

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, AT CHENNAI
Original Application No. 274 of 2024**

IN THE MATTER OF:

Tribunal on its own motion SUO MOTU based on the News Item published in 'Dinamalar' Chennai Edition dt 25.09.2024 titled, "Dumping of 05 tons of medical waste in Pallavaram Eri"

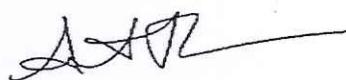
AND

The Chief Secretary to Government
of Tamil Nadu, Chennai and Others.

...Respondents

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

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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With

The Chief Secretary to Government
of Tamil Nadu, Chennai and Others.

...Respondents.

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

I, S. Malarvizhi, Daughter of Thiru K.Subburam, aged about 58 years, having my office at No.76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely states as follows:

2. I respectfully 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 fourth respondent and as such I am well acquainted with the facts of the case from the records available in our office.
3. It is respectfully submitted that the Hon'ble NGT(SZ) on its own taken a SUO MOTU based on the newsitem published in Dinamalar, Chennai Edition dated 25.09.2024 titled, "**Dumping of 05 tons of medical waste in Pallavaram Eri**".
4. It is respectfully submitted that the report filed by the fourth respondent on 10.12.2024 may be treated as a part and parcel of this additional report.
5. It is respectfully submitted that the Hon'ble Tribunal passed an order on 13.02.2025 as follows:

S. Malarvizhi
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“7. If that is so, let the TNPCB proceed with the enquiry after affording an opportunity for a personal hearing, bring it to a logical conclusion and file a report before the date of next hearing”.

6. It is respectfully submitted that to comply the above order dated 13.02.2025 M/s. MIOT Hospitals Private Limited and M/s. GEM Hospital and Research Centre Pvt. Ltd, Perungudi Village, Sholinganallur Taluk, Chennai were called for personal hearing on 12.3.2025 by the 4th Respondent TNPCB. Minutes of the personal hearing conducted with the M/s. MIOT Hospitals Private Limited is as follows:

A. The representatives of the HCFM/s. MIOT Hospitals Pvt. Ltd., Chennai have informed the following:

- a. The HCF is complying with the Directions issued vide proceeding Dated 18.12.2024 including updating the annual/monthly reports of BMW generated in its website.
- b. They claim that no BMW/bag containing BMW was disposed into the complaint site from their hospital.
- c. They have an active BMW Committee and hence are also NABH certified.
- d. Monthly reports on generation of BMW along with bills and receipts are being submitted to the O/o DEE, TNPCB, Chennai (South).
- e. The HCF has remitted 50% (Rs. 27,62,813/-) of the Environmental Compensation (EC) levied to the Board.

B. Further, the HCF has stated the following with respect to waste segregation:

- a. The HCF has 4 buildings with in-patient and out-patient services and the collection of BMW and SW are scheduled at different timings
- b. Separate area has been allocated for the storage of BMW and SW and the same are segregated for further disposal.
- c. The BMW is being collected in colour coded bags in accordance with the BMW Rules, 2016.

S. S. Srinivasan
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- d. The general solid waste is collected in green covers which includes paper, cardboard, waste water bottles, plastic covers etc.
- e. The vendor for collecting the general solid waste generated at their hospital has been changed from M/s. Ashok Paper Mart to M/s. Parishudh after the incident of dumping of wastes.
- f. The food waste is being collected separately in black covers and is disposed to piggeries and as manure through the agency M/s. Elahi Traders.

The status of the compliance for the directions issued vide Proc.dt 18.12.2024 is stated below.

S.No.	Directions issued vide proc. dated 18.12.2024	Status of compliance
1.	The HCF M/s. MIOT Hospitals Private Limited, S.F.No.80/1A2, 80/2 of Ramapuram Village and 3/1A, 3/1B, 3/1C & 2/2 of Manappakkam Village, Alandur Taluk, Chennai district shall remit the Environmental Compensation (EC) of Rs. 55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand Six Hundred and Twenty-Five only) for the period 01.08.2023 to 24.09.2024 for the non-compliances of the BMWM Rules, 2016 observed earlier.	Based on the orders of the Hon'ble NGT in Appeal No. 1, the HCF has remitted 50% (Rs. 27,62,813/-) of the EC levied, to the Board vide DD No. 505939 dated 27.01.2025
2.	The HCF shall maintain and update on day-to-day basis the bio-medical waste management register and display the monthly record on its website according to the bio-medical waste generated in terms of category and colour coding as specified in Schedule I.	The HCF has updated the BMWM monthly records on its website as on date. The website was last updated on February 2025.

Sivaiah
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3.	The HCF shall segregate and store the Municipal Solid waste & plastic waste generated in accordance with the SWM Rules, 2016 and handover segregated wastes to authorized waste processing or disposal facilities or deposition centres either on its own or through the authorized waste collection agency; and the records for the same shall be sent to the Board every month.	The HCF stated that it is complying with the same and also is furnishing monthly reports on generation of BMW along with bills and receipts are to the O/o DEE, TNPCB, Chennai (South).
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7. It is respectfully submitted that the Officials from the Office of DEE, TNPCB, Chennai (South) stated that a barcoded yellow bag was found at the complaint site and the barcodes reads that it belongs to M/s. MIOT Hospitals Pvt. Ltd., Chennai. As per BMW Rules, 2016, it is the duty of the waste generator/Occupier to take all necessary steps to ensure that bio-medical waste is handled without any adverse effect to human health and the environment. Therefore, it is the responsibility of the HCF to dispose the wastes generated and hence the HCF is bound to remit the remaining 50% of the EC levied for the non-compliances stated therein.
8. It is respectfully submitted that based on the above, TNPCB has concluded the meeting with an advice/suggestion to the HCF to comply with the following, so as to avoid such misshapen in future:
- To provide periodical training to the lower-level staff on segregation of BMW in colour coded bags in accordance with the BMW Rules, 2016.
 - To keep a check on the vendors collecting the general solid waste and food waste by monitoring their performance from collection to disposal of wastes.
 - To maintain a register for accountability on number of barcoded bags issued to the HCF by the CBMWTF and number of bags collected back by the CBMWTF.

S. Mahalingam
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- d. The BMWM Committee shall conduct regular meetings for monitoring the BMWM in the hospital.
 - e. To comply with all the duties of the occupiers as stated in the BMWM Rules, 2016.
9. It is respectfully submitted that Minutes of the personal hearing conducted with the M/s. GEM Hospital and Research Centre Pvt. Ltd. is as follows:
- a. The Director/CEO of the HCF M/s. GEM Hospitals and Research Centre Pvt. Ltd., Chennai has informed the following:
 - b. The HCF is operating with 50 beds and with 400 staff.
 - c. The HCF is complying with all the provisions of the BMWM Rules, 2016 with respect to segregation of BMW.
 - d. No BMW was found dumped at the site under complaint and only Solid waste was found dumped by the vendor M/s. Ashok Paper Mart.
 - e. Only torn yellow barcoded bags were found at the dump site and unused kidney trays were found which are not considered as BMW.
 - f. The HCF has applied for new BMW authorization for disposal of increased quantity of BMW generated, at the O/o DEE, TNPCB, Chennai (South).
 - g. The Director/CEO of the HCF has stated that they have an active BMWM Committee.
 - h. The HCF has submitted a reply during the personal hearing vide letter dated 12.03.2025 citing that an FIR has been filed vide FIR No. 225 dated 28.10.2024 by the Hospital administration against the vendor Thiru. Ashok (M/s. Ashok Paper Mart) at Tharamani Police Station and a case has been registered in the Court of XVIII Metropolitan Magistrate in this regard.
10. It is respectfully submitted that the Officials of the DEE, TNPCB, Chennai (South) stated that a bar coded yellow bag was found at the complaint site and the barcodes reads that it belongs to M/s. GEM Hospitals and Research Centre Pvt. Ltd., Chennai. As per the BMWM Rules, 2016, it is the duty of the waste generator/Occupier to take all necessary steps to ensure that bio-medical waste is handled without any adverse effect to human health and the

environment. Therefore, it is the responsibility of the HCF to dispose the wastes generated and hence the HCF is bound to remit the EC levied, for the non-compliances stated therein.

The status of the compliance for the directions issued vide Proc.dt 18.12.2024 is stated below.

S.No.	Directions issued vide proc. dated 18.12.2024	Status of compliance
1.	The HCF M/s. GEM Hospital and Research Centre Pvt. Ltd, Perungudi Village, Sholinganallur Taluk, Chennai district shall remit the Environmental Compensation (EC) of Rs. 28,78,750/- (Twenty Eight Lakhs Seventy Eight Thousand Seven Hundred and Fifty) levied for the period 01.11.2023 to 24.09.2024 for the non-compliances of the BMWM Rules, 2016 observed earlier.	The HCF is yet to remit the Environmental Compensation of Rs. 28,78,750/- levied for the non-compliances observed earlier.
2.	The unit shall apply and obtain BMW authorization for the exceeded quantity of BMW generated and disposed beyond the consented and authorized quantity of BMW.	The HCF has applied for new BMW authorization at the O/o. DEE, TNPCB, Chennai (South)for the exceeded quantity of BMW generated and disposed.
3.	The HCF shall maintain and update on day-to-day basis the bio-medical waste management register and display the monthly record on its website according to the bio-medical waste generated in terms of category and colour coding as specified in Schedule I.	The HCF has not updated the BMWM monthly records on its website. The website was last updated on June 2023.

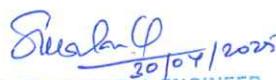
Sueelan
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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
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4.	The HCF shall segregate and store the Municipal Solid waste & plastic waste generated in accordance with the SWM Rules, 2016 and handover segregated wastes to authorized waste processing or disposal facilities or deposition centers either on its own or through the authorized waste collection agency; and the records for the same shall be sent to the Board every month.	The HCF has assured to comply with the same.
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11. It is respectfully submitted that based on the above, TNPCB has concluded the meeting with an advice/suggestion to the HCF to comply with the following so as to avoid such mishappen in future:

- a. To provide periodical training to the lower-level staff on segregation of BMW in colour coded bags in accordance with the BMWM Rules, 2016.
- b. To maintain their website and upload the annual report/monthly reports of BMW generated periodically.
- c. Not to use colour coded -bar coded bags dedicated for collection of BMW to collect general solid waste.
- d. To keep a check on the vendors collecting the general solid waste and food waste by monitoring their performance from collection to disposal of wastes.
- e. To maintain a register for accountability on number of barcoded bags issued to the HCF by the CBMWTF and number of bags collected back by the CBMWTF.
- f. The BMWM Committee shall conduct regular meetings for monitoring the BMWM in the hospital.
- g. To comply with all the duties of the occupiers as stated in the BMWM Rules, 2016.


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

Susala
30/04/2025

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

VERIFICATION

I, S. Malarvizhi, Daughter of Thiru Subburam, working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai – 600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records.

Susala
30/04/2025

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
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RESPONDENT – TAMIL NADU
POLLUTION CONTROL BOARD.**

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

Date: 30.04.2025

Date of hearing on: 01.05.2025

