

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

Original Application No. 163 of 2024 (SZ)

R. Jayakumar

...Applicantt

Vs

M/s. APA Hotels PVt Ltd.,
Represented by Mr. T.V.Sathiya Narayanan,
No.115, Sri thyagaraya Road, T.Nagar,
Chennai-600 017 & 4 ors.

... 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.163 of 2024

R. Jayakumar.
S/o Late Mr.K.Ramunni Menon. Aged 75 years,
B-8. Alankar Apartments,
Old No. 12. New No.25, Raman Street,
T. Nagar, Chennai - 600 017.
E Mail: janiroh8@gmail.com
Phone: 9841032122

...Applicant

Vs

1. M/s.APA Hotels Pvt. Ltd.
Represented by Mr.T. V.Sathia Narayana,
No 115, Sir Thyagaraya Road, T. Nagar,
Chennai-600 017.
E mail: finance@theresidency.com
Phone: +91 44 2815 6363, +91 96 2637 7555
2. Tamil Nadu Pollution Control Board,
Represented by its Member Secretary,
Corporate Office – TNPCB,
76, Mount Salai, Guindy,
Chennai - 600 032.
E-Mail: memsec@tnpcb.gov.in
Phone: 22353134-139.
3. The Commissioner of Police,
Greater Chennai Police,
No 132, EVK Sampath Salai,
Vepery, Chennai - 600 007.
E Mail - cop chncity@theetns.gov.in
Phone- 23452320
4. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai -600 003.
E – Mail - commissioner@chennaicorporation.gov.in
Phone- 25619200 , 25381330.
5. Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
Thalamuthu Natarajan Maaligai,
No 1, Gandhi Irwin Road. Chennai - 600 008.
E-Mail mscmda@tn.gov.in
Phone: 28414355

...Respondents

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26/10/24

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

REPORT FILED ON BEHALF OF THE 2ND RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD

I, R. Sarasavani, Daughter of Thiru. J. Raghavan, 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 submit that I am working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am authorized to file this report on behalf of the second respondent and as such I am well acquainted with the facts of the case from the records available.
2. It is respectfully submitted that the present application was filed against M/s. APA Hotels Private Limited, Ramar Street, T.Nagar, Guindy Taluk, Chennai for causing Noise pollution due to the construction activity carried for its expansion activity.
3. It is respectfully submitted that, Thiru. Jayakumar, the present Applicant has filed a case in OA No.163 of 2024 before the Hon'ble NGT, alleging that the said construction work carried out by using concrete mixers and heavy drilling equipment and also the machines carried through Raman Street are causing unbearable noise pollution. It is also alleged that the construction activity is being carried out during prohibited night time between 10 P.M to 6 A.M and violates Noise Pollution (Regulation & Control) Rules, 2000 with the following prayers
 - a. Direct the 1st respondent APA Hotels Pvt Ltd to halt all construction activity at the site (Shown as) at Door No. 115, Sir Thyagaraya Road, T. Nagar Chennai, till the 2nd , 3rd, 4th , , and 5th respondent certify before this Hon'ble Tribunal that the 1st Respondent APA Hotels has all the requires statutory approvals, consent and sanction for the construction activity and to initiate action for non compliance.
 - b. Direct payment of Compensation of Rs. 10,00,000 (Rupees Ten Lakh only) to the applicant for the loss of sleep, disturbance and long term repercussions on his health caused by the noise and air pollution by the 1st respondent APA Hotels Pvt Ltd's construction


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TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
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activity (shown as) at Door No.115, Thyagaraya Road, T.Nagar, Chennai during the Prohibited time band of 10 pm to 6pm and during the day as well.

- c. Allow payment of Costs for this application
 - d. Pass any other order and thus render justice.
4. It is respectfully submitted that unit M/s. APA HOTELS PRIVATE LIMITED, S.F.No. TS No 4860, 7025 and 7026, T NAGAR village, Guindy Taluk, Chennai District is an existing unit and has obtained Consent to Operate from the Board vide Proc. dated 06.04.2009 and subsequently renewed the same, valid up to 31.03.2025.
 5. It is respectfully submitted that the unit has obtained Environmental Clearance vide EC dated 29.08.2019, including the existing building i.e.- the project consists of 2 Blocks namely hotel block having Double Basement, Ground floor + Twelve floors + Thirteenth Floor (Part) & Banquet Block having Double Basement, Ground floor + Four floors” for the total Built up area of 29582.44 Sq.m, valid upto 28.08.2026.
 6. It is respectfully submitted that the unit has submitted the application for CTE vide application No. 59663433 dated 15.05.2024 and the same was returned for want of additional particulars on 17.05.2024.
 7. It is respectfully submitted that the said site was inspected on 17.05.2024 and ambient Noise level survey was conducted on 17.05.2024 by the TNPCB Lab officials in the presence of the Petitioner at two locations viz 1. Petitioner’s house & 2. construction site as given below,
 - a. Entrance of the construction site (Machines not in operation)
 - b. Entrance of the construction site (Compressor Machines in operation).
 - c. Entrance of the construction site (Compressor and Mixer Machines in Operation.
 - d. Complainant’s residence (Machines not in operation)
 - e. Complainant’s residence (Compressor Machines in operation)


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- f. Complainant's residence (Compressor and Mixer Machines in Operation).
8. It is respectfully submitted that the ROA (Report of Analysis) of the ANL (Ambient Noise Level) survey reveals the following:
- Complainant's residence (Machines not in operation) - 55.7 dB
 - Complainant's residence (Compressor Machines in operation) - 56.0 dB
 - Complainant's residence (Compressor and Mixer Machines in Operation) - 56.2 dB

The noise levels exceeds the Board's prescribed limit for Residential area – 55 dB. However, the ANL survey also reveals that the noise level slightly exceeds the prescribed limit for Residential area even when the machineries were not in operation.

9. It is respectfully submitted that during inspection the unit authorities assured that they won't carry the construction activities after 8 P.M and RMC laden lorries will not affect the public traffic.
10. It is respectfully submitted that, Consent to Establish (CTE), has been issued to the unit vide Board's proceeding dated 07.06.2024 valid up to 28.08.2026 for the proposed expansion activity, to comply with certain conditions as stated therein.

It is therefore most humbly prayed that this Hon'ble Tribunal may be pleased to consider the report and pass appropriate orders as it may deem fit and proper in the circumstances of the case and thus render Justice.

VERIFICATION

I, R. Sarasvani, Daughter of Thiru.J. Raghavan, working as Joint Chief Environmental Engineer, office at No.76, Mount Salai, Guindy, Chennai - 600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records.

dar 10/9/24
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

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Rep.by Mr. T.V.Sathiya Narayanan,
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... Respondents

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

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

Date:11.09.2024

Date of hearing on:27.09.2024.

