

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

Original Application No.10 of 2023 (SZ)

K. Rusendrababu,
S/o. Krishnasamy,
No.69, Belveli Village,
Uthiramerur Taluk,
Kancheepuram District – 603 107.

...Applicant

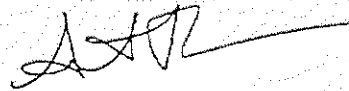
Vs

The Tamil Nadu Pollution Control Board,
Rep. by the District Environmental Engineer & 2 others.

...Respondents

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

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

Original Application No.10 OF 2023

K.Rusendrababu,
S/o. Krishnasamy,
No.69, Nelveli Village,
Uthiramerur Taluk,
Kancheepuram District – 603 107.

... Applicant

VERSUS

1. The Tamil Nadu Pollution Control Board,
Rep. by District Environmental Engineer,
Kancheepuram District,
Kancheepuram – 603 209.
2. The District Collector,
Kancheepuram District,
Thiruvannamalai – Kancheepuram Road,
Thaiyarkullam, Kancheepuram – 631 501.
3. Aravind Ceramic Industries Limited,
Rep. by its Director Mr. Ramanuja Reddiar Kumar,
Having its registered office at
No.354/2, Kundrathur Road, Porur,
Chennai – 600 116.

... Respondents

**REPORT FILED ON BEHALF OF THE FIRST RESPONDENT -
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R.Sarasavani, Daughter of Thiru.J.Raghavan Hindu, aged about 59 years, having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this report on behalf of the first


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respondent and as such I am well acquainted with the facts of the case from the office records and authorized to file this report on behalf of the first respondent.

2. It is respectfully submitted that the Hon'ble NGT in its order dated 05.01.2024 directed as follows

“2..... The learned counsel for the applicant has pointedly argued that the sample from the well water indicates that the TDS level is more than the acceptable limit. Prima facie it appears that the TDS level is 954 mg/l which is more than the acceptable limit (i.e. 500 max) though not gone up to the permissible limit (i.e. 2000).

3.It is stated by the learned counsel for the 3rd Respondent that on the very same day, samples were taken by the TNPCB also and sent for testing, the report of which is not before us.

4.The learned counsel for the TNPCB seeks time to file a report.”

3. It is submitted that the report of analysis of water samples collected during the month of May and July 2023 in Nelveli Lake & open well located inside the petitioner land is illustrated in the following tables:

Sl. No.	Parameters	Nelveli lake collected on 24.05.2023	Nelveli Lake collected on 21.07.2023
1	pH	7.34	6.93
2	Total Suspended Solids	140	90
3	Total Dissolved Solids	916	756
4	Chloride as Cl	120	90
5	Sulphates as SO ₄	39	33
6	Oil & Grease	BDL [DL 2]	BDL [DL 2]
7	BOD (3 days at 27° C)	35	12
8	COD	256	112
9	Calcium	-	56
10	Magnesium	-	2
11	Total Iron	-	0.4738

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12	Nitrate Nitrogen	-	BDL [DL1]
13	Fluoride	-	BDL [DL0.1]
14	Total Chromium	BDL [DL0.05]	BDL [DL0.05]
15	Zinc	0.341	0.0567
16	Lead	BDL [DL0.5]	BDL [DL0.05]

The ROA of the samples collected from the Nelveli lake revealed that the BOD value exceeds the Class 'B' (Outdoor bathing (organized)) standards.

Sl. No.	Parameters	Permissible limit in the absence of alternate source IS 10500:2012 (source CPCB.nic.in)	Open well located inside the applicant land on 21.07.2023
1	pH	6.5 – 8.5	6.71
2	Total Suspended Solids	-	20
3	Total Dissolved Solids	2000 mg/L	876
4	Chloride as Cl	1000 mg/L	170
5	Sulphates as SO ₄	400 mg/L	16
6	Oil & Grease	-	BDL [DL 2]
7	BOD (3 days at 27° C)	-	2
8	COD	-	16
9	Calcium	200 mg/L	92
10	Magnesium	100 mg/L	22
11	Total Iron	0.3 mg/L	BDL [DL0.05]
12	Nitrate Nitrogen	45 mg/L	9
13	Fluoride	1.5 mg/L	BDL [DL0.1]
14	Total Chromium	0.05 mg/L	BDL [DL0.05]
15	Zinc	15 mg/L	BDL [DL0.1]
16	Lead	0.01 mg/L	BDL [DL0.05]

Further, the ROA of the samples collected from the open well located inside the applicant Thiru. Rusendra Babu land revealed the following


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parameter viz., Total Suspended Solids - 20 mg/L, BOD - 2 mg/L and COD - 16 mg/L exists and the other parameters are within the permissible limit as per IS 10500:2012.

4. It is submitted that vide proceeding dated 08.11.2018, direction for closure and disconnection of power supply was issued to the unit for the reasons inter alia that the unit discharged untreated trade effluent into the lake. Further, vide proceeding dated 23.06.2023, direction for closure and disconnection of power supply was issued to the unit again for the reasons inter alia that dark brown coloured effluent was found stagnated on open land within the premises and traces of effluent was also noticed outside its premises which led to Nelveli lake. Hence, vide proceeding dated 17.08.2023, direction under Section 5 of the Environment Protection Act, 1986 was issued to the unit to remit an amount of Rs.24,60,000/- (Rupees Twenty Four Lakhs Sixty Thousand only) for causing damage to the environment. But, the unit has not remitted the environmental compensation amount of Rs.24,60,000/- , instead, filed a Writ Petition before the Hon'ble High Court of Madras in W.P No.33964 of 2023 and W.M.P.No.33850 of 2023 with a prayer to stay the said proceeding issued under Section 5 of the Environmental Protection Act, 1986 to remit the environmental compensation. The Hon'ble High Court of Madras in its order dated 08.12.2023 issued an interim stay on the said proceeding for a period of four weeks. Next hearing is posted on 25.10.2024 and the interim stay is extended till then.
5. It is submitted that the status of compliance of conditions stipulated in the suspension of closure order issued to the unit vide proceeding dated 16.02.2024 is as follows

Sl. No	Conditions Stipulated	Compliance status
1	The unit shall comply with the conditions stipulated in the renewal consent order proceeding dated 15.02.2021.	Generally complied

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2	The unit shall apply and obtain amendment under Water & Air Acts for the change in the trade effluent generation and emission sources and for the removal of by product namely gray oil from gasifier.	The unit has obtained CTO direct vide proceeding dated 25.04.2024 valid up to 31.03.2026 for the production of vitrified tiles (13500 T/month).
3	The unit shall operate the kilns using LPG / Propane gas only and shall convert the 3rd kiln to use LPG / Propane gas within 6 months.	Out of 3 kilns, 2 kilns have already been converted to use LPG/Propane gas as fuel. The remaining one kiln is not operated as the conversion of fuel in to LPG/Propane is under progress. The unit currently uses LPG cylinders in manifold for their operation and the installation of LPG bullets is under progress.
4	The unit shall continue to use biomass cashew nut shell cake (oil removed shell) as fuel for the spray dryer forthwith and shall not attract public complaints.	The unit utilizes de-oiled cashew nut shell cake as fuel for the spray dryer and provided closed shed for the storage of cashew shells.
5	The unit shall maintain the RCC storm water drainage system within the premises so as to avoid mixing of effluent / spillage with rain water runoff.	The unit maintains the storm water drainage system within the premises.
6	The unit shall properly collect and dispose the non hazardous solid waste scientifically for further beneficial use without accumulation of the same.	The unit assured to comply with.
7	The unit shall comply with the Hazardous & Other Wastes (M&TM) Rules, 2016 at all time.	The unit has obtained HWA vide proceeding dated 15.04.2021 valid up to 14.04.2026.
8	The unit shall properly collect and dispose the non hazardous solid waste scientifically for further beneficial use without any accumulation.	The unit assured to comply with.
9	The unit shall remit an amount of Rs.24,60,000/- as environmental	Aggrieved by the levy of environmental compensation,

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	compensation for causing damage to the environment within 4 months time.	the unit had filed a Writ Petition before the Hon'ble High Court of Madras in WP.No.33964/2023 & WMP. No.33850/2023 challenging the Board proceedings dated 17.08.2023 directing the unit to remit a sum of Rs.24,60,000/- as environmental compensation for the violations and is under progress.
10	The unit shall analyse the treated sewage every month through Board's laboratory and report of analysis of the same shall be sent to the O/o. DEE, TNPCB, Sriperumbudur without fail.	The ROA of the treated sewage samples collected from the unit on 29.01.2024, 08.02.2024, 10.04.2024, 27.05.2024 & 26.07.2024 revealed that the parameters analyzed are within the standards prescribed by the Board.
11	The unit shall analyse the treated trade effluent every month through Board's laboratory and report of analysis of the same shall be sent to the O/o. DEE, TNPCB, Sriperumbudur without fail.	The settling tanks provided for the treatment of waste water generated from the sizing section and spray drier was under operation. The treated effluent is recycled back in to the process for making slurry and the sludge is being reused as raw material in the process itself.
12	The unit shall conduct AAQ/ANL/SM survey through Board's lab and shall furnish report to the Board within 3 months time.	The APC measures provided to the spray driers, kilns and DG sets were found in operation. The AAQ / Stack / ANL survey conducted by the TNPCB laboratory dated 13.06.2024 revealed that the parameters satisfy the standards prescribed by the Board except the ANL survey.

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6. It is submitted that the third respondent's unit M/s. Aravind Ceramic Industries Limited was inspected by the official of the O/o. the DEE, TNPCB, Sriperumbudur on 02.08.2024 and the following were observed
- i. The unit was found manufacturing Vitrified Tiles using two kilns out of three kilns installed. The two kilns have already been converted to use LPG/Propane gas as fuel.
 - ii. The unit was not operating its third kiln as conversion of fuel to LPG/Propane is under progress.
 - iii. The unit is in the process of installing 2x25 Tons capacity of LPG storage bullets in the elevated position and it is nearing completion.
 - iv. The unit currently uses LPG cylinders in manifold having 450 kg for their operation.
 - v. The gasifiers were dismantled and removed from the site.
 - vi. The unit uses de-oiled cashew nut shell cake as fuel for spray drier.
 - vii. Since, the gasifier operation has been suspended and removed from the site, no gasifier bleed off (black slurry) is generated as trade effluent. Hence its treatment does not arise.
 - viii. The STP provided was in operation and the treated sewage is utilized for gardening in their premises for green belt development.
 - ix. The settling tanks provided for the treatment of waste water generated from the sizing section and spray drier was under operation. The treated effluent is recycled back in to the process for making slurry and the sludge is being reused as raw material in the process itself.
 - x. No discharge of treated / untreated wastewater was noticed outside the unit's premises during the time of inspection.
 - xi. The APC measures provided to the spray driers, kilns and DG sets were found in operation. The AAQ/Stack/ANL survey conducted by the TNPCB laboratory on 13.06.2024 revealed that the parameters satisfy the standards prescribed by the Board.

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- xii. The unit maintains the RCC storm water drainage system in their premises.
- xiii. The unit has developed greenbelt by planting 700 tree samplings within the premises and treated sewage is being utilized for green belt development.

7. It is respectfully submitted that based on the compliance of conditions stipulated in the suspension of ^{closure} order dated 16.02.2024 and based on the inspection carried out on 02.08.2024, vide proceeding dated 23.08.2024, direction for suspension of closure and temporary restoration of power supply for a period of 6 months (i.e. up to 22.02.2025) was issued to the unit to comply with the following conditions

- i. The unit shall comply with the conditions stipulated in the CTO-Direct order proceeding dated 25.04.2024.
- ii. The unit shall operate the kilns using LPG / Propane gas only and shall convert the 3rd kiln to use LPG / Propane gas within 3 months.
- iii. The unit shall continue to use de-oiled cashew nut shell cake as fuel for the spray dryer.
- iv. The unit shall operate and maintain the collection cum settling tanks provided for the treatment of trade effluent generated from sizing & spray drier efficiently and continuously so that the treated trade effluent is completely recycled back in to the process without any discharge inside/outside the premises.
- v. The unit shall comply with the outcome of the Hon'ble NGT in application No.10 of 2023 & Hon'ble High W.P.No.33964 of 2023 & WMP No.33850 of 2023 from time to time.
- vi. The unit shall ensure that no treated or untreated sewage / trade effluent is discharged outside the premises / nearby eri under any circumstances.
- vii. The unit shall analyse the treated sewage once in every four months through Board's laboratory and report of analysis of the

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same shall be sent to the O/o. DEE, TNPCB, Sriperumbudur without fail.

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

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JOINT CHIEF ENVIRONMENTAL ENGINEER
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VERIFICATION

I, R.Sarasavani, Daughter of Thiru.J.Raghavan working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, No.76, Mount Salai, Guindy, Chennai 600 032, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

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JOINT CHIEF ENVIRONMENTAL ENGINEER
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THE FIRST RESPONDENT - TAMIL
NADU POLLUTION CONTROL
BOARD.**

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

Date:07.11.2024

Date of hearing on:08.11.2024

