

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

ORIGINAL APPLICATION NO. 153 of 2021 (SZ)

B. Subramaniyan,
Plot No.218, 4th Cross Street,
Vaithialingam Salai,
Neelankarai Village,
Chennai – 600 115.

...Applicant

Vs

The Tamil Nadu Pollution Control Board,
Re. by its Member Secretary,
76, Anna Salai, Guindy,
Chennai – 600 032 & 2 others.

...Respondents

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**Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

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REPORT FILED ON BEHALF OF THE 1ST RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.

I, R.Rajamanickam, S/o. P.M.Ramasamy, Hindu aged about 57 years, having my office at No. 76, Mount Salai, Guindy, Chennai -600032, 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 Respondent Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

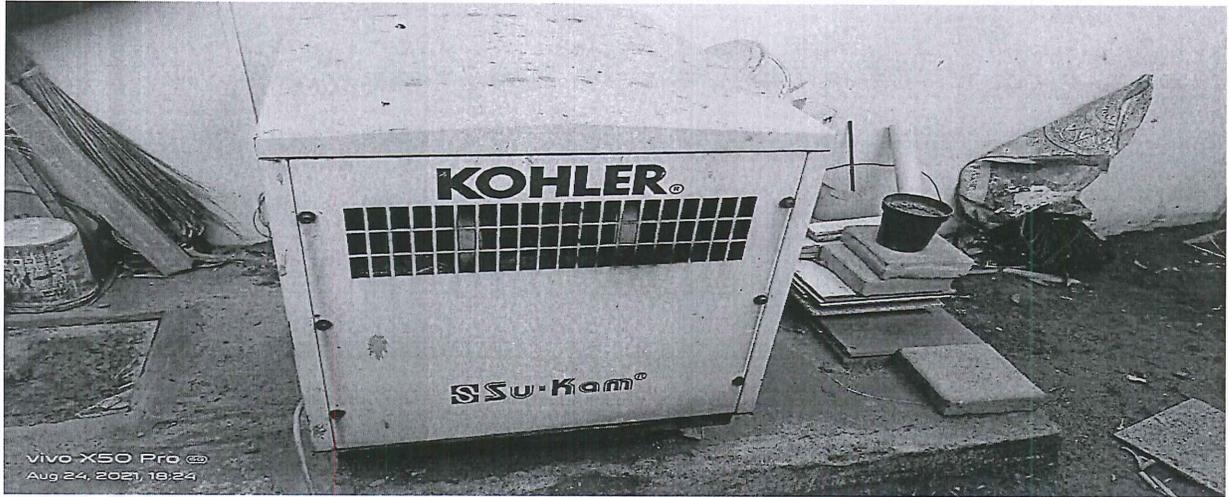
2. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ) has passed order dated 26.07.2021 and directed as follows:

“10.The Tamil Nadu Pollution Control Board (TNPCB) is directed to conduct the Noise level Test in and around in that area both at day at night time to ascertain as to whether any noise pollution is being caused on account of the user of the same, including the house of the applicant and it exceed the level, what are the mechanism to be provided to control the same.They are also required to suggest those mechanisms as well, provided the operation of the generator set is otherwise permitted after by obtaining necessary permission.”.


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3. It is respectfully submitted that in order comply with the Hon'ble NGT (SZ) order, the said area in question was inspected and Ambient Noise Level survey was conducted on 24/08/2021 between 6.00pm and 7.20pm (Day Time) and on 25.08.2021 between 4.30am and 5.50am (Night Time) by the District Environmental Laboratory, Tamil Nadu Pollution Control Board, Maraimalai Nagar in the presence of the applicant Thiru.B.Subramanian Balraj, at his residence at Plot.No.218, 4th Cross Street, Vaithialingam Salai, Neelankarai Village, Chennai and various locations in and around the applicant's residence.

Photographs taken during Inspection and Noise Level Survey



Generator installed in the residence of Mr.Satish Durai (3rd Respondent) and Tmt.Priya Sathish, adjacent to the applicant's house.

4. It is respectfully submitted that the report on the Ambient Noise Level Survey conducted on 24.08.2021(Day Time), survey time between 6.00pm and 7.20 pm is tabulated as follows:

Sl.No.	Survey Location	Noise Level dB(A)		
		Leq	Min	Max
1	Background Noise level in the bedroom of the applicant's residence without (w/o) the operation of 5 KVA generator.	53.2	40.0	72.9


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2	Noise level in the bedroom of the applicant's residence during the operation of 5 KVA generator.	63.0	51.7	81.9
3	Background noise level in the compound wall adjoining the applicant's residence & Tmt.Priya Sathish residence without (w/o) the operation of 5 KVA generator.	55.0	44.8	73.7
4	Noise level in the compound wall adjoining the applicant's residence during operation of 5 KVA generator.	66.5	54	73.4
5	Background noise level in the vacant land adjacent to the applicant's residence without (w/o) the operation of 5 KVA generator.	58.9	47.2	72.0
6	Noise level in the vacant land adjacent to the applicant's residence during the operation of 5 KVA generator.	54.9	52.3	71.9
7	Background noise level in the residence of Tmt.Priya Sathish without (w/o) the operation of 5 KVA generator.	57.4	45.3	74.6
8	Noise level in the residence of Tmt.Priya Sathish during the operation of 5 KVA generator.	69.3	63.8	74.9

*Permissible Ambient Noise Level Standard applicable to residential area during day time is 55dB(A)

The report on the Ambient Noise Level Survey conducted on 25.08.2021 (Night Time), survey time between 4.30am and 5.50 am is tabulated as follows.

Sl.No.	Survey Location	Noise Level dB(A)		
		Leq	Min	Max
1	Background Noise level in the bedroom of the applicant's residence without (w/o) the operation of 5 KVA generator.	46.0	40.6	60.1
2	Noise level in the bedroom of the applicant's residence during the operation of 5 KVA generator.	59.2	53.9	60.9
3	Background noise level in the compound wall adjoining the applicant's residence & Tmt.Priya Sathish residence without (w/o) the operation of 5 KVA generator.	46.8	41.1	61.9
4	Noise level in the compound wall adjoining the applicant's residence during the operation of 5 KVA	66.9	54.2	71.2

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	generator.			
5	Background noise level in the vacant land adjacent to the applicant's residence without (w/o) the operation of 5 KVA generator.	43.2	39.8	50.8
6	Noise level in the vacant land adjacent to the applicant's residence during the operation of 5 KVA generator.	51.0	49.1	55.8
7	Background noise level in the residence of Tmt.Priya Sathish without (w/o) the operation of 5 KVA generator.	46.5	41.4	54.3
8	Noise level in the residence of Tmt.Priya Sathish during the operation of 5 KVA generator.	69.5	66.6	74.2

*Permissible Ambient Noise Level Standard applicable to residential area during night time is 45dB(A)

5. It is respectfully submitted that the residence of the applicant is located adjacent to the residence of Mr. Satish Durai (3rd Respondent) and Tmt. Priya Sathish, where the subject 5KVA generator is installed. To assess the impact of the noise emission from the said generator, Ambient Noise Level Survey was conducted at various locations as stated in the table above.

6. It is submitted that the Ambient Noise Level Survey conducted during day time when the said generator was in operation reveals that the noise emission measured at the following locations exceeds as against **55dB(A)** the standards prescribed in the Noise Pollution (Regulation and Control) Rules, 2000 as applicable to residential area:

- i. Bedroom of the applicant's residence **[63dB(A)]**.
- ii. Near the compound wall adjoining the applicant's residence **[66.5dB(A)]**.
- iii. At the residence of Tmt. Priya Sathish **[69.3dB(A)]**.

7. It is respectfully submitted that the Ambient Noise Level Survey conducted during night time when the said generator was in operation reveals that the noise emission measured at the following locations exceeds as against


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45dB(A) the standards prescribed in the Noise Pollution (Regulation and Control) Rules, 2000 as applicable to residential area:

- i. Bedroom of the applicant's residence **[59.2dB(A)]**.
- ii. Near the compound wall adjoining the applicant's residence **[66.9dB(A)]**
- iii. Vacant land adjacent to the applicant's residence **[51dB(A)]**.
- iv. At the residence of Tmt. Priya Sathish **[69.5dB(A)]**.

Furthermore, during night time, the background noise emissions also exceeds the standard in all the above said locations.

8. It is respectfully submitted that as per Rule 7 and Rule 2 (c) of the Noise Pollution (Regulations and Control) Rules, 2000, the District Magistrate, Police Commissioner, or any other officer not below the rank of the Deputy Superintendent of Police designated for the maintenance of the ambient air quality standards in respect of noise, are the authority competent to take action on the complaint regarding noise pollution.

9. It is further submitted that the applicant sent complaint against the 3rd Respondent on various occasions and the same have been forwarded to the Inspector of Police, J 8 Neelangarai Police Station, for necessary action in accordance with the Noise Pollution (Regulations and Control) Rules, 2000 by the DEE, TNPCB, Maraimalai Nagar.

10. It is respectfully submitted that as per the directions of the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in a batch of cases in Appeal No. 12 (THC) of 2013, O.A. No. 17 (THC) of 2013 and O.A. No. 32 (THC) of 2013, the Central Pollution Control Board issued the guidelines for in-use generator sets (Noise and Emission) wherein specified for installation of gensets is as follows:

- i. Gensets be installed with stand alone or isolated foundation with proper anti-vibration packing/pad, etc;
- ii. Smoke of a gensets be channelized/emitted in a manner that it is not a nuisance in the neighbourhood;


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- iii. Genset be installed in the basement, in order or priority. However, due care be taken so that it is not a nuisance in the neighbourhood;

Hence, it is respectfully submitted that the 3rd respondent may be directed to provide necessary in-built acoustic enclosures / room acoustic enclosures to the generation, housing the same with proper foundation and with anti-vibration packing/pad etc., ensuring that the noise emission during operation satisfy the Ambient Noise Level Standards prescribed in the Noise Pollution (Regulations and Control) Rules 2000 applicable to residential area.

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


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BEFORE ME

VERIFICATION

I, R. Rajamanicam, S/o. P.M.Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.


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POLLUTION CONTROL BOARD.**

**Advocate for Respondent No. 1 & 3
Thiru. S. Sai Sathya Jith,
Advocate, Chennai.**

Date:01.03.2022.

Date of hearing on:02.03.2022

