environment and the victims. The statutory regulatory bodies can be required to straightaway identify the particular industrial units in the said PIAs that are causing pollution, particularly those units which fall under the red and orange category and take action against them by way of closing the polluting activity, initiating prosecution and assessing and recovering compensation. Pending such assessment, interim compensation may be recovered on the scale adopted by this Tribunal in the case of Vapi industrial area.¹⁸

24. CPCB has compiled data of industrial clusters which are polluting in terms of air, water and other norms together. Under the law, even air pollution or water pollution or other pollution, are independent offences. The sustainable development and precautionary principle require any polluting activity to be prohibited and compensation recovered for damage caused from polluters. If there is air pollution, actionable under the Air Act, even if there is no violation of Water Act or EPA Act, such pollution cannot be ignored. There has to be prosecution, stopping of polluting activity and recovery of compensation for restoration of the environment. We have seen that even when norms of air, water and other pollution are being violated, prosecution, stopping of polluting activities and recovery of compensation is not taking place for which there is no justification. Likewise action to prohibit polluting activity, initiating prosecution and recovery of compensation is required not merely for the PIAs based on violation of norms under all the heads, but also for areas where air, water or other pollution is found individually. Thus areas not covered by PIAs are also required to be governed by our directions for enforcing the law by way of stopping polluting activity and taking other steps. The fact that such pollution is taking place is evidenced by there being acknowledged pollution in the form of 351 polluted river stretches.¹⁹ and 102 non-attainment cities.²⁰

25. CPCB must compile data of polluted industrial areas not confined to more than one parameters as is now being

country, even without specific statute. M.C Mehta Vs. Union of India & Ors., W.P (C) No. 13029/2015 order dated 24.10.2017 of the Supreme Court of India., O.A 95/2018, order dated 11.01.2019 & O.A No. 593/2017, order dated 03.08.2018: The Tribunal directed CPCB to take penal action against those accountable for failure in setting up CETPs/STPs/STPs and to recover compensation for damage to the environment.

¹⁸ Supra 15

¹⁹ O.A. 673/2018, News Item Published in 'The Hindu' authored by Shri. Jacob Koshy titled "More river stretches are now critically polluted: CPCB", Order dated 20.09.2018

²⁰ O.A. 681/2018, News Item Published In 'The Times of India' Authored by Shri. Vishwa Mohan Titled "NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around August 15" order dated 08.10.2018

done, but also with respect to polluted areas based on water, air or other pollution individually. Compiling data for categorizing areas as polluted areas based on water pollution alone, or air pollution or other pollution alone may be a step in the right direction. Let this be now done in the next three months, with the assistance of State PCBs/PCCs or other experts. In this regard we may note that dealing with the industrial water pollution, this Tribunal directed the CPCB to compile its monitoring report with reference to 97 CETPs installed in different states as this was linked to 100 PIAs also.²¹

26. Needless to state that there is no right to carry on business in violation of pollution norms and right of statutory authorities is coupled with duty. Such right, does not carry any unlimited discretion of not taking action when pollution norms are violated.

27. In view of the material compiled by the CPCB, with the assistance of SPCBs/PCCs, in respect of polluted industrial areas, where action is not being taken by statutory authorities, the Tribunal has to exercise its jurisdiction of directing performance of statutory functions and duties by the State boards/committees, following similar direction by the Apex Court.²²

28. Accordingly, we direct the CPCB in coordination with all State PCBs/PCCs to take steps in exercise of statutory powers under the Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974, Environment (Protection) Act, 1986 or any other law to prohibit operation of polluting activities in the said CPAs and SPAs within three months and furnish a compliance report to this Tribunal. The Central Pollution Control Board, in coordination with the State Boards/PCBs may make assessment of compensation to be recovered from the said polluting units for the period of last 5 years, taking into account the cost of restoration and cost of damage to the public health and environment and the deterrence element. The scale of deterrence may be related to the period and the frequency of defaults. Such other factors as may be found relevant may also be taken into account. No further industrial activities or expansion be allowed with regard to 'red' and

²¹ O.A No. 593/2017, order dated 19.02.2019, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors.

²² M.C Mehta (Calcutta Tanneries' Matter) Vs. Union of India & Ors., (1997) 2 SCC 411, at para 17, the Supreme Court directed the Board to take action against defaulting tanneries which, including those which had not complied with the conditions under Water Act as mentioned in their consents. In M.C Mehta Vs. Union of India & Ors., (2004) 6 SCC 588, paras 37,48, 517 69, the Supreme Court passed direction on closure of industrial units which were illegally operating and were in violation of the Master Plan

'orange' category units till the said areas are brought within the prescribed parameters or till carrying capacity of area is assessed and new units or expansion is found viable having regard to the carrying capacity of the area and environmental norms. Pending assessment of compensation, interim compensation be recovered at the scale adopted by this Tribunal in the case of Vapi Industrial area as mentioned in para 22 above.

29. *We further direct CPCB, with the assistance of SPCBs/PCCs or other experts, to compile information with regard to polluted industrial areas based on water pollution norms separately, air pollution norms separately and other pollution norm separately and notify such information on public domain within three months. On completing this exercise, action against identified individual polluters may be initiated on the same pattern on which direction have been issued in para 28 and furnish a report to this Tribunal in this regard also, before the next date.*

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31. *Thus, while CPCB was to compile data separately with reference to different type pollution in addition to comprehensive pollution, the State Boards /Committees or other regulatory bodies were to take action against the polluters in the said areas where data already compiled established existence of pollution so that load of pollution could be brought down for compliance of law and for protection of environment and health."*

5. The above order was clarified vide order dated 23.08.2019 as follows:-

"10. What the Tribunal has directed is inter alia to "identify the particular industrial units in the said PIAs that are causing pollution, particularly those units which fall under the 'red' and 'orange' category and take action against them by way of closing the polluting activity, initiating prosecution and assessing and recovering compensation" 9. No ground whatsoever has been shown to review the said direction. Further direction of the Tribunal is that "No further industrial activities or expansion be allowed with regard to 'red' and 'orange' category units till the said areas are brought within the prescribed parameters or till carrying capacity of area is assessed and new units

or expansion is found viable having regard to the carrying capacity of the area and environmental norms." 10 Objection to this direction is that there may be 'red' or 'orange' category units which may not in any manner add to the pollution. If it is so, all that is required is to determine viability of such units on 'Precautionary' principle by an appropriate mechanism. Reasons for doing so are that the area as per data available is polluted and 'red' and 'orange' category have higher potential for pollution. There is no absolute bar to such units being set up if they are found to be viable. This clarification should take care of any possible apprehension that the order of the Tribunal will obstruct any legitimate industrial activity. The MoEF&CC can forthwith devise an appropriate mechanism to ensure that new legitimate activity or expansion can take place after due precautions are taken in the areas in question by 'red' and 'orange' category of units.

11. Coming to the apprehension of the CPCB, it is clear from paras 28 and 32 of the order reproduced above that action has to be taken only against polluting activities. If any unit is compliant with the norms, such unit is not affected. There is no basis for apprehension that compensation may have to be paid twice. The provisions of Air Act, Water Act and EPA Act and the rules or other environment norms are to be enforced not only against the industrial units but also against every polluting activity whether the same has already been set up or is yet to be set up in terms of provisions of the law in question. This being the undisputed legal position, no further clarification remains necessary."

6. Status report dated 01.11.2019 has been filed by the CPCB as follows:

"2.0 Action taken by CPCB

Actions taken for complying Hon'ble NGT orders in the matter of OA No. 1038/ 2018 are as follows:

- Since CEPI report including CEPI score, industrial areas covered under CPA & SPA, list of critical pollutants in CPA & SPA etc. is under consideration of MoEF&CC, CPCB requested MoEF&CC vide letter dated 9/9/2019 seeking

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approval to share the information with SPCBs (Annexure V).

- To comply point no. (i) to (iii) of order dated 10/7/2019, CPCB requested all concerned SPCBs/PCCs vide letter dated 23/9/2019, to ensure that environmental surveillance mechanism is in place particularly in polluted industrial areas and steps taken against polluting activities not-complying with prescribed norms (Annexure-VI). Further, CPCB requested all concerned SPCBs/PCCs vide letter dated 25/10/2019, to provide the updated status on the action taken for compliance of Hon'ble NGT Order (Annexure-VII).

- To comply point no. (iv) of the order dated 10/7/2019, CPCB compiled information with regard to polluted industrial areas based on water pollution norms separately, air pollution norms separately and ground water pollution norm separately and the list was submitted to MoEF&CC on 26/9/2019 for consideration and approval.

- To comply point no. (iii) of the order dated 23/8/2019, CPCB has requested MoEF&CC vide letters dated 13/9/2019 and 3/10/2019 to devise an appropriate mechanism to ensure that new legitimate activity or expansion can take place after due precautions are taken in the areas in question by Red and Orange category of units and circulate to SPCBs/PCCs for implementation (Annexure-VIII & IX).

- MoEF&CC vide letter dated 9/10/2019 asked CPCB to hold a consultation meeting with stakeholders to finalise mechanism. Accordingly, a meeting was organised with concerned stakeholders to consult draft mechanism prepared by MoEF&CC for environmental management of Critically Polluted Areas (CPAs) and Severely Polluted Areas (SPAs) and consideration of projects listed in Red & Orange categories in those areas. The minutes of the meeting along with mechanism evolved after consultation with stakeholders were sent to MoEF&CC vide letter dated 18/10/2019 for necessary action.

- MoEF&CC vide letter dated 24/10/2019 asked CPCB to share the mechanism with the State /UT Govts. and SPCB/PCCs for implementation (Annexure-X). Accordingly, CPCB vide letter dated 25/10/2019 communicated the mechanism to the concerned State /UT Govts. and SPCB/ PCCs for necessary action (Annexure-XI).

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MoEF&CC also asked CPCB that report regarding CEPI and EPI assessment study may be put up to Ministry for further deliberation, which has been done (Annexure-XII)."

7. Mechanism circulated by the CPCB by letter dated 24.10.2019 proposes environmental management of CPAs and SPAs and the mitigation measures proposed.
8. As already noted, while every mitigation measures must be taken, this cannot be ground not to take any legal action for violation of law. The status report does not refer to compliance of directions for taking coercive measures for enforcement of the Air Act, the Water Act and the EPA Act by prohibiting operation of polluting activities and assessing and recovering compensation on 'Polluter Pays' principle, including interim compensation of which scale was specified in the said order.
9. In view of the above, since the data compiled so far shows increasing trend of air, water and soil pollution, meaningful action must result in reversing such trend and the violators of law cannot be allowed to have a free run at the core of environment and public health. Inaction by the statutory authorities is also at the cost of Rule of Law which is the mandate of the Constitution and is necessary for meaningful enforcement of legitimate constitutional rights of citizens and basic duty of a welfare State under the Constitution.
10. We may note the observation of the Hon'ble Supreme Court in the subject of accountability of authorities for failing to discharge their duties. In **M.C. Mehta v. UOI & Ors.**, W.P Civil No. 13029/1985 vide order dated 04.11.2019, the Hon'ble Supreme Court observed:

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"....Obviously, it is writ large that the State Governments, Government of NCT of Delhi and civic bodies have miserably failed to discharge their liability as per the directive principles of State Policy which have found statutory expression, they are being made statutory mockery and also the directions of this Court and High Courts in this regard are being violated with impunity.

.... Time has come when we have to fix the accountability for this kind of situation which has arisen and is destroying right to life itself in gross violation of Article 21 of the Constitution of India.

.... Everybody has to be answerable including the top state machinery percolating down to the level of gram panchayat. The very purpose of giving administration power up to the panchayat level is that there has to be proper administration and there is no room for such activities. The action is clearly tortuous one and is clearly punishable under statutory provisions, besides the violation of the Court's order."

In *Techi Tagi Tara vs. Rajendra Singh Bhandari and Ors.*, (2018) 11 SSC 734, it was observed:

"2..... There can be no doubt that the protection and preservation of the environment is extremely vital for all of us and unless this responsibility is taken very seriously, particularly by the State Governments and the SPCBs, we are inviting trouble that will have adverse consequences for future generations. Issues of sustainable development, public trust and intergenerational equity are not mere catch words, but are concepts of great importance in environmental jurisprudence.

4. One of the principal attributes of good governance is the establishment of viable institutions comprising professionally competent persons and the strengthening of such institutions so that the duties and responsibilities conferred on them are performed with dedication and sincerity in public interest. This is applicable not only to administrative bodies but more so to statutory authorities—more so, because statutory authorities are the creation of a law made by a competent legislature, representing the will of the people."

11. The Tribunal has thus no option except to reiterate that meaningful action has to be taken by the State PCBs/PCCs as already directed and action taken report furnished showing the number of identified polluters in polluted industrial areas mentioned above, the extent of

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closure of polluting activities, the extent of environmental compensation recovered, the cost of restoration of the damage to the environment of the said areas, otherwise there will be no meaningful environmental governance. This may be failure of rule of law and breach of trust reposed in statutory authorities rendering their existence useless and burden on the society. On default, the Tribunal will have no option except to proceed against the Chairmen and the Member Secretaries of the State PCBs/PCCs by way of coercive action under Section 25 of the National Green Tribunal Act, 2010 read with Section 51 CPC. Such action may include replacement of persons heading such PCBs/PCCs or direction for stopping their salaries till meaningful action for compliance of order of this Tribunal. The Tribunal may also consider deterrent compensation to be recovered from the State PCBs/PCCs. Such action taken reports strictly in terms of law and order of this Tribunal referred to above may be furnished by the State PCBs/PCCS on or before 31.01.2020 to the CPCB. The CPCB may prepare a tabulated analysis of the same and file a consolidated report before this Tribunal before February 15, 2020 by email at judicial-ngt@gov.in. The CPCB may also revise its mechanism for expansion and new activities by red and orange category of industries in critically/severely polluted areas consistent with the spirit of the earlier orders of this Tribunal and principles of environmental law to bring down the pollution load and ensure that activities do not further add to such load.

12. A copy of this order may be communicated by the CPCB to all the State PCBs/PCCs forthwith.

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List for further consideration on 04.03.2020. CPCB may provide its assessment reports on the subject to the concerned SPCBs/PCCs.

Adarsh Kumar Goel, CP

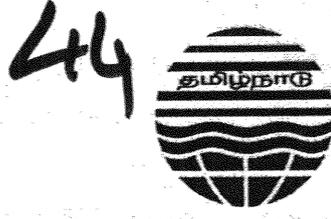
S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM





Annexure - IV



TAMIL NADU POLLUTION CONTROL BOARD

BY RPAD

அனுப்புநர்

திருமதி, ரா. சரசுவாணி, எம்.டெக்., எம்.பி.ஏ.,
பொது தகவல் அலுவலர் /
இணை தலைமை சுற்றுச்சூழல் பொறியாளர் - I,
தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்,
76, மவுண்ட் சாலை, கிண்டி,
சென்னை - 600 032.

பெறுநர்

திரு. எஸ். கிருஷ்ணமூர்த்தி,
35, முருகன்கோவில் தெரு,
முருகேசபுரம்,
திசையன்விளை - 627 657,
திருநெல்வேலி

கடித எண். த.நா.மா.க.வா./த.பெ.உ./010240 /கோ.எண். 182 /2023, நாள்: 15.06.2023

பொருள்: த.நா.மா.க.வா. தகவல் பெறும் உரிமைச் சட்டம் - 2005 -
தகவல் அளிப்பது - தொடர்பாக.

பார்வை: திரு. எஸ். கிருஷ்ணமூர்த்தி, திருநெல்வேலி,
அவர்களின் தகவல் பெறும் உரிமை சட்ட மனு
நாள்: 03.05.2023, இவ்வலுவலகத்தில் பெறப்பட்ட
நாள்: 08.05.2023

பார்வையில் குறிப்பிடப்பட்டுள்ள தங்களின் மனு தகவல் பெறும் உரிமைச் சட்டம் 2005-ன் படி தாங்கள் கோரியுள்ள தகவல்கள் தங்களுக்கு இத்துடன் இணைத்து அனுப்பப்படுகிறது.

இணைப்பு: மேற்குறிப்பிட்டுள்ளபடி.

பொது தகவல் அலுவலர்
15/6/23

மேல் முறையீட்டு அலுவலரின் முகவரி:

திரு. S.ராஜன், எம். இ.
மேல் முறையீட்டு அலுவலர் /
கூடுதல் தலைமை சுற்றுச்சூழல் பொறியாளர் - I,
தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்,
76, மவுண்ட் சாலை, கிண்டி,
சென்னை - 600 032.

No. 76, MOUNT SALAI, GUINDY, CHENNAI - 600 032.

Tel : 044-22353134 - 139 Fax : 044-22353068

Email : tnpccb-chn@gov.in Web : tnpccb.gov.in

திரு. எஸ். கிருஷ்ணமூர்த்தி, திருநெல்வேலி அவர்களிடம் இருந்து தகவல் அறியும் உரிமை சட்டத்தின்கீழ் பெறப்பட்ட மனுவில் எழுப்பப்பட்ட வினாக்களுக்கு கீழ்க்கண்டவாறு பதில் வழங்கப்படுகிறது.

வ. எண்.	கேள்வி	பதில்
1.	<p>தேசிய பசுமை தீர்ப்பாயம் உத்தரவு O.A.No.1038/2018 நாள் 14.11.2019 உத்தரவில் பத்தி 5-ல் குறிப்பிட்ட படி தமிழ்நாட்டில் உள்ள எட்டு தொழிற்பூங்கா பகுதிகளில் எந்தெந்த தொழிற்சாலைகள் அனுமதிக்கப் பட்ட அளவிற்கு அதிகமாக சுற்றுச்சூழல் மாசு ஏற்படுத்தி உள்ளது என்பதை கண்டுபிடிக்க அமைக்கப் பட்ட கமிட்டி விபரமும், மேற்கண்ட கமிட்டியினர் ஆய்வு செய்த அறிக்கை செய்த தொழிற்சாலைகள் விபரமும், மேற்கண்ட கமிட்டியின் ஆய்வறிக்கை நகலும் வழங்க கேட்டுக்கொள்கிறேன்.</p>	<p>தேசிய பசுமை தீர்ப்பாயம் உத்தரவு O.A.No.1038/2018 நாள் 14.11.2019 படி தமிழ்நாட்டில் எட்டு தொழிற்பூங்கா பகுதிகள் சுற்றுச்சூழல் மிகவும் பாதிக்கப்பட்ட பகுதிகளாக கண்டுபிடிக்க ஏற்படுத்தப்பட்ட குழுவினை பற்றிய தகவல்கள் இவ்வலுவலகத்தில் இல்லை. மேலும், குறிப்பிட்ட தொழிற்சாலைகளினால் ஏற்படுத்தப்பட்ட மாசுபாட்டின் ஆய்வறிக்கைகளும் இவ்வலுவலகத்தில் இல்லை. ஏனெனில் அத்தகைய ஆய்வுகள் குறிப்பிட்ட தொழிற்பூங்கா பகுதிகளில் நடத்தப்பட்ட ஆய்வுகளே தவிர குறிப்பிட்ட தொழிற்சாலைகளில் ஆய்வுகள் மேற்கொள்ளப்பட்டதற்கான தரவுகள் இவ்வலுவலக கோப்புகளில் இல்லை.</p>
2.	<p>மேற்கண்ட உத்தரவில் 11-வது பத்தியில் குறிப்பிட்ட படி மத்திய மாசுக்கட்டுப்பாடு வாரியம் மற்றும் மாநில மாசுக்கட்டுப்பாடு வாரியம் ஆகியவை இணைந்து ஆய்வு மேற்கொண்ட தொழிற்சாலைகள் விபரமும் அந்த ஆய்வறிக்கைகள் நகலும் வழங்க கேட்டுக் கொள்கிறேன்.</p>	<p>மேற்கண்ட பசுமை தீர்ப்பாய உத்தரவு O.A.No.1038/2018 நாள் 14.11.2019-ன் படி தமிழ்நாட்டில் 8 குறிப்பிட்ட தொழிற்சாலை பகுதிகளில் தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம் 3-ம் நபர் (Third party) ஆய்வகத்தின் மூலம் ஆய்வு மேற்கொள்ளப்பட்டது. மேலும் எந்த ஒரு தனிநபர் தொழிற்சாலைகளிலும் ஆய்வு மேற்கொள்ளப்படவில்லை என்பதனை இதன் மூலம் தெரிவிக்கப்படுகிறது. மேலும் மேற்கண்ட 8 தொழிற்சாலை பகுதிகளில் மேற்கொள்ளப்பட்ட ஆய்வு அறிக்கைகளை https://tnpcb.gov.in/action-plan-form.php இணையதள இணைப்பில் பதிவிறக்கம் செய்து கொள்ளலாம் என இதன்மூலம் தெரிவிக்கப்படுகிறது.</p>

வை சிபாமுஷி/2
துணை இயக்குநர் (ஆய்வகங்கள்)

2019
15/11/2019
3/11/2019

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TRANSLATION

TAMIL NADU POLLUTION CONTROL BOARD

BY RPAD

From

Mrs. R. Sarasavaani, M.Tech., M.B.A.,
The Public Information Officer/
The Joint Chief Environmental
Engineer-I,
Tamil Nadu Pollution Control Board,
76, Mount Road, Guindy,
Chennai- 600 032.

To

Mr. S. Krishnamoorthy,
35, Murugankovil Street,
Murugesapuram,
Thisayanvilai- 627 657,
Tirunelveli.

Letter No.TNPCB./T.P.O/010240/K.No.182/2023, Dated 15.06.2023

Sub: TNPCB- Right to Information Act, 2005- Information- Reg.

Ref: The application dated 03.05.2023 by Mr. S. Krishnamoorthy,
from Tirunelveli under the Right to Information Act has been received by
this office on 08.05.2023

The information requested by you under the Right to Information
Act, 2005 in your petition as mentioned in the reference is enclosed
herewith.

Enclosure: As Mentioned above

-sd- 15/6/23

Public Information Office

Address of the Appellate Authority:

Mr. S. Raajan, M.E,
Appellate Authority/
Additional Chief Environmental Engineer-I,
Tamil Nadu Pollution Control Board,
76, Mount Road, Guindy,
Chennai- 600 032.

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Here are the answers for the question in the petition, sought by Mr.

S.Krishnamoorthy, from Tirunelveli under the Right to Information Act.

S.No	Question	Answer
1.	I request you to provide the details of the committee set up to find out the industries which are causing environment pollution above the suggested level as mentioned in Para 5 of the order passed by National Green tribunal in O.A.No.1038/2018 dated 14.11.2019, out of eight Industrial Area in Tamil Nadu, the details of the industries which was inspected and mentioned in the report submitted by the committee and to provide the photo copy of the inspection report.	There is no information available regarding the committee formed to identify the Industrial areas which are most environmentally affected out of the eight Industrial Parks in Tamil Nadu as per the order passed by National Green tribunal in O.A.No.1038/2018 dated 14.11.2019. Further there is no information available on the extent of pollution caused by such industries. Because only data regarding the inspection in the said industrial areas are available and there is no data available regarding the inspection of the said industries.
2.	I request you to provide the details of the industries which was inspected by the Central Pollution Control Board and State Pollution Control Board jointly as mentioned in the 11 th Para of the above-mentioned order and to provide the photo copy of the inspection report.	The Tamil Nadu Pollution Control Board has inspected through 3 rd party laboratories in the said eight industrial areas in Tamil Nadu as per the above mentioned order passed by National Green tribunal in O.A.No.1038/2018 dated 14.11.2019. Further it is assured that there was no inspection carried out in the said industries and you can download the report of the inspection carried out in the eight industrial areas in https://tnpcb.gov.in/action-plan-form.php

-sd- 15/06/23

Assistant Director (Laboratories)

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Annexure - V



पश्चिमबङ्ग पश्चिम बंगाल WEST BENGAL

L 138185

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") dated 29 July 2011 entered into:

BETWEEN

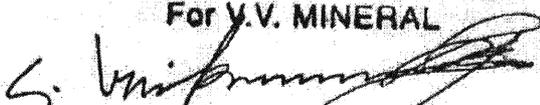
MR. S. Vaikundarajan, Partner, M/s V. V. Mineral, a firm registered under the Indian Partnership Act, 1932 and having its registered office at Tisayanvilai, Tirunelveli ("Buyer" which expression shall be deemed to mean and include their respective heirs, executors, administrators and permitted assigns).

AND

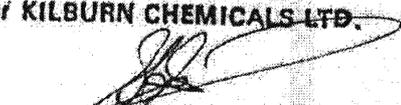
KILBURN CHEMICALS LIMITED, a company incorporated under the Companies Act, 1956 and having its registered office at New No. 23, Old No.12, Neelakanta Mehta Street, T. Nagar, Chennai-600 017 and its corporate office at Shantiniketan, 16th Floor, 8, Camac Street, Kolkata - 700 017, represented by its Managing Director, Mr. S.K. Jalan ("Seller" which expression shall be deemed to mean and include its successors and permitted assigns).

WHEREAS the Buyer intends to purchase and the Seller is willing to sell the Business (as defined hereinafter) on the terms and conditions set out hereinafter:

For V.V. MINERAL


Managing Partner

For KILBURN CHEMICALS LTD.


Managing Director

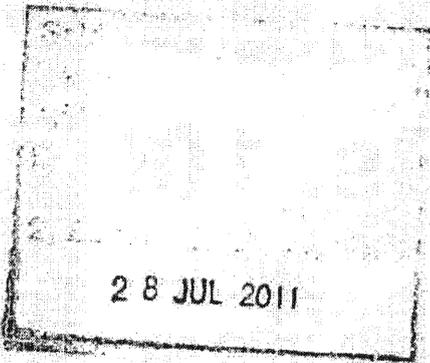
49

87009

Wilburn Chemical Ltd

8. Carnac St

Kol-12



Licensed Stamp Vendor

C. M. M. Coors

2. Bankhal W. Kol-1

A large, stylized handwritten signature in black ink, written over the stamp vendor information. The signature is highly cursive and difficult to decipher.

For V. M. M. Coors

Managing Partner

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1. **Transaction**

Subject to the completion of the business, legal and financial due diligence of the Business to the satisfaction of the Buyer and the execution of Definitive Agreements (as defined in Clause 7) and fulfillment of the Conditions Precedent (as defined in Clause 8), the Buyer shall acquire the Business (as defined in Clause 4) by way of a slump sale on a going concern basis ("Transaction").

The parties agree that the consummation of the Transaction shall be subject to, and conditional upon the Buyer being satisfied with the findings of the due diligence undertaken by it, and upon the timely fulfillment of the Conditions Precedent to the Buyer's satisfaction.

Parties agree also that Buyer shall have the right to acquire the Business, as above, either by itself or through any entity controlled by them.

2. **Consideration and Adjustments**

The consideration for sale and transfer of the Business (including the Business Assets and Liabilities and excluding the Excluded Assets and Liabilities) payable by the Buyer to the Seller shall be as follows:

- a) Rs. 90,00,00,000/- (Rupees Ninety Crores only);
- b) Plus the value of the "net current assets" being transferred as on the Closing (as defined in Clause 3). For the purposes of computation of "net current assets" under this Clause 2, items like cash and bank, loans & advances, sundry creditors etc forming part of the Excluded Assets and Liabilities shall not be included. Provided, however, "net current assets" shall have an upper ceiling of Rs 20,00,00,000 (Rupees Twenty Crores) with plus or minus 10% and the Seller has the right to exclude all or part of the finished goods (see Clause 5(e)) at Seller's sole discretion.

hereinafter (a) and (b) above are collectively referred to as "Sale Consideration".

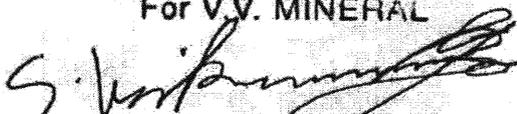
Adjustments:

- a) In the event of any of the findings of due diligence disclosing liabilities (actual, potential or contingent), other than those disclosed by the Seller to the Buyer, then, the parties shall mutually negotiate adjustments in the Sale Consideration.
- b) Further, any adjustment in the net current assets shall be completed in the manner set out in Definitive Agreements.

3. **Payment Terms**

- a) The Buyer has tendered a sum of Rs 30,00,00,000 (Rupees Thirty Crores) ("Advance Amount") by way of cheques bearing reference numbers 095427, 095428, 095429, 095430, 095431, 095432 dated 30 July 2011 drawn on Federal Bank, Tuticorin, to the Seller as and by way of advance towards the purchase of the Business. The parties agree that the

For V.V. MINERAL


Managing Partner

For KILBURN CHEMICALS LTD.


Managing Director

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Advance Amount shall form part of the Sale Consideration if the transaction proceeds to consummation.

- b) The Seller shall refund the Advance Amount in the event the Transaction is not consummated due to any reason whatsoever, including without restriction non-receipt of Seller's shareholders approval or any other material consent for the Transaction or non-fulfilment of the Conditions Precedent to the Buyer's satisfaction.
- c) The balance Sale Consideration shall be paid at the time of transfer of Business ("Closing") in accordance with the Definitive Agreements.

4. **Business**

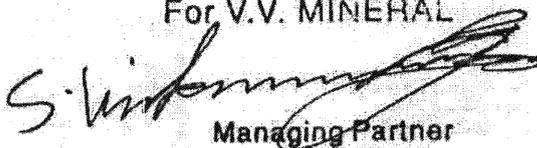
Business shall mean Seller's division located at Sipcot Industrial complex, Milavittan, Thoothukkudi 628 002 and precincts thereof, wherein the manufacture and sale of the anatase grade titanium dioxide is carried on, comprising of the Business Assets and Liabilities, but shall exclude the Excluded Assets and Liabilities ("Business").

5. **Business Assets and Liabilities**

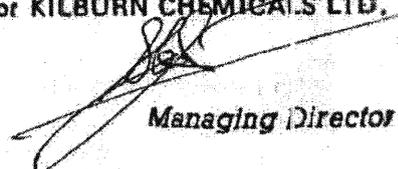
The following shall constitute "Business Assets and Liabilities":

- a) The leasehold land (leased from SIPCOT) where factory is situated will be assigned or transferred.
- b) All plant and machinery, equipment, vehicles, office equipment, furniture fittings and generally all assets of whatsoever description forming part of the Tuticorin Division of the Seller described in Clause 4 above. A list of assets prepared by the Seller is attached herewith as Annexure A hereto. The parties recognize that the Buyer has not had time to verify the correctness of this list and the correctness/completeness of the same shall be verified in the course of the due diligence.
- c) The Seller shall make all reasonable efforts to ensure that all the employees of the Seller deployed for the Business including all managerial personnel (except Mr P.S. Venkatesh, President of Kilburn, Mr S.K. Jalan, Managing Director of Kilburn and Mr Muneesh Meherwal, employee located at Kolkata) ("Employees") take up employment with the Buyer. The list of Employees with terms and conditions of service are more specifically set out in Annexure B hereto. All the provident fund/gratuity/leave/medical would be fully funded till date of transfer of the Employees. The terms of transfer would be on the basis of continuity of service and on terms no less favourable than currently being given to them.
- d) All inventories in relation to the Business including raw material, stores and spare parts, finished goods and work in process. Provided, however, the Seller has the right to exclude all or part of the finished goods which are dispatched as on Closing, if the Seller so desires.
- e) Trade Receivables (sundry debtors).

For V.V. MINERAL


Managing Partner

For KILBURN CHEMICALS LTD.


Managing Director



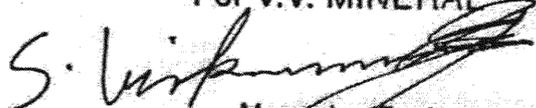
- f) Sundry Creditors as set out in Annexure C hereto, with the consent of the creditors. The Seller represents that the Sundry Creditors List tallies with the figures stated in the audited balance sheet for the year ending 31 March 2011.
- g) All payments, advances and deposits to government agencies like TNEB (power), TNPCB (pollution), excise, sales tax, customs etc (hereinafter referred to as "Statutory Deposits") will get transferred to Buyer. The manner of reimbursement of Statutory Deposits and/or transfer of the same in favour of the Buyer shall be agreed in the Definitive Agreements.
- h) The Seller shall use reasonable efforts to cause its network of distributors all over the country to be transitioned to the Buyer. The security deposits amounting to Rs 1,02,00,000 (Rupees One crore two lakhs) received by the Seller from such distributors shall be transferred to the Buyer and the Buyer shall be liable to repay such security deposits to the distributors. The Buyer will execute such documentation as may be required for this purpose.
- i) The Buyer would have the right to use the "Kilburn" brand on the products manufactured in the Business for 6 (six) months from Closing. The Seller will try to extend this period however cannot currently commit and the extension, if any, would be by mutual consent in writing. However, during the period of such use of the "Kilburn" brand, the Buyer commits to maintain quality of the product so that the "Kilburn" brand is not adversely affected. Necessary documentation to record the terms and conditions of the use of "Kilburn" brand shall be entered into between the parties on mutually agreed terms and conditions.
- j) The Seller and the Buyer shall discuss whether the Buyer can take over litigations in relation to the Business.
- k) The Buyer and Seller shall agree upon a mechanism to enable the Buyer to obtain the benefit of any of the contracts which cannot be assigned without the consent of a third party. However, this shall not apply to material contracts, which the Seller shall ensure assignment of, to the Buyer.

6. **Excluded Assets and Liabilities**

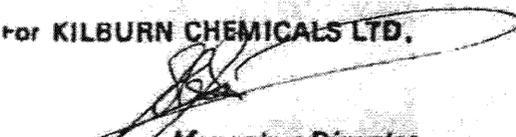
The following shall constitute "Excluded Assets and Liabilities":

- a) Long term secured and unsecured loans.
- b) Working capital loans from banks.
- c) Cash and Bank Balances.
- d) Loans and advances except Statutory Deposits. In case of loans/advances given to employees being transferred, the same would be taken over by the Buyer by paying the Seller for the same.
- e) All office equipment, furniture & fittings, vehicles and other assets located outside of Tuticorin.

For V.V. MINERAL


Managing Partner

For KILBURN CHEMICALS LTD.


Managing Director

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- f) All computer software owned by the Seller.
- g) All rented and leasehold property outside of the Tuticorin Division.
- h) Three windmills located in Tamil Nadu and related land/assets etc and associated CDM project.
- i) Any liabilities which are not covered in Clause 5 above, including any liabilities not included in the Sundry Creditors List as set out in Annexure C hereto.
- j) All litigation.
- k) The Seller's company name "Kilburn Chemicals" is not a part of the Transaction, provided however, for 6 (six) months from Closing, the Buyer would be allowed to use the term "V.V. Minerals – Kilburn Chemicals (Tuticorin Unit)" only in reference to correspondence and applications made to central and state governments for the purpose of transfer of applicable licenses/consents, etc.

7. Definitive Agreements

The Buyer and the Seller shall enter into definitive agreements in relation to the Transaction including the following documents ("Definitive Agreements"):

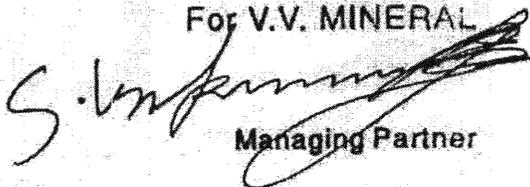
- a) Business transfer agreement;
- b) Brand use agreement for the "Kilburn" brand;
- c) All other agreements and documents required to be executed between the parties pursuant to this MOU for the purpose of consummating the Transaction.

8. Conditions Precedent

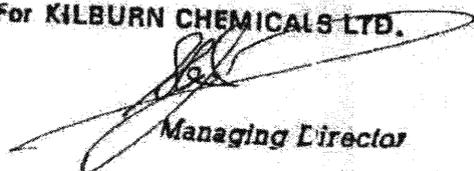
Each of the party's obligation to consummate the Transaction will be subject to the satisfaction of the following conditions precedent ("Conditions Precedent"):

- a) Execution of a mutually acceptable Definitive Agreements for the Transaction.
- b) Completion of all necessary corporate actions by the Seller for the Transaction including the passing of resolution of Seller's shareholders as required under the Companies Act, 1956 and fulfilment of all other obligations under the Listing Agreement or as may be stipulated by the Securities Exchange Board of India (SEBI).
- c) The Seller shall have obtained consents from its lenders, as may be necessary for the purpose of the Transaction.
- d) Completion of the due diligence and addressing all issues arising therefrom to the satisfaction of the Buyer.

For V.V. MINERAL


Managing Partner

For KILBURN CHEMICALS LTD.


Managing Director

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- e) Any other conditions precedent as may be identified by the parties.

9. Timelines

- a) Due Diligence: Buyer to carry out a business, legal and financial due diligence on or before 14 September 2011 ("End Date"). Seller shall extend its fullest cooperation and access to all relevant records, personnel, documents, and assets, in this regard. Seller shall also permit Buyer's consultants to speak to Seller's consultants, if the need arises.
- b) Definitive Agreements: Parties shall negotiate, finalise and execute the Definitive Agreements on or before 1 September 2011, subject to the data for the due diligence being provided in a timely fashion.
- c) Closing: Subject to the due fulfillment of the Conditions Precedent to the Buyer's satisfaction, the Closing shall take place on 30 September 2011, unless otherwise agreed in writing between parties.

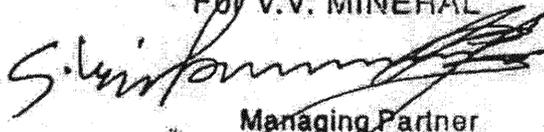
10. Stand-Still Obligations

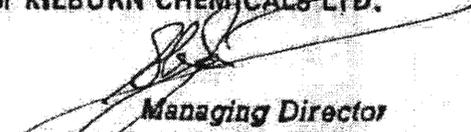
From the date of this MOU, and until 30 September 2011, or 15 days following the End Date, whichever is later:-

- a) Seller shall not alter the terms of service of any of the Employees, nor shall Seller dismiss or remove from service any of the Employees, or announce any bonuses or new compensation plans or VRS scheme for the Employees;
- b) Seller shall not create any mortgages, encumbrances or third party interests, in or over the Business or assets associated therewith;
- c) Seller shall not enter into any long-term supply contracts, or renew any expiring long-term supply contracts, save with the prior written consent of the Buyer;
- d) Seller shall not terminate any distributorships;
- e) Seller shall not remove, dismantle, deactivate, or fail to service or maintain, any items of machinery forming part of the Business;
- f) Seller shall keep the Business including all licenses, approvals and permissions necessary or desirable for the same, in good standing.

11. Non-Compete

For a period of 3 (three) years from the date of the Closing, the Seller shall not be entitled to commence and carry on the business of trade and sale of the titanium dioxide anywhere in the world, provided however, Seller shall be entitled to market and/or sell titanium dioxide manufactured by the Seller.

For V.V. MINERAL

Managing Partner

For KILBURN CHEMICALS LTD.

Managing Director

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12. **Exclusivity**

From the date of this MOU until 30 September 2011, neither the Seller, nor any of the employees of the Seller shall enter into negotiations, discussions or agreements, for the sale, transfer, or other means of conveyance of any beneficial interest in Kilburn Chemicals Limited, or in the Titanium Dioxide Division, or any portion thereof.

13. **Confidentiality**

The parties to this MOU agree to keep the contents of this MOU, the existence hereof and the identity of the Buyer strictly confidential. The Buyer shall keep all information received during the due diligence process strictly confidential until the Closing.

All discussions and negotiations between the parties, including the due diligence and findings therein shall be maintained strictly confidential.

14. **Announcement**

Except as required under applicable laws (including the listing agreement with stock exchanges), neither party shall make any public announcement of the Transaction without the prior written consent of the other party.

15. **Governing Law**

This MOU and the Definitive Agreements shall be governed by the laws of India.

16. **Arbitration**

Any controversy, conflict or dispute of any nature arising out of or relating to this MOU shall be settled exclusively and finally by arbitration carried out in Chennai, India and conducted in the English language. The arbitral tribunal shall consist of 3 (three) arbitrators. Each party shall appoint 1 (one) arbitrator and the 2 (two) appointed arbitrators shall appoint a third arbitrator. The arbitration shall be conducted and finally settled in accordance with the Arbitration and Conciliation Act, 1996. The arbitrator shall be fluent in English.

17. **Jurisdiction**

Subject to Clause 15, courts in Chennai shall have jurisdiction in relation to any conflicts or disputes arising out of or relating to this MOU.

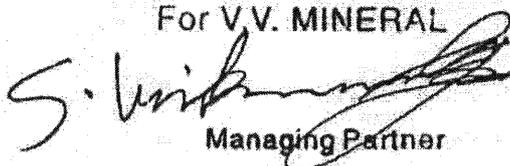
18. **Costs**

Each party shall bear its own costs.

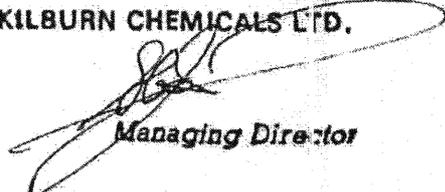
19. **Miscellaneous**

This MoU shall remain in force until such time as the Definitive Agreements are entered into between the Parties, except as may be specifically provided in the Definitive Agreements

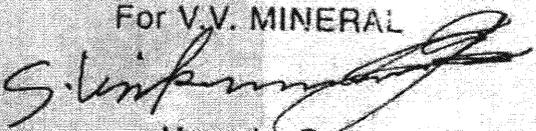
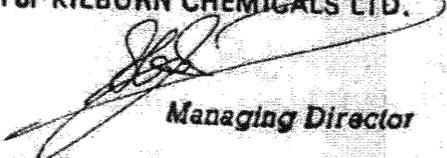
For V.V. MINERAL


Managing Partner

For KILBURN CHEMICALS LTD.


Managing Director

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For the Buyer	For the Seller
<p>For V.V. MINERAL</p>  <p>Managing Partner</p>	<p>For KILBURN CHEMICALS LTD.</p>  <p>Managing Director</p>
<p>By: Mr S. Vaikundarajan</p>	<p>By: Mr S.K. Jalan</p>
<p>Title: Partner, M/s VV Mineral</p>	<p>Title: Managing Director, Kilburn Chemicals Ltd</p>
<p>Date: 29 July 2011</p>	<p>Date: 29 July 2011</p>
<p>Place: Kolkata</p>	<p>Place: Kolkata</p>



Annexure - VI

V.V. Titanium Pigments Private Limited

(AN ISO 9001 : 2015 | ISO 14001 : 2015 | ISO 45001 : 2018 CERTIFIED COMPANY)

VVTI/L&PR/TNPCB/MAIN PLANT/2025-26

30.05.2025

The Member Secretary
Tamilnadu Pollution Control Board
76, Mount Salai
Guindy - 600 032

Dear Sir,

Sub: Our Action Plan based on our technical presentation to TNPCB Chennai Office on dt. 29.05.2025 - Reg
Ref: 1) Our Online Application No. 62836380 dt. 02.01.2025.
2) VVTI/L&PR/TNPCB/MAIN PLANT/2025-26 dt. 29.05.2025

In furtherance to our letter cited second under reference, we are submitting the Consolidated Report on findings, recommended remedial measures and compliance status in the detailed land reclamation and post monitoring studies, received from the University of Madras, CERG, Chennai is enclosed herewith for your kind perusal.

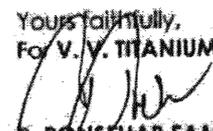
As represented in the meeting, M/s. IREL (India) limited, odisha is our only indigenous source of main raw material, ilmenite. M/s. IREL (India) limited is supposed to supply ilmenite with valid Consent from the State Pollution control Board and they stop supply of ilmenite which results in shutdown of our plant. It is humbly submitted that we are facing lot of problems in procuring the ilmenite from the M/s. IREL (India) limited who insist us to submit the copy of the valid consent orders every year due to which our normal operations is getting affected which in turn makes huge loss to our company.

Hence, we request your kind honour to arrange to process our application for granting the **renewal of Consent to Operate** to our unit **V.V. Titanium Pigments Private Limited** for a further period of **THREE years (2025-28)** so as to enable us to maintain sustainable operations of our plant.

We assure you that we are always adhering to the instructions issued by the Board from time to time.

Thanking you,

Yours faithfully,
For **V. V. TITANIUM PIGMENTS PRIVATE LIMITED**


R. PONSEHAR SAMUEL
VICE-PRESIDENT - OPERATIONS

cc: 1) The Joint Chief Environmental Engineer(M)
Tamil Nadu Pollution Control Board
Tirunelveli

2) The District Environmental Engineer
Tamil Nadu Pollution Control Board
C-7 & C-9, SIPCOT Industrial Complex
Thoothukudi



Factory : A-81, SIPCOT Industrial Complex, South Veerapandiapuram PO, Thoothukkudi - 628002, Tamil Nadu, INDIA
Phone : +91-461-2340491 / 92 / 93 / 94 / 95. Fax: +91-461-2340449 Email: info@vvtitanium.in web : www.vvtitanium.in

PAN : AADCV7723P CIN : U24110TN2011PTC082322 GSTIN : 33AADCV7723P1ZU

Registered Office : Keerakarathattu, Tisaiyanvilai - 627657, Tirunelveli District, Tamil Nadu, INDIA. Ph: +91-4637-272361. Fax: +91-4637-272802.

Corporate Office : New No.14, Old No. 500, Pantheon Road, Egmore, Chennai - 600 008.

"ALL CORRESPONDANCE MAY PLEASE BE ADDRESSED TO FACTORY"

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**CONSOLIDATED REPORT ON CONTAMINATED LAND RECLAMATION
STUDY FINDINGS, PROPOSED REMEDIAL MEASURES AND
COMPLIANCE STATUS OF V.V. TITANIUM PIGMENTS PRIVATE
LIMITED,
THOOTHUKUDI TAMIL NADU, INDIA**

**Report
Submitted to**



V.V. TITANIUM PIGMENTS PRIVATE LIMITED

Submitted by



Dr. P. SARAVANAN
Assistant Professor in Geology
University of Madras
Chennai 600 025

CERG
Climate and Environmental Research Group

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Consolidated Report on Contaminated Land Reclamation study findings, proposed remedial measures and compliance status of V.V. Titanium Pigments Private Limited, Thoothukudi

From December 2020 to till date we are engaged in Contaminated land reclamation studies to an extent of 40 acres for V.V. Titanium Pigments Private Limited. We herewith furnished the details of consolidated status of the findings of the study, remedial measures recommended by us and their compliance.

FIRST STUDY REPORT			
EXTEND OF THE CONTAMIANATED SITE – 4 ACRES			
DETAILED LAND RECLAMATION INVESTIGATION IN V.V.TITANIUM PIGMENTS PRIVATE LIMITED, THOOTHUKUDI			
Sl No	Findings	Recommended Remedial measures	Compliance status
1)	Ground water quality of the study area is uncontaminated due to the storage of un reacted ilmenite Average Values pH – 7.58 EC – 375.4 TDS – 278.8 TH – 106.6 SAR – 1.63 RSC - -0.41 Na% - 45.8	Nil Suitable for irrigation purpose	Not Applicable
2)	<u>Soil Quality</u> Cr, Cu, Ni, Pb and V has no enrichment Fe, Mn, Co, Zn, and Ti has enrichment factor >1 Based on Igeo the study area is uncontaminated	Mixing/blending of good soil with the enriched soil	The unit has systematically and properly carried out the land reclamation of the entire 4 acres by mixing the good soil with enriched soil, levelled the area and kept clean for further green belt development.

	with Mn, Co, Fe, Zn, Ni, V, Cr, Pb, and Cu Igeo of Ti is in the range of moderately contaminated. Based on PERI the soil is grouped under low risk category	Regeneration of the area by natural means by planting appropriate natural plant species Periodic monitoring of soil and ground water in the study area once in six months for two years.	Around 500 trees were planted in the reclaimed site and protected with fencing to avoid grazing. V.V.Titanium Pigments private Ltd entrusted us to undertake Post monitoring study on soil and water quality.
SECOND STUDY REPORT			
EXTEND OF THE RECLAIMED SITE – 4 ACRES			
POST MONITORING REPORT -I			
DETAILED POST MONITORING STUDY ON THE RECLAIMED LAND IN V.V.TITANIUM PIGMENTS PRIVATE LIMITED, THOOTHUKUDI			
The post monitoring study confirms that V.V.Titanium Private Limited has implemented the remedial measures suggested by us and the reclaimed site clearly reveals that there has been an improvement on the soil and water quality to a great extent.			
1)	Ground water quality of the study area is within permissible limits. Average Values pH – 7.54 EC – 374 TDS – 262 TH – 106 SAR – 1.59 RSC - -0.45 Na% - 38.43	Nil Suitable for irrigation purpose	Not Applicable
2)	<u>Soil Quality</u> Significant reduction in the concentration of trace elements in the reclaimed site. Cu, Cr, Ni, Pb, Zn and V has no enrichment	Redevelopment of the reclaimed site shall be achieved through Phyto stabilization. It is recommended to plant fast growing local plant species, which can adapt to the local climate.	Around 500 trees were planted in the reclaimed site and protected with fencing to avoid grazing.

<p>Mn, Co, Zn, and Ti has enrichment factor >1 Based on Igeo study geo accumulation values of all the trace elements found <0 suggesting the soil studied were uncontaminated with all the examined trace elements. Based on PERI the soil is grouped under low risk category.</p>	<p>The list of tree species suggested for green belt development. 1. <i>Carica papaya</i> L. 2) <i>Boerhavia diffusa</i> L. 3) <i>Cenhrus ciliaris</i> L. 4) <i>Azadirachta indica</i> A.Juss. 5) <i>Casuarina litorea</i> L. 6) <i>Bulbostylis barbata</i> 7. <i>Cocos nucifer</i> 8) <i>Delonix regia</i> 9) <i>Palm</i> 10) <i>Thespesia populnea</i> (L.) 11. <i>Hibicus tiliaceus</i> L. 12. <i>Ficus benghlensis</i> 13) <i>Euphorbia tortilis</i> Rottler 14. <i>Dalbergia sisso</i> 15. <i>Ficus religiosa</i>.</p> <p>Sustainable development and land reclamation can be achieved by periodical monitoring of the changes in the soil and ground water quality with effective researching on efficient treatment technologies.</p>	<p>V.V.Titanium Pigments private Ltd entrusted us to undertake Post monitoring study on soil and water quality</p>
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THIRD STUDY REPORT

EXTENT OF THE CONTAMIANTED SITE – 40 ACRES

DETAILED LAND RECLAMATION INVESTIGATION (ENTIRE AREA) IN M/s V.V.TITANIUM PIGMENTS PRIVATE LIMITED

<p>1)</p>	<p>Industrial activity does not affect the aquifers in and around the study area Average Values pH – 7.54 EC – 396.86 TDS – 291.43 TH – 108.14 SAR – 1.67 RSC - -0.47 Na% - 49.84</p>	<p>Nil Suitable for irrigation purpose</p>	<p>Not Applicable</p>
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<p>2)</p>	<p><u>Soil Quality Concentrations</u> of trace elements in the soil of the entire study area are well below the permissible limits. All the studied trace elements Viz. Mn, Cu, Cr, Ni, Pb, Zn, Co, Ti and V has no enrichment (Enrichment Factor EF <1) Based on Igeo study geo accumulation values of all the trace elements are found < 0 suggesting the soil studied were uncontaminated with all the examined trace elements.</p> <p><u>Pollution Indices Average Pollution Index API</u> < 1 and <u>Pollution Load Index PLI</u> <1 suggest the entire study area is uncontaminated by anthropogenic activity. Based on <u>Sediment Pollution Index (SPI)</u> the study area is grouped under natural sediment. Based on <u>Potential Ecological Risk Index (PERI)</u> values the soil is grouped under low risk category.</p>	<p>Regeneration of the area by natural means by way of ecological restoration is by planting appropriate native plant species which aids land reclamation.</p> <p>The list of tree species suggested for green belt development. 1. <i>Carica papaya</i> L. 2) <i>Boerhavia diffusa</i> L. 3) <i>Cenhrus ciliaris</i> L. 4) <i>Azadirachta indica</i> A.Juss. 5) <i>Casuarina litorea</i> L. 6) <i>Bulbostylis barbata</i> 7. <i>Cocos nucifer</i> 8) <i>Delonix regia</i> 9) <i>Palm</i> 10) <i>Thespesia populnea</i> (L.) 11. <i>Hibicus tiliaceus</i> L. 12. <i>Ficuc benghlensis</i> 13) <i>Euphorbia tortilis</i> Rottler 14. <i>Dalbergia sisso</i> 15. <i>Ficus religiosa</i>.</p> <p>Redevelopment of the site can be carried out by implementing <u>Phyto stabilization technique</u> which reduces the mobility of trace elements, if any present in the soil.</p> <p>To provide adequate numbers of monitoring borewells in the selected spots covering the entire area where the ferro gypsum is stored.</p>	<p>V.V.Titanium Pigments Private Limited has planted around 1200 trees in the study area and protected by fencing to avoid grazing.</p> <p>Emphasis are given by the Unit to choose plants species that contain and stabilize contaminants in the soil and render them harmless</p> <p>V.V.Titanium Pigments private Ltd has provided 10 monitoring wells covering the entire study area where the ferro gypsum is stored.</p>
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FOURTH STUDY REPORT			
EXTENT OF THE RECLAIMED SITE – 40 ACRES			
POST MONITORING REPORT - I			
DETAILED POST MONITORING INVESTIGATION ON THE ENTIRE 40 ACRES RECLAIMED LAND IN M/s V.V.TITANIUM PIGMENTS PRIVATE LIMITED			
Post monitoring study confirms that all the water and soil quality parameters studied are well within the permissible limit suggesting that the green belt development with appropriate native species has successfully reclaimed the entire study area of 40 acres.			
1)	<p>Post monitoring study ensures that Industrial activity does not affect the aquifers in and around the study area</p> <p>Average Values pH – 7.63 EC – 387.29 TDS – 283.57 TH – 108.61 SAR – 1.63 RSC – -0.39 Na% - 45.52</p>	<p>Nil Suitable for irrigation purpose</p>	<p>Not Applicable</p>
2)	<p><u>Soil Quality</u> Post monitoring study ascertain concentrations of trace elements in the soil of the entire study area are well below the permissible limits.</p> <p>All the studied trace elements Viz. Mn, Cu, Cr, Ni, Pb, Zn, Co, Ti and V has no enrichment (Enrichment Factor EF <1)</p> <p>Based on Igeo study geo accumulation values of all the trace elements found <0 suggesting the soil studied were uncontaminated with all the examined trace elements.</p>	<p>To continue the periodic monitoring of soil and ground water in the entire reclaimed area as scheduled for two years in the interval of six months and find out the effects of land reclamation on soil environment.</p> <p>To continue the redevelopment of the site by implementing Phyto stabilization technique that reduces the mobility of trace elements, if any present in the soil.</p>	<p>V.V.Titanium Pigments private Ltd entrusted us to undertake Post monitoring study on soil and water quality</p> <p>V.V.Titanium Pigments Private Limited has planted around 1500 trees in the study area and protected by fencing to avoid grazing.</p> <p>Emphasis are given by the Unit to choose plants</p>

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<p>Pollution Indices Average Pollution Index API < 1 and Pollution Load Index PLI < 1 suggest the entire study area is uncontaminated by anthropogenic activity. Based on Sediment Pollution Index SPI the study area is grouped under natural sediment. Potential Ecological Risk Index (PERI) assessment data grouped the soil of the study area under low risk category.</p>	<p>To continue the periodic monitoring of monitoring borewells in the selected spots covering the entire area where the ferro gypsum is stored for sustainable development of the land.</p>	<p>species that contain and stabilize contaminants in the soil and render them harmless V.V.Titanium Pigments private Ltd has got the monthly Report of Analysis (RoA) for all the 10 monitoring wells from TNPCB.</p>
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FIFTH STUDY REPORT

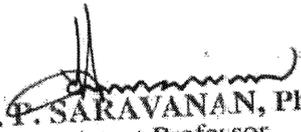
EXTENT OF THE RECLAIMED SITE - 40 ACRES

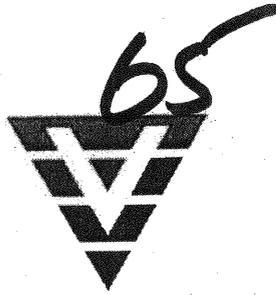
POST MONITORING REPORT - II

DETAILED POST MONITORING INVESTIGATION ON THE ENTIRE 40 ACRES RECLAIMED LAND IN M/s V.V.TITANIUM PIGMENTS PRIVATE LIMITED

Second post monitoring study on entire area of 40 acres confirms that all the water and soil quality parameters studied are well within the permissible limit suggesting that the unit has properly executed all the remediation measures recommended by us and they have achieved their land reclamation goals of maintaining the values of soil and water quality parameters within regulatory standards. Green belt development implemented by the industry with appropriate native plant species has played a significant role in reclamation of the entire study area of 40 acres.

<p>I)</p>	<p>Water and soil quality parameters studied are well within the permissible limits.</p>	<p>A detailed Post Monitoring Report II will be submitted to V.V.Titanium Pigments Private Limited, Thoothukudi within 10 days.</p>	<p>-</p>
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Dr. P. SARAVANAN, Ph.D.
 Assistant Professor,
 Department of Geology
 University of Madras,
 (Guindy Campus)
 Chennai-600 025.



Annexure - VII

V.V. Titanium Pigments Private Limited

(AN ISO 9001 : 2015 | ISO 14001 : 2015 | OHSAS 18001 : 2007 CERTIFIED COMPANY)

VVTi/L&PR/TNPCB/2019-2020

04.03.2020

Shri. A.V. Venkatachalam, IFS
Chairman
Tamil Nadu Pollution control board,
76, Mount Salai, Guindy,
Chennai - 600 032

Dear Sir,

Sub: Interim Environmental Compensation – Reply Submitted – Reg.
Ref: Your letter No. T4/TNPCB/F.2643/CEPI/EC/TTN/2020 dated 28.01.2020
(A Copy of which received by us on 20.02.2020 from the TNPCB,
Thoothukudi)

We are in receipt of a copy of your letter in reference cited, calling upon us to pay Rs.100 Lakhs allegedly on the ground that there is intentional discharge, by our factory, to the environment -- land, water and air resulting in acute injury or damage to the environment.

At the outset, permit me to deny the allegation that there has been any environmental damage as alleged in the letter by M/s. V.V. Titanium Pigments Private Limited (VVTi). Let me bring to your kind notice that VVTi, is a private limited company (not a partnership as stated in the notice), committed to producing quality products and at the same time, balancing the economic interests of the institution with social and environmental concerns of the society in general and those in Thoothukudi in particular. VVTi has a world-wide reputation for Quality. In addition to the prestigious ISO 9001:2015, ISO 14001:2015 and OHSAS 18001:2007 certification, the company's Titanium Dioxide pigment is certified by the Bureau of Indian Standards as conforming to IS-411 specifications. Since we have been certified for ISO 4001:2015, I am sure

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Factory : A-81, SIPCOT Industrial Complex, South Veerapandiapuram PO, Thoothukkudi - 628002. Tamil Nadu, INDIA
Phone : +91-461-2340491 / 92 / 93 / 94 / 95. Fax: +91-461-2340449 Email: info@vvtitanium.in web : www.vvtipigments.com
PAN : AADCV7723P CIN : U24110TN2011PTC082322 GSTIN : 33AADCV7723P1ZU

Registered Office : Keeraikaranthattu, Tisaiyanvilai - 627657. Tirunelveli District. Tamil Nadu, INDIA. Ph: +91-4637-272361. Fax: +91-4637-272802.
Corporate Office : New No.14, Old No. 500, Pantheon Road, Egmore, Chennai - 600 008.

"ALL CORRESPONDANCE MAY PLEASE BE ADDRESSED TO FACTORY"



- 2 -

you will appreciate that such certifications will not be given unless we confirm to all standards including those of environmental ones. In addition, VVTi earns vital foreign exchange for the country. We export a sizeable quantity of our products to Germany, Spain, Malaysia, Thailand, Dubai, USA etc. The industrial standards in Europe are particularly piercing that the products that are imported are not from industries which damage the environment. Moreover, our MNC Customers like Unilever, Colgate, 3M, etc are conducting periodical audit at our facility to ensure environmental protection as well as the safety & health of the employees for fulfilling their requirement of responsible sourcing.

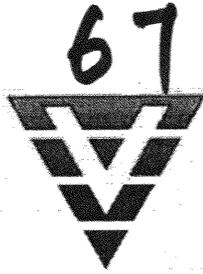
VVTi is particularly sensitive to environmental issues. That is the reason why we have dedicated staff to attend to the slightest of issues regarding environment. Fortunately, due to the commitment of the team, VVTi continues to own a plant which does not pollute the environment and has strictly adhered to the norms laid down by the TNPCB. Let me also assure you sir, that our equipment are not the bare minimum suggested by the environmental engineers. We plan for the future and our systems are one of the best, presently available, in the industry.

We took over from M/s Kilburn Chemicals Limited in 2011. Thereafter, the entire situation has been revisited. Ours is a ZERO DISCHARGE plant. Apart from this, the tests and reports have conclusively shown that VVTi has always been well below the norms fixed by the concerned departments including the one you are heading. Our industry has not polluted the land, water or air in any manner. This is not a mere claim in the air but one substantiated by reports. I am enclosing the reports from the time we took over the plant till date, for your ready perusal, in order to substantiate this assertion.

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V.V. Titanium Pigments Private Limited
(AN ISO 9001 : 2015 | ISO 14001 : 2015 | OHSAS 18001 : 2007 CERTIFIED COMPANY)



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Coming to the report of the CPCB, I am glad that you have disclosed about the same in your letter. May I request you to furnish a copy of the same? The enquiries of my officials reveal that the same does not point any finger to VVTi but to the polluting industries in Thoothukudi industrial area in general. I have also seen the order of the

NGT dated 14.11.2019. The order is very clear as it directs the state pollution control board to bring the PIAs (Polluted Industrial Area) under control. I am sure if the report of CPCB is perused, it will make it clear that VVTi is not an industry falls under the category mentioned in categories (d) to (f) of page 3 of your letter.

Even the extracted portion cannot be correct because in April, 2011, VVTi had not yet taken over the plant in Thoothukudi. An agreement to take over the plant by our chairman was entered into much later, i.e., on 29th of July, 2011. Therefore, prior to this, it was with M/s Kilburn chemicals Limited. Therefore, I seriously doubt if the report refers to VVTi in April, 2011. I would humbly request you to have a re-look at the report.

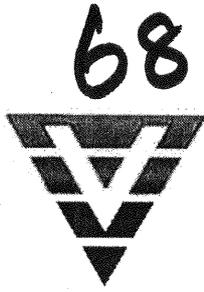
In addition, the report as extracted in your letter speaks about "*possibility of ground water contamination*". This does not imply that in fact there has been an accidental discharge or intentional discharge or even injection of treated, untreated or partially treated effluent" into the environment.

In fact, ROA of TNPCB for the treated water monthly samples from four Bore Wells inside our premises and water samples from the said site Bore Wells are well within the norms prescribed by the TNPCB. We have also installed online Ambient Air Quality Monitoring Systems (AAQMS) around our Plant which are being continuously monitored by Care Air Center, TNPCB.

...4



V.V. Titanium Pigments Private Limited
(AN ISO 9001 : 2015 | ISO 14001 : 2015 | OHSAS 18001 : 2007 CERTIFIED COMPANY)



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Fixation of responsibility is on the actual incident of the aforesaid unfortunate events. Fortunately for VVTi, none of these events have occurred from 2011 till date and we have ensured that it will not also happen in the future. As seen from your letter, being only a possibility, CPCB had given it as a recommendation to the TNCPB. This again does not pertain to us. In any event, the TNCPB, we are sure will not treat a general recommendation, as a must-implement direction.

Coming to the order of the Hon'ble NGT relied upon in the letter, it is extremely very clear and unambiguous. It calls upon the CPCB and the concerned state board to fix individual responsibility on the polluting industries in the PIAs. Let me extract the same, for your immediate perusal. It reads: -

"29. We further direct CPCB, with the assistance of SPCBs/PCCs or other experts, to compile information with regard to polluted industrial areas based on water pollution norms separately, air pollution norms separately and other pollution norm separately and notify such information on public domain within three months. On completing this exercise, action against identified individual polluters may be initiated on the same pattern on which direction have been issued in para 28 and furnish a report to this Tribunal in this regard also, before the next date." (underlining by me)

Therefore, the board in Tamilnadu has to independently fix the responsibility on the individual polluters.

As already premised, VVTi is not a polluting industry violating the norms or discharging effluents into the environment. The Hon'ble National green Tribunal has very cautiously worded its order. It has not called upon each and every unit, even if well within

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V.V. Titanium Pigments Private Limited
(AN ISO 9001 : 2015 | ISO 14001 : 2015 | OHSAS 18001 : 2007 CERTIFIED COMPANY)



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environmental norms, in a PIA to be mulcted with responsibility. That cannot be the purport of the order either. The records placed will show that VVTi is well within permissible limits.

This has been further made clear in the concluding portions of the order. It reads: -

31. We may also mention that hearing individual industrial unit is not considered necessary for passing the above order as the CPCB/State 20 PCBs must exercise their respective statutory powers by following the procedure prescribed under the statute even without intervention of this Tribunal. The Tribunal is only requiring such statutory bodies to perform their duties to uphold the law without going into an individual case. Direction is with reference to data compiled, or to be compiled, by the said bodies only.

Therefore, it now falls within the zone of CPCB and the TNCPB to collate the data and come to a conclusion as to which are the industries which are polluting the environment. As we are not one, we are sure that you will not find us in that category.

Let me reiterate, there are no environmental violations in our industry. We are well within the norms. Therefore, we kindly request you to re-visit the order erroneously fixing an onerous amount of Rs.100 Lakhs on an industry, which has always been adhering to the norms and its activities being well below the permissible limit.

Let me give you the assurance that VVTi will at all times enable the TNCPB or the CPCB to come and inspect our premises to satisfy themselves of the activities carried on by us. In fact, the same can be monitored online. However, we are not shy of letting our

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V.V. Titanium Pigments Private Limited
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- 6 -

premises be inspected at any time. They will notice the vast green belt developed by us together with the functional ETPs and how VVTi develops its products at the same time lives up to its environmental commitments. We will make all the necessary records available for perusal, if we are given a reasonable time to make the arrangements.

Thanking you in anticipation,

Yours faithfully,

For V.V. TITANIUM PIGMENTS PRIVATE LIMITED

S. PARTHIBAN

GENERAL MANAGER – PROJECTS & DEVELOPMENT

Encl : - As above

- Cc: 1. The Joint Chief Environmental Engineer (M)
Tamilnadu Pollution Control Board
Tirunelveli Region
2. The District Environmental Engineer
Tamilnadu Pollution Control Board
Thoothukudi District



V.V. Titanium Pigments Private Limited

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Annexure - VIII

By RPAD



தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்

அனுப்புநர்

திரு. ஜே. வேமந்த் ஜோசன், எம்.டெக்.,
பொது தகவல் அலுவலர்/
மாவட்ட சுற்றுச்சூழல் பொறியாளர் (பொ)
தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்,
சி7 மற்றும் சி9, சிப்காட் தொழிற்சாலை
வளாகம், மீளவிட்டான்,
தூத்துக்குடி - 628 008.

பெறுநர்

திரு.எஸ். கிருஷ்ணமூர்த்தி,
35, முருகன்கோவில் தெரு,
முருகேசபுரம்,
திசையன்விளை
திருநெல்வேலி - 627 657.

கடித எண்.மாசு.பொ/தூடி/த.அ.உ.ச-2429/2023 நாள்: 14.08.2023.

ஐயர்,

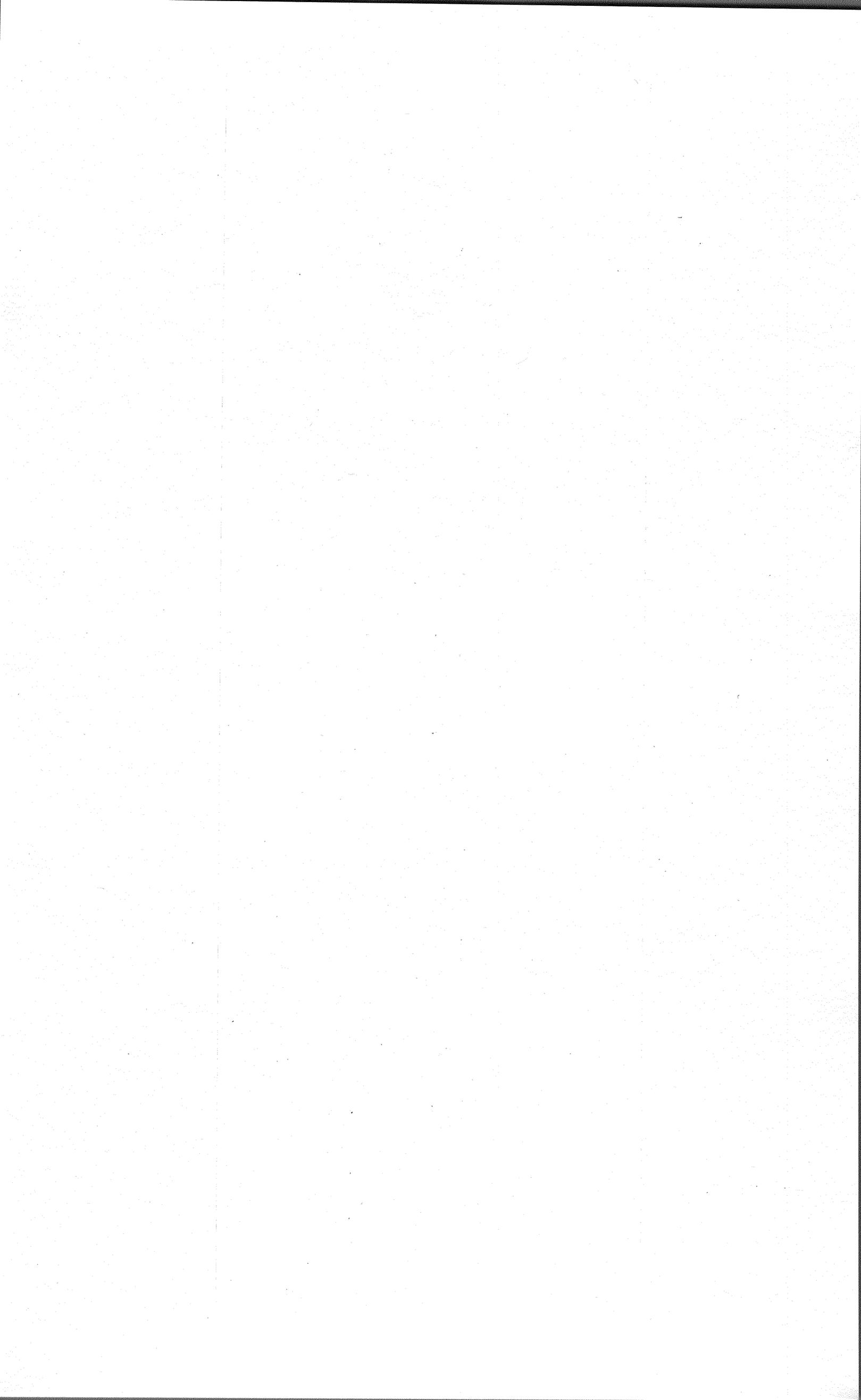
பொருள் : மாவட்ட சுற்றுச்சூழல் பொறியாளர் அலுவலகம், தூத்துக்குடி -
தகவல் அறியும் உரிமைச்சட்டம் 2005 - நகல்கள் அனுப்புவது -
தொடர்பாக.

- பார்வை : 1. இவ்வலுவலக கடித எண்.மாசு.பொ/தூடி/2286/த.அ.உ.ச/2023 நாள்:
03.08.2023
2. தங்களது கடித நாள் 08.08.2023. இவ்வலுவலகத்தில்
பெறப்பட்ட நாள்: 14.08.2023.

பார்வை (1)-ல், கண்டுள்ள இவ்வலுவலக கடிதத்திற்கிணங்கி, பார்வை (2)-ல்
கண்டுள்ள கடிதம் வாயிலாக, தாங்கள் கோரியுள்ள தகவல் அடங்கிய நகல்கள்
இத்துடன் இணைத்து அனுப்பப்படுகிறது.

இணைப்பு: மேலே கூறியபடி.

[Handwritten Signature]
14/08/2023
பொது தகவல் அலுவலர்/
மாவட்ட சுற்றுச்சூழல் பொறியாளர்,
தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்
தூத்துக்குடி.
[Handwritten Signature]
14/08/2023



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TRANSLATION

By RPAD

TAMIL NADU POLLUTION CONTROL BOARD

From

To

Mr. J. Hemanth Joshan, M.Tech.,
The Public Information Officer/
The District Environmental Engineer
Tamil Nadu Pollution Control Board,
C7 and C9, Sipcot Industrial Complex,
Milavittan,
Thoothukudi- 628 008.

Mr. S. Krishnamoorthy,
35, Murugankovil Street,
Murugesapuram,
Thisayanvilai,
Tirunelveli- 627 657.

Letter No. DEE/Thood/RTI-2429/2023 Dated 14.08.2023.

Sir,

Sub: Office of the District Environmental Engineer, Thoothukudi- Right to Information Act, 2005- Photo Copy- Reg.

Ref: 1. Letter No. DEE/Thood/2286/RTI/2023 Dated 03.08.2023

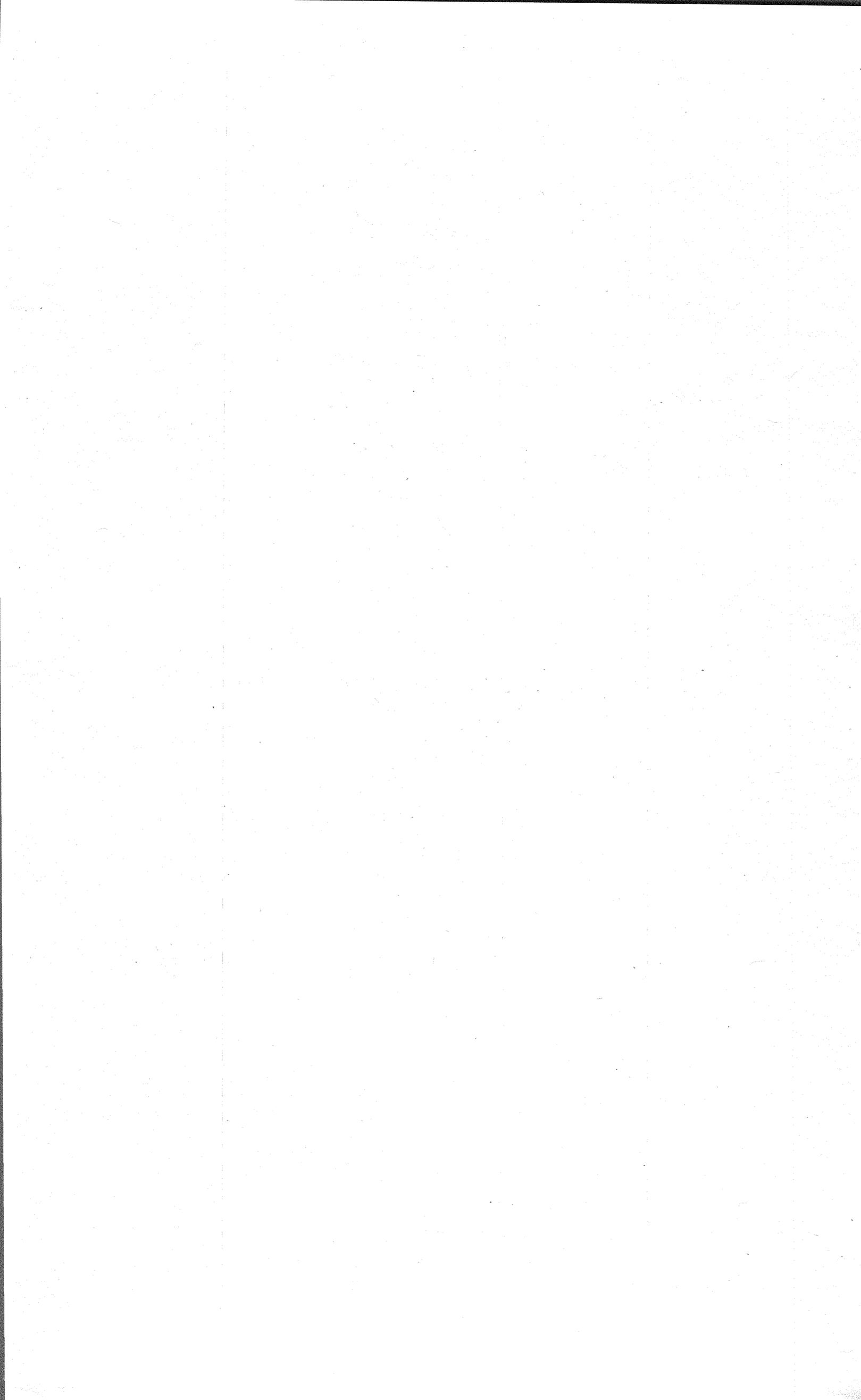
2. Your Application dated 08.08.2023, has been received by this office on 14.08.2023.

Copies requested by you are attached as per letter cited in reference (1) is being furnished through letter cited in reference (2)

Enclosure: As Mentioned above

-sd- 14/08/2023

The Public Information Officer/
The District Environmental Engineer
Tamil Nadu Pollution Control Board,
Thoothukudi.





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TAMILNADU POLLUTION CONTROL BOARD

From, A. Romalt Terric Pinto Fdo, B.Tech., M.E., District Environmental Engineer (a/c), Tamil Nadu Pollution Control Board C7 & C9, SIPCOT Industrial Complex, Meelavittan, Thoothukudi – 627 008.	To, The Member Secretary, Tamilnadu Pollution Control Board, No.76, Mount Salai, Guindy, Chennai -600 032.
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Letter No. F. No. DEE/ TNPCB / TTN/ CEPI / Env.Com /2019 Dated: 14/01/2020.

Sir,

Sub: TNPCB – Thoothukudi – Comprehensive Environmental Pollution Index (CEPI)
– SIPCOT Industrial Complex, Meelavittan, Thoothukudi — Hon'ble NGT order
dated 10/07/2019 in O.A. No.1038/2018-Assessment of Environmental
Compensation for industries in Thoothukudi – Report submitted –Regarding.

- Ref:** 1. Orders of Hon'ble NGT dated: 10/07/2019 in O.A. No. 1038/2018.
2. Orders of Hon'ble NGT dated: 14/11/2019 in O.A. No. 1038/2018.
3. Bd's memo No. T4/TNPCB/F.2643/NGT1038/R.A.No. 44/2019-2 dt.09/09/2019.
4. CPCB/IPC-VII/NGT order/2019 dt.19/11/2019 addressed to Member Secretary,
TNPCB, Chennai.
5. Board's Proc.No.TS1/TNPCB/F-015301/TTN/RL/2018-dated 12/06/2018.

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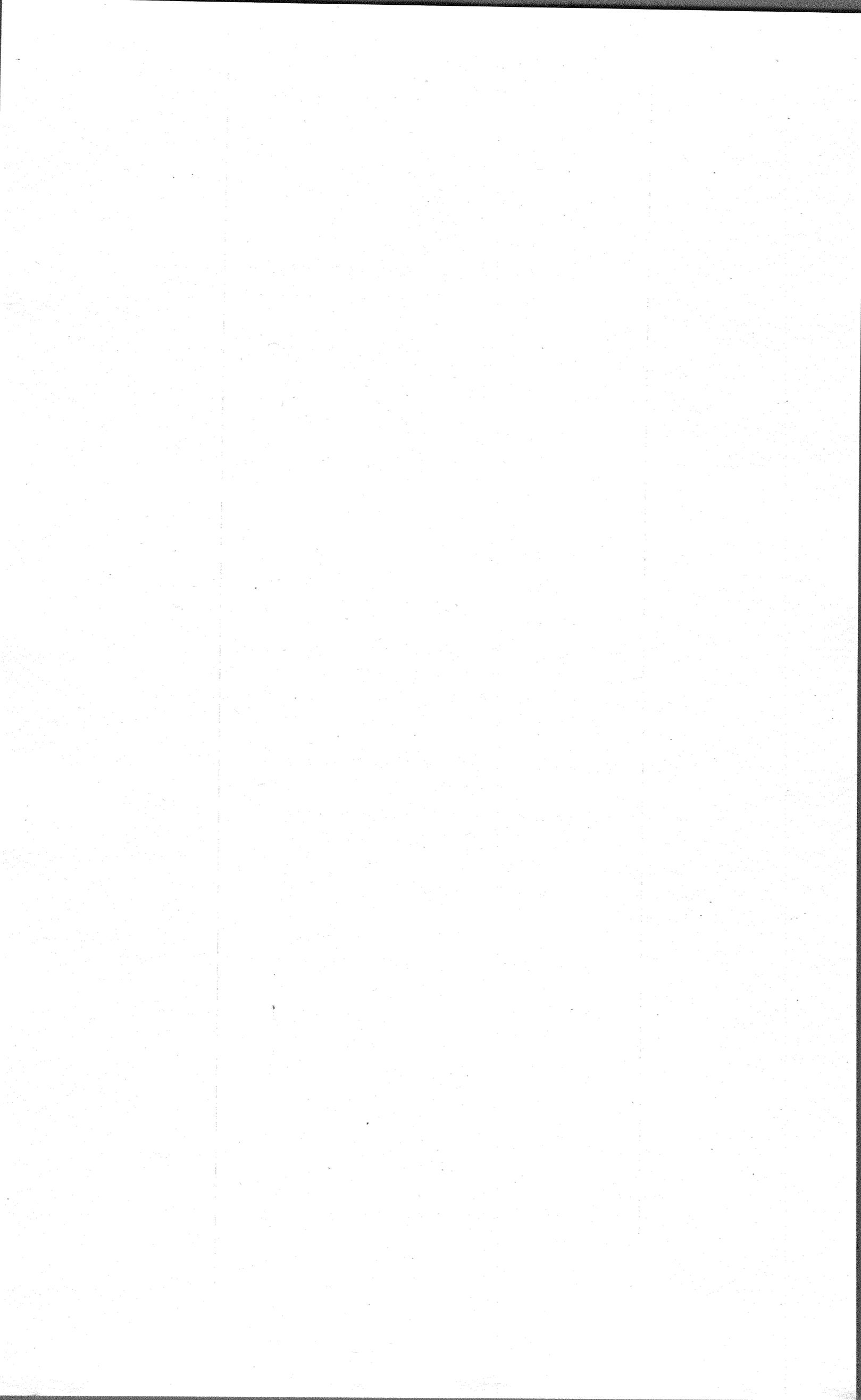
With reference to the above, I submit that the unit of M/s. Vedanta Limited [Copper Smelter Plant], a major 17 category of industries located in SIPCOT Industrial Area, Meelavittan, Thoothukudi, the area which is classified as CEPI area is presently closed by TNPCB on 23/05/2018 and still remain closed due to non-compliance of consent conditions.

It is submitted that no industries in the CEPI area, Thoothukudi has been closed by the Board during the period 2019-20 due to non-compliance of Environmental standards. Accordingly, the Format-A with respect to Status of prohibition / closure of non-complying activity in Red and Orange Category Industries in Severely & Critically Polluted Industrial areas is enclosed.

Also CPCB, New Delhi in its Office Order F. No. B-400(S)/IPC-III/2019-20 1162/dated. 04.09.2019 has evolved a policy for levying Environmental Compensation for industries wherein the following cases are considered for levying environmental compensation.

- (a) Discharges in violation of consent conditions, mainly prescribed standards/ consent limits.

Received
H. Jeyaraj
20/1/2020
PA to CEE



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

In case of d, e and f, the Environmental Compensation may be levied based on the detailed investigations by Expert Institutions/Organizations.

The unit of M/s. V.V. Titanium Pigments Private Limited located at S.No.1221,1223,1224,1225,1226,1227/Part, SIPCOT Industrial complex, Meelavittan Village, Thoothukudi falls under Sl.No. (e) "intentional discharges to the environment – land, water and air resulting into acute injury or damage to the environment". The details are as follows:

The unit of M/s.V.V. Titanium Pigments Private Limited located at S.No.1221,1223,1224,1225,1226,1227/Part, SIPCOT Industrial complex, Meelavittan Village, Thoothukudi has been consented to manufacture the products as below for the period up to 31/03/2022.

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

Earlier the unit was inspected by CPCB on 07.04.2011 and noticed that the industry is storing acidic effluent in unlined underground tanks with all possibility of ground water contamination, no effluent treatment facility was operational ferrous sulphate was stored in open area, raw ore spread in open area whereby any surface runoff may contaminate the surface and groundwater as per the consent, the industry utilizes the effluent for irrigation on its own land.

Further NEERI has inspected the contaminated site on 10.10.2018 based on the recommendation of MoEF & CC and report to be furnished. Also based on the JCEE(M), Tirunelveli inspection on 04/06/2018, Board vide its proceeding dated 12.06.2018 has directed the unit of M/s. V.V. Titanium Pigments Private Limited, SIPCOT Industrial Complex, Meelavittan, Thoothukudi to furnish a detailed proposal for reclaiming the contaminated site within two months (ie. before 12.08.2018) in

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consultation with the reputed institution such as Anna University / IIT etc., The unit vide its letter dated 12.12.2018 has informed that as directed by the TNPC Board the unit has approached Anna University for obtaining the proposal for land reclamation. It was also stated that a Technical expert team from the Anna University has visited their unit site on 10.08.2018 and have ascertained the nature of the waste found in that area, its background and opined that the same could be reprocessed as the same is only the un-reacted ilmenite and also informed that the report on the remediation process is yet to be received from Anna University. Board vide its letter dated 26/12/2018 has addressed the unit to furnish the report received from the Anna University regarding the reclamation of the contaminated site. The unit is yet to furnish the report as called for.

Since the damage caused to the environment by the said unit has to be assessed based on the study to be carried at the contaminated site by expert institutions and recommendation to be obtained for the methodology of the remediation of the contaminated site, environmental compensation may be imposed as suggested by the Committee under the 'Category-e' i.e. Intentional discharges to the environment – land, water and air resulting into acute injury or damage to the environment and hence environmental compensation shall be collected from the unit after receipt of the study report conducted by Technical expert team from the Anna University, Chennai.

Further, the Hon'ble NGT in its order dated 14.11.2019 in O.A.No.1038/2018 has ordered in para 22 as follows:

"22. In view of water pollution caused by absence/dysfunctional of CETPs/ETPs/STPs, the Tribunal has, in the case of Aryavart Foundation Vs. M/s. Vapi Green Enviro Ltd. & Ors, directed all defaulting industries, other than Green and White category, connected with CETP to make deposits with the CPCB towards interim environmental compensation, pending assessment of actual compensation and further action.

- (i) Large Industries – Rs. 1 crore each
- (ii) Medium Industries – Rs. 50 Lakh each
- (iii) Small Industries – Rs. 25 Lakh each"

Hence an interim environmental compensation for an amount of Rs. 1 crore may be claimed from the unit pending assessment of actual compensation and further action.

The same is incorporated in Format-B Status of Environmental Compensation recovered as per Hon'ble NGT Order in Critically/Severely Polluted Industrial Areas.

Also it was recommended vide this office letter No. F. No. DEE/ TNPCB / TTN/ F-0027/RL /2019 Dated: 14/01/2020 to consider a direction under Section 33-A of the

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Water (P&CP) Act, 1974 as amended to the unit of M/s.V.V. Titanium Pigments Private Limited located at S.No.1221,1223,1224,1225,1226,1227/Part, SIPCOT Industrial complex, Meelavittan Village, Thoothukudi District on the following:

1. To conduct a detailed study report on the area where the unit has stored acidic effluent in unlined underground tanks with all possibility of ground water contamination and storage of ferrous sulphate in open area, raw ore spread in open area whereby any surface runoff may contaminate the surface and groundwater and to furnish proposal for reclaiming the contaminated site within threemonths' in consultation with the reputed institution such as Anna University / IIT etc.,
2. To remit a sum of Rs. 1 crore as an interim environmental compensation pending assessment of actual compensation and further action based on the receipt of the study report for reclaiming the contaminated site.

This is submitted for information and necessary action please.

Encl: Format-A & B


District Environmental Engineer (a/c),
Tamilnadu Pollution Control Board,
Thoothukudi

Status of prohibition / closure of non-complying activity in Red and Orange Category Industries in Severely & Critically Polluted Industrial areas.

Tamilnadu Pollution Control Board								
I	II	III	IV	V	VI	VII	VIII	IX
Sl.NO	Name of The Industrial Area	Type of Industrial area (Critically/Severely Polluted Area)	Industrial Category	Scal Of Operation	Total no.of Industries	No.Of Industries Non complying With Environmental standards	No.of Industries closed down based on closure direction issued	Attach a separate sheet with list of Industries to whom closure order issued
1	SIPCOT Industrial Complex, Thoothukudi	Severely Polluted Area	Red	Small	3	Nil	Nil	NA
				Medium	-	Nil	Nil	NA
				Large	5	Nil	Nil	NA
			Orange	small	21	Nil	Nil	NA
				Medium	4	Nil	Nil	NA
				Large	3	Nil	Nil	NA
			Other Polluting activities	CETP	Nil	Nil	Nil	NA
				TSDF	Nil	Nil	Nil	NA
				others	Nil	Nil	Nil	NA


 DEE/TNP/CB/Thoothukudi
 14/10/2020

Format - B

Status of Environmental Compensation recovered as per Hon'ble NGT Order in Critically/Severely Polluted Industrial Areas

Tamilnadu Pollution Control Board

NAME OF SPCB/PCB:								
I	II	III	IV	V	VI	VII	VIII	IX
Sl.No	Name of The Industrial Area	Type of Industril area (Critically/Severely Polluted Area)	Industrial Category	Scale of Operation	Total no. of Industries	No.Of Industries Non complying With Environmental standards in Last Five years	Total Amount Of Environmental compensation Imposed in lakhs	Total Amount of Environmental compensation Received in lakhs
1	SIPCOT Industrial Complex, Thoothukudi	Severely Polluted Area	Red	Small	3	-	Nil	NA
				Medium	-	-	Nil	NA
				Large	5	-	*	Nil
			Orange	small	21	-	Nil	NA
				Medium	4	-	Nil	NA
				Large	3	-	Nil	NA
			Other Polluting activities	CETP	Nil	-	Nil	NA
				TSDF	Nil	-	Nil	NA
				OTHERS	Nil	-	Nil	NA

* An interim Environmental Compensation of Rs. 1 crore is recommended to be levied vide this office report dated 14/01/2020

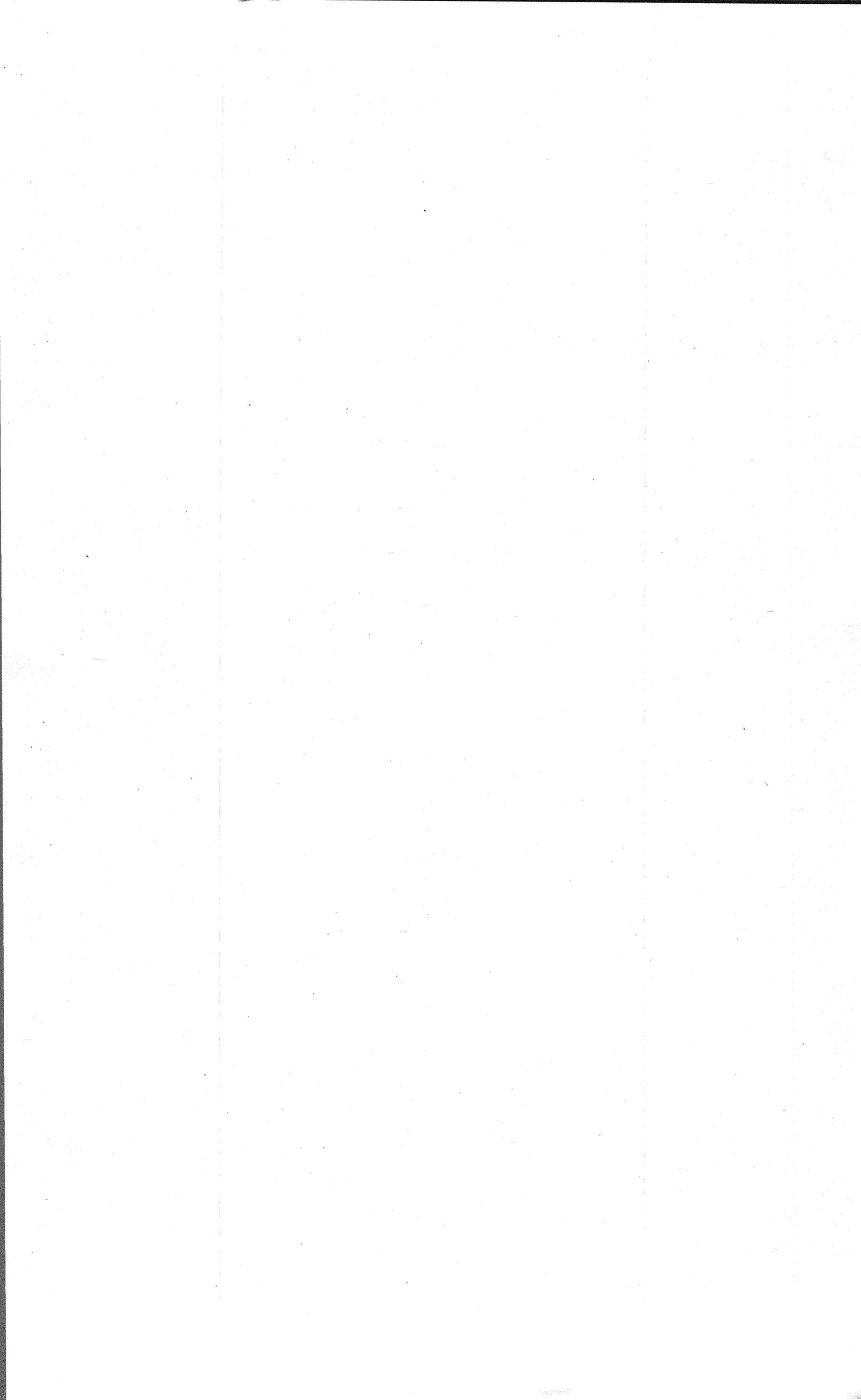
Note: 1. Separate list of industries to whom Environmental Compensation with amount imposed and received may be provided

2. Cost of restoration of the damage to the environment of each CPA/SPA may be provided

Sl. No.	Name & address of the industries	Category / Classification	Type of industries	Operational / Not in operation
1	V V Titanium Pigments Private Ltd	Red / Large	Pigment	Operational


 DEE/TNP/PCB/Thoothukudi
 16/01/2020

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**BEFORE THE NATIONAL GREEN
TRIBUNAL, BENCH AT CHENNAI**

APPEAL No. 69 OF 2024

M/s V.V. Titanium Pigment Pvt. Ltd.,
Represented by its Managing Director,
Mr. S. Vaikundarajan,

....Appellant

AND

1. The Chairman,
Tamil Nadu Pollution Control Board,
Chennai and 2 others

... Respondents

**REJOINDER FILED BY THE
APPELLANT**

M/s. KINGSLY SOLOMON J

N.VIJAYAMALATHI

J. JOHNSY GREETA

Counsel for Appellant

9444270295