

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTH ZONE BENCH, 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 dated 25.09.2024, titled “Dumping of 05 tons of medical waste in Pallavaram Eri”

Vs.

The Chief Secretary to Govt Of Tamil Nadu,
and 8 Ors.

...Respondents

Dates and Events Filed on behalf of the 5th Respondent in OA No. 274 of 2024

S.No	Dates	Events
1.	01.04.2022	<p><u>Agreement between the 5th Respondent and M/s. Ashok Paper Mart</u></p> <p>a. Memorandum of Agreement executed between the 5th Respondent and Mr. Ashok Kumar (“Independent Contractor”) for General and Wet Waste removal by the latter from the 5th Respondent’s Hospital; and</p> <p>b. The Terms of the Agreement is for a period of 2 years from 01.04.2022 to 31.03.2024.</p>
2.	01.04.2023	<p><u>Agreement between the 5th Respondent and the 9th Respondent</u></p> <p>a. Agreement executed 5th and 9th Respondents for ‘Collection, Transportation, Treatment And Final Disposal of Bio-Medical Wastes’ by the latter from the 5th Respondent’s Hospital; and</p>

		<p>b. The Term of the agreement is for a period of 5 years from 01.04.2023 to 31.03.2028.</p>
3.	28.04.2023	<p><u>Consent Order issued by the 4th Respondent</u></p> <p>a. Consent Order No. 2308249768696 dated 28.04.2023 under the Water (Prevention and Control of Pollution) Act, 1974 was issued by the 4th Respondent to the 5th Respondent; and</p> <p>b. The Consent order is valid from 28.04.2023 to 31.03.2025</p>
4.	28.04.2023	<p><u>Consent Order issued by the 4th Respondent</u></p> <p>a. Consent Order No. 2308149768698 dated 28.04.2023 under the Air (Prevention and Control of Pollution) Act, 1981 was issued by the 4th Respondent to the 5th Respondent; and</p> <p>b. The Consent Order is valid from 28.04.2023 to 31.03.2025,</p>
5.	06.08.2023	<p><u>Inspection report given by 4th Respondent</u></p> <p>a. As per Rule 6 and Rule 9(3) of the Bio Medical Waste Management Rules 2016, ("BMWM Rules") the 4th Respondent is required to grant and renew Authorisations under the BMWM Rules, 2016; and</p> <p>b. Pursuant to the above, the 4th Respondent provided the 5th Respondent an inspection report dated 06.08.2023 for the renewal of 5th Respondent's Bio Medical Waste Authorisation.</p>

6.	30.09.2023	<p><u>Bio-Medical Waste Authorization issued by 4th Respondent</u></p> <p>a. 5th Respondent was granted Bio Medical Waste Authorization vide Authorisation No.23BAC48242836 dated 03.09.2023 by 5th Respondent; and</p> <p>b. The Authorization is valid from 03.09.2023 to 31.03.2025</p>
7.	December, 2023	<p><u>Agreement with M/s. Ashok Paper Mart was Terminated</u></p> <p>5th Respondent 's Agreement with Mr. Ashok Kumar of M/s. Ashok Paper Mart dated 01.04.2022 was terminated by 5th Respondent due to M/s. Ashok Paper Mart's unprofessional conduct.</p>
8.	05.01.2024	<p><u>Agreement between 5th Respondent and JSR Plastics</u></p> <p>a. Memorandum of Agreement executed between 5th Respondent and Mr. S. Muthukrishna Perumal, JSR Plastics "Independent Contractor" for Garbage Removal (General and Garden Waste) by the latter from 5th Respondent's Hospital; and</p> <p>b. The term of the Agreement is for a period of one year from 05.01.2024 to 31.12.2024.</p>
9.	24.09.2024	<p><u>5th Respondent 's inspection of waste dumped at Site</u></p> <p>a. On receiving a phone call from the 8th Respondent at 07:45 AM, that 5th Respondent's waste was dumped at the Site, 5th Respondent's staff rushed to the spot at 08:45 AM;</p> <p>b. On inspection of the Site, 5th Respondent identified only General Waste belonging to multiple hospitals, clinics,</p>

nursing homes, etc. at the Site;

c. Only two green colour general waste covers of 5th Respondent were present at the Site;

d. Amid the General Waste at the Site, there were only 2 plain letter heads, a few Patient scrapped OPD Doctor Notes, a few welcome kits and a few paper bags belonging to 5th Respondent; and

e. There was no Bio-Medical Waste (“BMW”) or BMW Container of 5th Respondent present at the Site.

NOTE:

The General waste at the Site belonging to 5th Respondent, was handed over to M/s. Ashok Paper Mart before December 2023.

Date on the OPD Doctor Note found near Pallavaram Lake.

The scrapped OPD Doctor Note of 5th Respondent found near the Pallavaram Lake (“Site”) was dated 05.05.2023.

NOTE:

During this time, 5th Respondent’s Agreement with General Waste Vendor, M/s. Ashok Paper Mart was still in force and M/s. Ashok Paper Mart was responsible for due disposal of 5th Respondent’s General waste which was collected fromby the 4th Respondent’s Hospital.

10. 25.09.2024

Dinamalar News Item

a. News item published in ‘Dinamalar’, Chennai Edition dated 25.09.2024 titled, “Dumping of 05 tons of medical waste in

		<p>Pallavaram Eri"; and</p> <p>b. The News Item alleges that Bio-Medical Waste of 5th Respondent was found at the Site;</p> <p><u>NOTE:</u></p> <p>The News Item is completely false and misleading as there is no proof as to the existence of BMW at the Site, much less BMW belonging to 5th Respondent .</p>
11.	25.09.2024	<p><u>4th Respondent issued Show Cause Notice under the Air (Prevention and Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act 1974</u></p> <p>5th Respondent received two Show Cause Notices ("SCN") bearing Proceedings No. DEE/TNPCB/CHS/F.2353/RL/A/2024 and Proceedings No. DEE/TNPCB/CHS/F.2353/RL/W/2024.</p>
12.	27.09.2024	<p><u>Replies issued by 5th Respondent to SCN dated 25.09.2024</u></p> <p>5th Respondent issued replies to the 4th Respondent's SCNs dated 25.09.2024 vide MIOT/TNPCB/DEE/REPLY/Lr.No.1 and MIOT/TNPCB/DEE/REPLY/Lr.No.2. In the replies, 5th Respondent inter-alia:</p> <p>a. denied the allegations of the 4th Respondent that BMW belonging to 5th Respondent was dumped at a public place;</p> <p>b. stated that there was no Bio-Medical Waste ("BMW") or BMW Container of 5th Respondent present at the Site;</p> <p>c. stated that since 2022 5th Respondent only uses Blue colour plastic containers with barcode distributed by the 9th</p>

		<p>Respondent to dispose BMW and not Blue Colour Plastic Covers as found at the Site;</p> <p>d. stated that 5th Respondent practices the best BMW Handling procedures compared to other Health Care Providers; and</p> <p>e. stated that the 4th Respondent has without proper investigation, falsely alleged that BMW belonging to 5th Respondent was present at the Site.</p>
13.	01.10.2024	<p><u>Hon'ble NGT Registers Suo Motu Case vide OA No. 274/2024 against 5th Respondent</u></p> <p>a. OA No. 274/2024 was Suo Motu registered by the Hon'ble NGT based on the news item published in 'Dinamalar', Chennai Edition dated 25.09.2024 titled, "Dumping of 05 tons of medical waste in Pallavaram Eri"; and</p> <p>b. 5th Respondent was impleaded as a Respondent in OA No. 274/2024 by the Hon'ble NGT.</p>
14.	03.10.2024	<p><u>Order passed by the Hon'ble NGT in OA No. 274/2024</u></p> <p>a. The Hon'ble NGT ordered notice to be issued to all the Respondents through the Tribunal along with a copy of the Dinamalar newspaper report dated 25.09.2024; and</p> <p>b. The Hon'ble NGT called upon the Respondents to file their replies/ reports and posted the matter on 17.10.2024.</p>
15.	03.10.2024	<p><u>5th Respondent received a call from S-12 Police Station</u></p> <p>5th Respondent received a Telephone Call from S-12, Chitlakkam Police Station at 01:18 PM seeking an explanation from 5th</p>

		Respondent for the allegation made by 8 th Respondent regarding the alleged dumping of 5 th Respondent 's Bio Medical Waste at the Site.
16.	04.10.2024	<p><u>8th Respondent issued SCN to 5th Respondent</u></p> <p>5th Respondent received a SCN vide Notice No. 04 dated 25.09.2024 from the 8th Respondent.</p>
17.	05.10.2024	<p><u>5th Respondent issued a reply to the Chitlakkam Police Station</u></p> <p>5th Respondent vide letter dated 05.10.2024 replied to the telephonic conversation with S12 Police Station on 03.10.2024. 5th Respondent has inter-alia stated in the reply that:</p> <ol style="list-style-type: none"> a. BMW belonging to 5th Respondent was not dumped at a public place; b. 5th Respondent disposes of its BMW through TNPCB authorised Vendor, M/s. G.J.Multiclave (9th Respondent) as per the BMW Rules, 2016; c. 5th Respondent's BMW are stored, collected and segregated in respective bar coded coloured covers/containers; d. The receipts and registers are maintained by the 5th Respondent as per the BMW Rules, 2016; and e. 5th Respondent practices the best BMW Management practices.
18.	05.10.2024	<p><u>5th Respondent issued a reply to the SCN from the 8th Respondent</u></p> <p>5th Respondent vide letter dated 05.10.2024 issued a reply to Notice No.04 dated 25.09.2024 received from the 8th Respondent . 5th</p>

		<p>Respondent has inter-alia stated in the reply that:</p> <ol style="list-style-type: none"> a. BMW belonging to 5th Respondent was not dumped at a public place; b. 5th Respondent disposes of its BMW through TNPCB authorised Vendor M/s. G.J.Multiclave as per the BMW Rules, 2016; c. 5th Respondent 's BMW are stored, collected and segregated in respective bar coded coloured covers/containers; d. The receipts and registers are maintained by 5th Respondent as per the BMW Rules, 2016; and e. 5th Respondent practices the best BMW Management practices.
19.	08.10.2024	<p><u>4th Respondent issued proceedings to 5th Respondent under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016</u></p> <p>4th Respondent vide Proceeding No. DEE/TNPCB/F.2353CHS/CHS/RED Large/2024, dated 08/10/2024 directed 5th Respondent to comply with the Hazardous and Other Wastes (Management and Transboundary Movement) ("HOWM") Rules, 2016.</p>
20.	15.10.2024	<p><u>4th Respondent issued Proceedings under the BMW Rules, 2016</u></p> <p>4th Respondent issued Proceedings to 5th Respondent vide Proceedings. No. T3/TNPCB/F.022499/BMW/2024-1 and</p>

		Proceedings. No. T3/TNPCB/F.022499/BMW/2024-2.
21.	16.10.2024	<p><u>Report filed by the 8th Respondent in OA No. 274 of 2024</u></p> <p>The Tambaram Corporation, who is the 8th Respondent in OA No. 274 of 2024 filed a report before the Hon'ble NGT.</p>
22.	17.10.2024	<p><u>Order passed by the Hon'ble NGT in OA No. 274 of 2024</u></p> <p>The Hon'ble NGT vide order dated 17.10.2024 has stated inter-alia that:</p> <ol style="list-style-type: none"> a. Report of the Tambaram City Municipal Corporation (Respondent No.8) is filed, wherein it is stated that 5th Respondent was levied with a fine of Rs.5,00,000/- (Rupees Five Lakhs only) as a penalty for their illegal disposal of waste, including the BMW in open place; and b. Admitting the same, 5th Respondent and 6th Respondent have immediately paid the said amount, which is evidenced by the receipts filed by the 8th Respondent along with the report.
23.	29.10.2024	<p><u>5th Respondent issued a reply to 4th Respondent's Proceedings under HOWM Rules, 2016</u></p> <p>5th Respondent issued a reply to the 4th Respondent's Proceeding under the HOWM Rules dated 08.10.2024 and stated inter-alia that 5th Respondent is in compliance with its obligations under the HOWM Rules.</p>

24. 30.10.2024

Reply issued by 5th Respondent to 4th Respondent's Proceedings under the BMW Rules, 2016

5th Respondent issued a reply to the 4th Respondent's Proceedings bearing Proceedings. No. T3/TNPCB/F.022499/BMW/2024-1 dated 15.10.2024 under the BMW Rules, 2016 and stated inter-alia that:

- a. The following references mentioned in the 4th Respondent Proceedings dated 15.10.2024 were not received by the 5th Respondent :
 - i. DEE/MMN Lr.No.DEE/TNPCB/MMN/BMW/2024 dated 25.09.2024; and
 - ii. Lr. No. F.No. 2353/ DEE/ CHS/ TNPCB/ BMW/Complaint/ EPA/2024 dated 01.10.2024
- b. 5th Respondent operates after obtaining the Consent Orders under the Air Act and the Water Act.
- c. 5th Respondent has also obtained the BMW Authorization dated 30.09.2023 from 4th Respondent for Generation, Collection, Reception, Treatment, Storage, Transport and disposal of BMW to TNPCB authorised treatment facility vendor M/s. GJ Multiclave Private Limited, who is the 9th Respondent.
- d. 5th Respondent has complied with its other responsibilities stipulated under the BMW Rules, 2016, specifically, under Rule 4 which states the Duties of the occupier; and

		<p>e. 5th Respondent has complied with each of the conditions imposed in the 4th Respondent's Proceedings dated 15.10.2024.</p>
25.	30.10.2024	<p><u>Reply issued by the 5th Respondent to 4th Respondent's SCN under the BMW Rules, 2016</u></p> <p>5th Respondent issued a reply to the 4th Respondent's SCN bearing Proceedings. No. T3/TNPCB/F.022499/BMW/2024-2 dated 15.10.2024 under the BMW Rules, 2016 and stated inter-alia that:</p> <p>a. The following references mentioned in the 4th Respondent's SCN dated 15.10.2024 were not received by 5th Respondent :</p> <p>b. DEE/MMN Lr.No.DEE/TNPCB/MMN/BMW/2024 dated 25.09.2024;</p> <p>c. Lr. No. F.No. 2353/ DEE/ CHS/ TNPCB/ BMW/Complaint/ EPA/2024 dated 01.10.2024; and</p> <p>d. Lr. No. F. No. 2353/ DEE/ CHS/ TNPCB/ BMW/ Complaint/ EC/2024 dated 07.10.2024</p> <p>e. 5th Respondent is committed to adhering to all the Environmental Regulations and has ensured strict compliance with all conditions stipulated in the Bio Medical Waste Management Rules 2016 inside 5th Respondent's premises.</p> <p>f. 5th Respondent was awarded with the NABH Accreditation Standards for Hospitals, 5th edition which is the highest level of accreditation for the year 2024. The Accreditation involves</p>

		<p>a comprehensive evaluation inter-alia of 5th Respondent's Bio Medical Waste Management and quality delivery of services;</p> <p>and</p> <p>g. 5th Respondent has complied with all duties of the Occupier under Rule 4 of the BMW Rules, 2016.</p>
26.	04.11.2024	<p><u>Proceedings issued by the 4th Respondent under the HOWM Rules</u></p> <p>4th Respondent vide Proceeding No. TNPCB / F. HOWA/ MMN / RL/ 2024, dated.04.11.2024 directed 5th Respondent to comply with the HOWM Rules, 2016.</p>
27.	12.11.2024	<p><u>5th Respondent issued reply to the 4th Respondent's Proceedings under HOWM Rules, 2016</u></p> <p>5th Respondent issued a reply to the 4th Respondent's Proceeding under the HOWM Rules dated 04.11.2024 and stated inter-alia that 5th Respondent is in compliance with its obligations under the HOWM Rules.</p>
28.	13.12.2024	<p><u>Order Passed by the Hon'ble NGT in OA No. 274 of 2024</u></p> <p>This Hon'ble Tribunal in its order dated 13.12.2024 in OA No. 274 of 2024 inter-alia recorded and directed that:</p> <p>a. Show Cause Notices have been issued by the 4th Respondent to 5th Respondent and 5th Respondent has issued replies to the 4th Respondent's notices; and</p> <p>b. The 4th Respondent should proceed with the enquiry, after</p>

		affording 5 th Respondent an opportunity for a personal hearing, bring it to a logical conclusion and file a report before the Hon'ble NGT before 18.02.2025.
29.	20.12.2024	<p><u>Directions issued by the 4th Respondent to 5th Respondent</u></p> <p>5th Respondent received Directions dated 18.12.2024 from the 4th Respondent imposing Environmental Compensation of Rs.55,25,625/- on 5th Respondent for alleged contravention of the Bio Medical Waste Management Rules, 2016.</p>
30.	07.01.2025	<p><u>Appeal No. 01 of 2025 filed by 5th Respondent against 4th Respondent's directions dated 18.12.2024</u></p> <p>Aggrieved by the 4th Respondent's direction dated 18.12.2024, issued without giving 5th Respondent an opportunity of personal hearing as directed by the Hon'ble NGT in its order dated 13.12.2024 in OA No. 274 of 2024, 5th Respondent preferred an appeal against the 4th Respondent's directions dated 18.12.2024.</p>
31.	10.01.2025	<p><u>Order Passed by the Hon'ble NGT in Appeal No. 01 of 2025</u></p> <p>By its order dated 10.01.2025 in Appeal No. 01 of 2025, the Hon'ble NGT granted an interim stay on the Impugned Directions subject to 5th Respondent remitting 50% of the Environmental Compensation in the Impugned Directions in favour of 4th Respondent.</p>

32.	31.01.2025	<p><u>Memo of compliance filed by 5th Respondent in Appeal No. 01 of 2025</u></p> <p>5th Respondent complied with the Hon'ble NGT's order dated 10.01.2025 in Appeal No. 01 of 2025, and filed a memo of compliance dated 31.01.2025 before the Hon'ble NGT, along with proof of payment of 50 % of Environmental Compensation to the 4th Respondent.</p>
33.	12.02.2025	<p><u>Legal Notice issued by the 5th Respondent to GJ Multiclave</u></p> <p>5th Respondent issued a legal notice to GJ Multiclave inter-alia calling upon GJ Multiclave to explain their issuance of a collection slip dated 24.09.2024 to the 4th Respondent alleging the 200 Kgs of BMW belonging to the 5th Respondent was found at the Site.</p>
34.	14.02.2025	<p><u>Impleading Application filed by 5th Respondent in OA No.274 of 2024</u></p> <p>5th Respondent filed an impleading application bearing IA No. 22 of 2025 in OA No. 274 of 2024 to implead M/s. GJ Multiclave and Mr. Ashok Kumar as respondents in OA No. 274 of 2024</p>
35.	18.02.2025	<p><u>Order Passed by the Hon'ble NGT in OA No. 274 of 2024</u></p> <p>By its order dated 18.02.2025, the Hon'ble NGT inter-alia:</p> <ol style="list-style-type: none"> a. Impleaded GJ Multiclave as a Respondent in OA No. 274 of 2024; b. Recorded that no fine was collected by the 8th Respondent from 5th Respondent and 6th Respondent; and

		c. Posted the matter on 21.04.2025.
36.	18.02.2025	<p><u>Order Passed by the Hon'ble NGT in Appeal No. 01 of 2025</u></p> <p>By its order dated 18.02.2025 in Appeal No. 01 of 2025, the Hon'ble NGT granted the TNPCB, time to file their reply and posted the matter on 21.04.2025.</p>
37.	28.02.2025	<p><u>4th Respondent issued Personal Hearing Notice to 5th Respondent</u></p> <p>4th Respondent issued a notice of personal hearing to 5th Respondent pursuant to the Hon'ble NGT's order dated 13.12.2024.</p>
38.	08.03.2025	<p><u>9th Respondent's reply to the 5th Respondent's legal notice dated 12.02.2025</u></p> <p>The 9th Respondent replied to 5th Respondent's legal notice dated 12.02.2025 inter-alia denying the allegations in the 5th Respondent's legal notice and alleging that it has followed due procedure while issuing the collecting slip dated 24.09.2024.</p>
39.	12.03.2025	<p><u>4th Respondent conducted a personal hearing for the 5th Respondent</u></p> <p>4th Respondent offered the 5th Respondent an opportunity of personal hearing as directed by the Hon'ble NGT in its order dated 13.12.2024</p>
40.	21.03.2025	<p><u>4th Respondent served Minutes of the Personal Hearing to the 5th Respondent</u></p> <p>5th Respondent received the 5th Respondent's Minutes of the</p>

		personal hearing conducted on 12.03.2025. The Minutes contained suggestions made by the 4 th Respondent to the 5 th Respondent in order to comply with the BMW Rules, 2016.
41.	28.04.2025	<p><u>5th Respondent's reply to the Minutes of the Personal Hearing sent by the 4th Respondent</u></p> <p>5th Respondent replied to the Minutes of the Personal Hearing received from the 4th Respondent on 21.03.2025 and inter-alia stated that the 5th Respondent already compliant with the suggestions offered by the 4th Respondent in its Minutes.</p>
42.	11.06.2025	<p><u>5th Respondent's rejoinder to the 9th Respondent's reply notice dated 08.03.2025</u></p> <p>5th Respondent issued a rejoinder to the 9th Respondent's reply notice dated 08.03.2025 reiterating the contents of its Legal Notice dated 12.02.2025 and denying the allegations of the 9th Respondent in its reply notice. The 5th Respondent inter-alia called upon the 9th Respondent to produce the GPS history of its transport vehicles for verification by the 5th Respondent.</p>

Shale
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COUNSEL FOR THE 5th RESPONDENT

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL,
SOUTH ZONE BENCH, CHENNAI
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...Respondents

**Dates and Events Filed on behalf of the 5th
Respondent in OA No. 274 of 2024**

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