

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, AT CHENNAI

Original Application No.148 of 2024 (SZ)

[Earlier O.A. No. 73 of 2024 (LP) (PB)]

IN THE MATTER OF:

Rakesh Kumar. D.

...Applicant(s)

Versus

The Chairman,
Tamil Nadu Pollution Control Board,
Chennai and Others.

...Respondents

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

INSPECTION REPORT OF THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (PRINCIPAL BENCH) NEW DELHI IN RESPECT OF O.A No.73 of 2024 FILED BY THIRU. D.RAKESH KUMAR.

The Hon'ble National Green Tribunal (NGT), Pricipal Bench (PB) New Delhi in its order dated 21.03.2024 in Original Application No.73 of 2024 in the matter of Thiru.Rakesh Kumar has stated the following:

- "Para 4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Member Secretary, Tamil Nadu State Pollution Control Board, Commissioner, Municipal Corporation, Chennai and the District Magistrate, Chennai and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The Tamil Nadu Pollution Control Board will be the nodal agency for coordination and compliance.*
- 5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Southern Zone Bench of this Tribunal at Chennai, we are of the considered view that it will be appropriate if the case is further heard by the Southern Zone Bench of this Tribunal at Chennai.*
- 6. Accordingly, the Registry is directed to list the matter before the Southern Zone Bench of this Tribunal at Chennai on 30.05.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.*
- 7. Report of the Joint Committee be filed within two months before the Southern Zone Bench of this Tribunal at Chennai".*

In due compliance to the said Hon'ble National Green Tribunal (PB) order, the joint committee as constituted by the Hon'ble NGT(PB)

- i. District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Nagar.
- ii. The Revenue Divisional Officer,
RDO Office, Tambaram.

iii. The Block Development Officer,
Tiruporur Panchayat Union.

has inspected the unit of M/s. SBIOA Unity Enclave Owners' Welfare Association located at Mambakkam, Chengalpattu District on 14.05.2024 and the report is submitted as follows

It is respectfully submitted that Environmental clearance was issued to the unit of of M/s. State bank of India Officer's Association (Chennai Circle)- Unity Enclave., located at S F No 17/2,17/3,17/4 etc., Mambakkam village, Tiruporur Taluk, Kancheepuram District (now Chengalpattu District) by State Level Environment Impact Assessment Authority, Chennai, Tamil Nadu vide its Letter No.SEIAA-TN/F-1687/EC/8(b)/337/2013 Dated: 25/07/2014 valid up to five years from the date issue of EC ie up to 24.07.2019 for the construction of residential apartment complex with total built up area of 316187.66 m² with 2100 Dwelling units.

Subsequently, unit of M/s. State bank of India Officer's Association (Chennai Circle)- Unity Enclave., located at S F No 17/2,17/3., etc., Mambakkam village, Tiruporur Taluk, Kancheepuram District (now Chengalpattu district) has obtained consent for establishment under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 for the construction of Residential complex comprising of

Block A – Basement+ Stilt Floor + 15 Floor,
 Block B – Basement+ Stilt Floor + 15 Floor,
 Block C – Basement+ Stilt Floor + 15 Floor,
 Block D – Basement+ Stilt Floor + 15 Floor,
 Block E – Basement+ Stilt Floor + 15 Floor,
 Block F – Basement+ Stilt Floor + 15 Floor,
 Block G – 2 Basement+ Stilt Floor + 15 Floor,
 Block H – 2 Basement+ Stilt Floor + 15 Floor,
 Block I – 2 Basement+ Stilt Floor + 15 Floor,
 Block J – 2 Basement+ Stilt Floor + 15 Floor,
 Block K – 2 Basement+ Stilt Floor + 15 Floor,
 Block L – Basement+ Stilt Floor + 15 Floor,
 Block M – Basement+ Stilt Floor + 15 Floor
 Block N – 2 Basement+ Stilt Floor + 15 Floor,
 Block O– 2 Basement+ Stilt Floor + 15 Floor,
 Block P – 2 Basement+ Stilt Floor + 15 Floor,

Block Q – 2 Basement+ Stilt Floor + 15 Floor,

Block R – Basement+ Stilt Floor + 15 Floor,

Block S – Basement+ Stilt Floor + 15 Floor,

Block T – Basement+ Stilt Floor + 15 Floor,

Block U – Basement+ Stilt Floor + 15 Floor, and

Commercial Block – Basement Ground Floor + 6 floors + M, club House – Basement + Ground floor + 4 floor having total no. of dwelling – 2100 units with total build up area 316187.66 m² and to discharge 1281 KLD sewage (523 KLD for Toilet flushing, 75 KLD for gardening / Green belt development and 683 KLD through CMWSSB out let and to discharge emission through DG set of 750 KVA -3 Nos and 500 KVA-2 Nos, was issued vide Board's Proceedings No. T 10/TNPCB/F-34341/MMN/OL/A&W/2015 Dated: 17/04/2015 with validity for two years.

Based on the complaint received on 19/09/2023 regarding the violations in operation of the Sewage Treatment plant & DG sets installed at M/s. SBIOA Unity Enclave Owners' Welfare Association located at Mambakkam, Chengalpattu District, the unit was inspected by Assistant Engineer, TNPCB on 21/09/2023, and the following instructions were issued to M/s. SBIOA Unity Enclave Owners' Welfare Association to furnish the details within 15 days vide this office letter dated 03/11/2023.

1. The unit shall furnish six months compliance report for the conditions of the Environmental Clearance issued.
2. The unit shall furnish the adequacy report prepared and approved by the accredited educational institution for the capacity of the Sewage Treatment plant provided.
3. The unit shall provide the compliance of the planning permission obtained from the DTCP.
4. The unit shall submit the EMFM recordings of the sewage inlet and outlet for the last one month.
5. The unit shall furnish the details of the disposal of Solid Waste generated from the premises.
6. The unit shall submit the copy of the Building plan approval and approval for the source of water supply and details of the disposal of excess treated sewage.
7. The unit shall enclose the details of the area allotted for the OSR and area provided for the green belt for the disposal of consented treated sewage.
8. The Project proponent/Welfare Association shall apply for the consent of the Board under the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 as amended as per the B P No 65 dated 27/11/2019.

The residential apartment was again inspected by Assistant Engineer, TNPCB on 01/04/2024 and the following were observed.

1. The construction of the residential apartment was completed and the same was maintained by the SBIOA Unity Enclave Owner's Welfare Association, Mambakkam without obtaining consent to operate from the Board.
2. The STP provided was below the ground level and out of the 8 Air Blowers installed in the STP only 2 are in operation (CTE was issued to the unit with a condition that the unit shall provide above ground level STP (1 x 1350KLD) capacity).
3. Aeration and settling tank were in operation. Other components such as Pressure sand filter, Activated carbon filter, UV disinfection, and Filter Press are not in operation.
4. The log book was not properly maintained for the operation of the sewage treatment plant.
5. The sewage after settling tank is discharged through pipe line into adjoining open land of Sports Area (3.95 acres approximately) owned by SBIOA Unity Enclave Owner's Welfare Association without treatment. The STP outlet water sample was collected at the time of inspection and sent to TNPCB Lab for analysis.
6. During inspection, the SBIOA Unity Enclave Owner's Welfare Association members have reported that STP was affected during the Michaung cyclone and the revamping of STP will be carried out shortly.
7. It was ascertained that the filter press provided for the removal of excess sludge was not in operation.
8. The proponent has not provided flow meters at the inlet and outlet of STP. Hence, the quantity of sewage treated in the STP was not ascertained.
9. The unit has installed 3 Diesel Generator set of 500 kVA capacity with acoustic enclosure. (Consent to Establish was issued to the unit for DG set of 750 KVA -3 Nos and DG sets 500 KVA-2 Nos)

The SBIOA Unity Enclave Owner's Welfare Association in its letter dated 08.04.2024 has reported that all the STP works will be completed by the end of September 2024.

CTE was issued to the unit of M/s. State bank of India Officer's Association (Chennai Circle) - Unity Enclave with conditions stating that

- The unit shall provide the EMFMs with automatic recorder and display arrangement at the inlet/outlet of STP and at the disposal points of the treated sewage for gardening, toilet flushing and to CMWSSB out let.

- The unit shall provide above ground level STP (1 x 1350 KLD) capacity with UV Disinfection system having 15 watts UV lamp/m³ of treated water and filter press of sufficient capacity to handle the STP sludge and shall ensure that the treated sewage shall satisfy the standards prescribed by the Board.

During inspection, it was noticed that the unit has provided STP below the ground level and the STP was not operated properly & the untreated sewage is being discharged into open land owned by SBIOA Unity Enclave Owner's Welfare Association through pipe line. As the unit has violated the conditions in CTE and repeated complaints received against the unit, it was recommended to the Board to issue following directions to the unit of M/s. SBIOA Unity Enclave Owners' Welfare Association under Section 33A of the Water (P&CP) Act, 1974 as amended and under Section 31A of the Air (P&CP) Act, 1981 vide this office letter dated 17/04/2024:

1. The Project proponent/Welfare Association shall apply and obtain consent to operate of the Board under the Water (P&CP) Act, 1974 as amended and Air (P&CP) Act, 1981 as amended immediately and stop the discharge of untreated sewage in to the nearby land owned by SBIOA Unity Enclave Owner's Welfare Association immediately.
2. The Project proponent/Welfare Association shall maintain and operate the STP efficiently and continuously so that the quality of the treated sewage shall meet the standards prescribed by the Board.
3. The Project proponent/Welfare Association shall make necessary arrangements to utilize the treated waste water 523 KLD for Toilet flushing, 75 KLD for gardening/green belt development and 683 KLD through CMWSSB out let as per the consent of TNPC Board and shall not let out treated/untreated sewage from the premises at any point of time.
4. The Project proponent/Welfare Association shall provide electromagnetic flow meters at the inlet and outlet of STP.
5. The Project proponent/Welfare Association shall maintain proper log book for the operations of the STP.
6. The Project proponent/Welfare Association shall furnish the green belt area provided for utilizing the treated sewage.

Observations of the joint committee made during the time of inspection

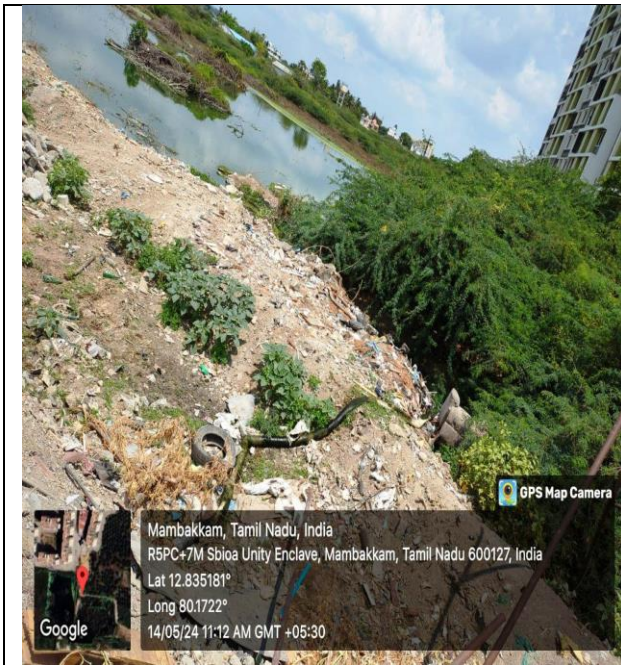
During inspection the following were present

1. Thiru. D. Rakesh Kumar - Petitioner
2. Thiru. S. Jayakumar
3. Thiru. R. Sritheran, Secretary, SBIOA Unity Enclave Owner's Welfare Association
4. Thiru. R. Prasad, Vice President, SBIOA Unity Enclave Owner's Welfare Association

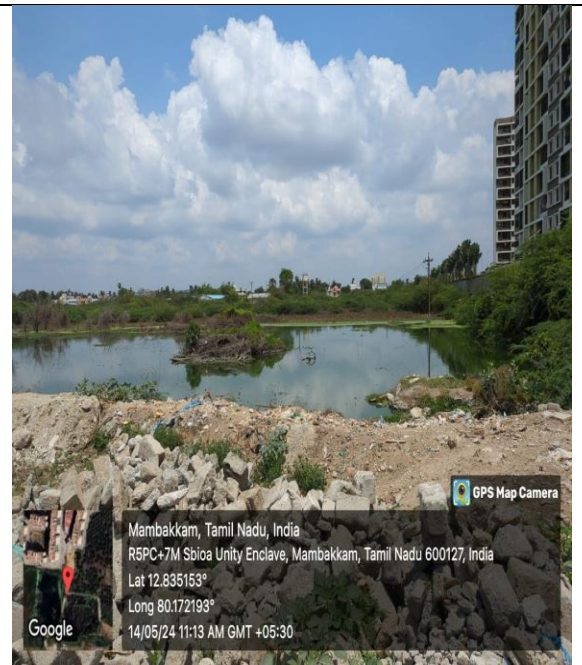
The unit of M/s. State bank of India Officer's Association (Chennai Circle)- Unity Enclave., located at S.F.No 17/2,17/3., etc., Mambakkam village, Tiruporur Taluk, Kancheepuram District (now Chengalpattu district) for construction of residential complex as with total built up area of 316187.66 sqm with 2100 Dwelling units for which the unit has obtained Environmental Clearance from SEIAA, Chennai and Consent to establish under the Water(P&CP) Act, 1974 and the Air(P&CP) Act, 1981 from the TNPC Board vide proceedings dated 17.04.2015 valid for two years.

- i. The construction of the residential apartment was completed and the same was maintained by the SBIOA Unity Enclave Owner's Welfare Association, Mambakkam without obtaining consent to operate from the Board.
- ii. Sewage Treatment Plant comprises of Bar Screen Chamber, Grit Chamber, Equalization Tank, Aeration Tank – Sequential Batch Reactor-3 Nos., Pre filtration and decant water tank, Sludge Holding Tank, Pressure Sand Filter-2 Nos., Activated Carbon Filter-2 Nos., UV System (Not provided), Filter Press-2 Nos., Treated Water Tank.
- iii. The STP provided was below the ground level (basement of block M) and out of the 8 Air Blowers installed in the STP only 3 are in operation (CTE was issued to the unit with a condition that the unit shall provide above ground level STP (1 x 1350KLD) capacity.
- iv. The raw sewage from the residential apartment is collected in the collection tank. Raw sewage from the collection tank is pumped into Sequencing Batch Reactor Tank 1, 2 &3. It was noticed that the pipe line from collection tank to Sequencing Batch Reactor Tank 1 is damaged.
- v. The sewage from the Sequencing Batch Reactor Tank is pumped into the decant water tank and further it is sent to Filter Feed Tank. Other components such as Pressure sand filter (2 Nos.), Activated carbon filter (2 Nos.), and Filter Press (2 Nos) are not in operation.

- vi. The partially treated water from the filter feed tank is being utilized for toilet flushing and remaining water is being discharged into adjoining open land (Temple land as reported by revenue department) outside the unit premises through pipe line.
- vii. The log book was not properly maintained for the operation of the sewage treatment plant.
- viii. The proponent has not provided flow meters at the inlet and outlet of STP. Hence, the quantity of sewage treated and utilized/disposed in the STP was not ascertained.
- ix. The proponent has not provided separate energy meters for STP.
- x. The samples were collected from the following points
 - 1. Inlet to STP
 - 2. Outlet from STP
 - 3. Toilet flush water,
 - 4. Open well water
 - 5. Stagnated water outside the premises and sent to District Environmental Lab, Tamilnadu Pollution Control Board, Maraimalai Nagar for analysis of pH, BOD,TSS.
- xi. The sample collected from stagnation water on open land outside the unit premises and open well water are sent to Advanced Environmental Laboratory, Tamilnadu Pollution Control Board Guindy for analysis of Bacteriological parameters.
- xii. The unit has installed Diesel Generator set of 500 kVA capacity – 3 Nos. with acoustic enclosure for the residential apartment and Diesel Generator set of 500 kVA capacity – 2 Nos. for Commercial building. (Consent to Establish was issued to the unit for DG set of 750 KVA -3 Nos and DG sets 500 KVA-2 Nos).
- xiii. During the time of inspection odour was felt by the members of the committee in the STP area.



Partially treated sewage is being discharged into adjoining open land outside the unit premises through pipeline.



Stagnation of STP Water noticed in the open land outside the premises



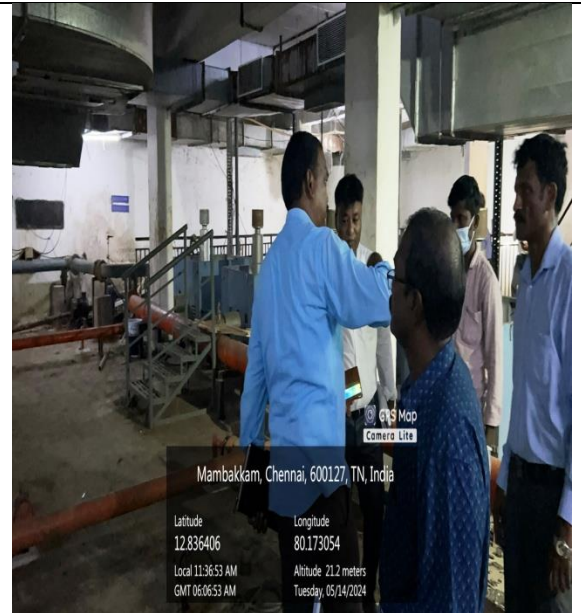
Stagnation of STP Water noticed in the open land outside the premises



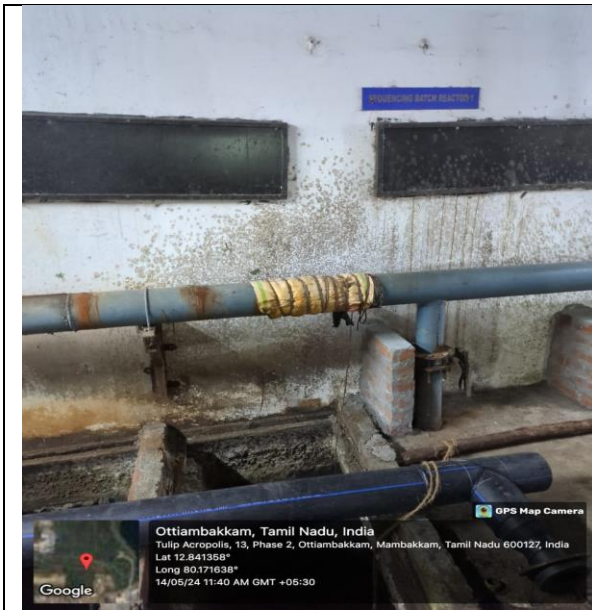
Stagnated water sample collected outside the unit premises



STP located at below ground level



Inspection of the STP by the Joint Committee



Damaged pipeline from collection tank to SBR.



DG Set of 500 KVA Capacity – 2 Nos for commercial building.

Environmental Compensation levied to the said unit

In view of the above, it is respectfully submitted that environmental compensation for the above said violations by the unit of M/s. SBIOA Unity Enclave Owners' Welfare Association located at S F No 17/2,17/3,17/4, etc., Mambakkam village, Tiruporur Taluk, Chengalpattu District may be levied and is calculated as below

Calculation of Environmental Compensation based on the CPCB Guidelines:

Environmental Compensation Formula

$$EC = PI \times N \times R \times S \times LF$$

Where

EC-Environmental compensation

PI-Pollution index of industry sector

N-Number days of violation took place

R-A factor in Rs for EC

S-Factor for scale of operation

LF-Location Factor

Note:

- i) The industrial sectors have been categorized into Red, Orange and Green based on their pollution index in the range of 60-100, 41-59 and 21-40 respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental compensation for Red, Orange and Green Categories of industries respectively
- ii) N, number of days for which violation took place is the period between the day of violation observed due date of directions compliance and the day of compliance verified by PCB/SPCB/CPCB
- iii) R, is a factor in rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the Environmental Compensation in cases of Violation
- iv) S could be based on small/medium/large industries categorization which may be 0.5 for micro or small, I for medium and 1.5 for large units
- v) LF, could be based on the population of the city/town and location of the industrial unit. For the industrial unit located within municipal boundary or upto 10 Km distance from the municipal boundary of the city/town, following factors (LF) may be used

S.No.	Population (Million)	Location Factor (LF)
1.	Less than 1	1.0
2.	1 to <5	1.25
3.	5 to <10	1.5
4.	10 and above	2.0

Environmental Compensation to the unit of M/s. SBIOA Unity Enclave Owners' Welfare Association located at S F No 17/2,17/3,17/4, etc., Mambakkam village, Tiruporur Taluk, Chengalpattu District is calculated as follows

The Date of violation observed: 21.09.2023

Pollution Index for Red category industries as per CPCB Guidelines - 80

Number of days-239 (from the date of violation noticed to till the date, 16.05.2024)

R as per CPCB Guidelines-250

S as per CPCB Guidelines-1.5

LF as per CPCB Guidelines -1.0

Environmental compensation (EC) = $PI \times N \times R \times S \times LF$

$$= 80 \times 239 \times 250 \times 1.5 \times 1.0 - \text{Rs. } 71,70,000/-$$

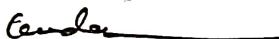
Environmental compensation (EC) for the unit: Rs. 71,70,000/- (Rupees Seventy One Lakhs and Seventy Thousand only)

Recommendations of the Joint Committee:


The Joint Committee has suggested the following recommendations in the above said subject matter before the Hon'ble National Green Tribunal

1. The proponent/association shall apply and obtain consent to operate of the Board under the Water (P&CP) Act, 1974 as amended and Air (P&CP) Act, 1981 as amended immediately and stop the discharge of untreated sewage in to the nearby land immediately.
2. The proponent/association shall operate and maintain the STP components continuously & efficiently so as to achieve the treated sewage standards prescribed by the Board.
3. The proponent/association shall make necessary arrangements to utilize the treated waste water 523 KLD for Toilet flushing, 75 KLD for gardening/green belt development and 683 KLD through CMWSSB out let as per the consent of TNPC Board and shall not let out treated/untreated sewage from the premises at any point of time.
4. The proponent/association shall provide the EMFMs with automatic recorder and display arrangement at the inlet/outlet of STP and at the disposal points of the treated sewage for gardening, toilet flushing and to CMWSSB outlet.
5. The unit shall provide water flow meters for the raw water supply and it shall be fixed with automatic recorder and display.
6. The proponent/association shall provide separate energy metre for STP Operation and maintain logbook for the operation of the STPs and to assess the quantity of energy consumption.
7. The unit shall not clean the STP tanks manually and it should be carried out only by mechanical system.
8. The unit shall utilize the sludge generated from the STP as manure for gardening.
9. The proponent/association shall provide full fledged mechanical ventilation arrangement in the STP.
10. The proponent/association shall make all provisions for avoiding the entry of storm water into STPs which hampers the regular and efficient operation of the treatment system.
11. The analysis of treated sewage shall be done periodically to assess the performance of the STP.
12. The unit shall provide continuous monitoring system in the STP area for monitoring the emission of toxic gases such as H₂S, CH₄, etc.

13. The proponent/association shall ensure that the blower arrangement to suck & release the odorous gas if any generated from collection cum equalization tank provided.
14. The proponent shall remit the Environmental Compensation of Rs. 71,70,000/- for the above said violations.
15. The unit shall relocate the STP to the above ground level 1350 KLD capacity with UV Disinfection system having 15 watts UV Lamp / m³ of treated water as per the condition stipulated in the Consent to Establish order dated:17.04.2015.
16. The unit shall provide D.G sets of capacity as mentioned in the Consent to Establish order dated:17.04.2015. .


District Environmental Engineer
Tamil Nadu Pollution Control Board,
Maraimalai Nagar.


Block Development Officer
BLOCK DEVELOPMENT OFFICE (V.P)
Thiruporur Panchayat Union
THIRUPORUR PANCHAYAT UNION


Revenue Divisional Officer
Tambaram

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

Date: 29.08.2024

Date of hearing on: 30.08.2024