

**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 7 Ors

... Respondents

**MEMO FILED ON BEHALF OF THE 5<sup>TH</sup> RESPONDENT**

1. It is humbly submitted that the above Original Application came up for hearing before this Hon'ble Tribunal on 13.12.2024 on which day this Hon'ble Tribunal inter-alia recorded that:

- a. The 5<sup>th</sup> and 6<sup>th</sup> Respondents have denied the payment of a fine of Rs.5,00,000 (Rupees Five Lakhs Only) (“**Alleged Fine Amount**”) to the Tambaram Municipal Corporation who is the 8<sup>th</sup> Respondent herein; and
- b. If the payment of fine was not made by the 5<sup>th</sup> and 6<sup>th</sup> Respondents, it is for them to establish if the payment was made by anybody else on their behalf.

**A. Burden of Proof is on the 8<sup>th</sup> Respondent:**

2. It is humbly submitted that in a catena of judgments of the Hon'ble Apex Court, it has been set in stone that, the burden of proving the existence of a fact is on the person asserting the existence of the fact.
3. *In the case of Subhra Mukherjee v. Bharat Coking Coal Ltd.* 2000 SCC OnLine SC 534 at page 318, the Hon'ble Supreme Court has held that where the issue was whether the document in question was genuine or sham or bogus, the party who alleged that fact had to prove nothing till the party relying upon the document established its genuineness in the first place.
4. Therefore, the 5<sup>th</sup> Respondent submits that it is for the 8<sup>th</sup> Respondent to prove the genuineness of the receipt alleging collection of the Alleged Fine Amount of Rs. 5,00,000/- from the 5<sup>th</sup> Respondent herein.

5. The 5<sup>th</sup> Respondent calls upon the 8<sup>th</sup> Respondent to provide any details such as Cheque, Demand Draft etc., establishing that the 5<sup>th</sup> Respondent paid the Alleged Fine Amount to the 8<sup>th</sup> Respondent.

**B. The 8<sup>th</sup> Respondent has not provided any Evidence on the Payment of the Alleged Fine Amount by the 5<sup>th</sup> Respondent:**

6. Without prejudice to the above, the 5<sup>th</sup> Respondent humbly submits that the 8<sup>th</sup> Respondent has produced a fabricated receipt claiming that the 5<sup>th</sup> Respondent has paid the Alleged Fine Amount of Rs.5,00,000/- (Rupees Five Lakhs Only) to the 8<sup>th</sup> Respondent for the alleged disposal of Waste in a public place. The 5<sup>th</sup> Respondent respectfully submits that the 8<sup>th</sup> Respondent has attempted to shift the blame for the waste found along the Radial Road, near Periya Eri, Pallavaram ("**Site**") onto the 5<sup>th</sup> Respondent since the payment of penalty, if any, implies an admission of violation of the Bio Medical Waste Management Rules, 2016.
7. Furthermore, the 5<sup>th</sup> Respondent asserts that the 8<sup>th</sup> Respondent has failed to provide any conclusive evidence, other than a self-certified receipt, to substantiate the collection of penalty from the 5<sup>th</sup> Respondent.

**C. Loss suffered by the 5<sup>th</sup> Respondent:**

8. The 5<sup>th</sup> Respondent humbly submits that the 8<sup>th</sup> Respondent has misled this Hon'ble Tribunal by producing a fabricated receipt dated 04.10.2024, falsely issued in the name of the 5<sup>th</sup> Respondent.
9. Based on the misleading receipt dated 04.10.2024 this Hon'ble Tribunal through its Order dated 17.10.2024 has recorded that the 5<sup>th</sup> Respondent has paid a fine of Rs.5,00,000/- (Rupees Five Lakhs Only) to the 8<sup>th</sup> Respondent, admitting the illegal disposal of Bio Medical Waste ("**BMW**") at the Site.

10. Consequently, numerous false news reports have been published and circulated across the State alleging that the 5<sup>th</sup> Respondent was penalized for the illegal disposal of its BMW at an open place (**Collectively filed as Annexure A**). This has caused significant and irreparable damage to the reputation and goodwill of the 5<sup>th</sup> Respondent.
  
11. It is therefore humbly prayed that this Hon'ble Tribunal ought not to consider the receipt dated 04.10.2024 filed by the 8<sup>th</sup> Respondent before this Hon'ble Tribunal along with their report dated 16.10.2024 and thereby render justice.

**Dated at Chennai on this the 24<sup>th</sup> day of December 2024**

  
(MS. A 201/2022)

**COUNSEL FOR THE 5<sup>th</sup> RESPONDENT**



Chennai

## NGT fines hospitals for dumping medical waste in Pallavaram lake

*The local body, Tambaram Corporation, had also sent notices to the hospitals based on which the hospitals paid a penalty of Rs 5 lakh each.*



Deputy Chief Minister Udayanidhi Stalin chairing a review meeting on the activities of the Project and Development Department on Thursday (Photo | Express)

### Express News Service

Updated on: 18 Oct 2024, 10:49 am · 1 min read



**2**

**CHENNAI:** The southern bench of the National Green Tribunal (NGT) on Thursday directed the Tamil Nadu Pollution Control Board (TNPCB) to levy environmental compensation on two private hospitals who had dumped medical waste in Pallavaram lake. The bench also directed TNPCB to collect the amount the board had spent on collecting and transporting the waste from the site.

The bench comprising judicial member Justice Pushpa Satyanarayana and expert member Satyagopal Kolarpati was hearing a case taken up suo motu based on a newspaper report pertaining to dumping of medical waste in the lake by two hospitals, MIOT International and GEM Hospital.

The local body, Tambaram Corporation, had also sent notices to the hospitals based on which the hospitals paid a penalty of Rs 5 lakh each.

According to the news report, unknown persons had dumped around five tonnes waste along the compound wall of the lake on September 24. After being informed by the public, Tambaram Corporation and TNPCB officials inspected the site.

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# NGT directs TNPCB to penalise private hospitals for dumping biomedical waste

*It may be noted that soon after the complaints of dumping, TNPCB cleared the waste and sent it to a processing centre.*

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National Green Tribunal (NGT)



**CHENNAI:** The southern bench of the National Green Tribunal (NGT) directed the Tamil Nadu Pollution Control Board (TNPCB) to impose



While hearing a suo motu case on the dumping of biomedical waste reportedly by two private hospitals located in and around the city, the bench comprising judicial member Justice Pushpa Satyanarayana and expert member Satyagopal Korlapati also directed TNPCB to collect the amount spent to remove and transport the dumped biomedical waste.

It may be noted that soon after the complaints of dumping, TNPCB cleared the waste and sent it to a processing centre.

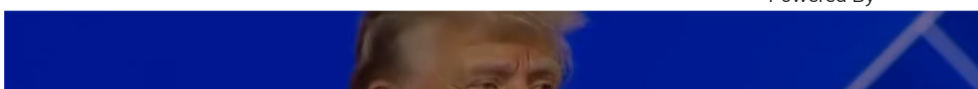
Moreover, the two private hospitals paid a penalty of Rs 5 lakh each after the Tambaram Corporation had sent notices to two private hospitals.

During the earlier hearing, the bench observed that the TNPCB should respond whenever such news reports appear instead of waiting for the Tribunal to issue orders.

Tambaram Corporation also filed a police complaint against the hospitals and an FIR has been filed.

According to the news report, based on which the Tribunal took up suo motu case, unknown persons dumped around 5 tonnes of medical waste along the compound wall of the lake during the wee hours of September 24.

Based on the information, Tambaram Corporation officials and TNPCB inspected the site.

[National Green Tribunal](#)[Biomedical Waste](#)[Pallavaram Lakes](#)[Private Hospitals](#)

# Two hospitals fined ₹5 lakh each for illegal disposal of biomedical waste

Published - October 21, 2024 09:26 pm IST - Chennai

THE HINDU BUREAU

The Tambaram City Municipal Corporation informed the southern bench of the National Green Tribunal that two city hospitals have been fined ₹5 lakh for illegal disposal of biomedical waste in open areas. Both have acknowledged the violation and paid the fine.

In a *suo motu* case on dumping of biomedical waste on the banks of Pallavaram eri taken up by the bench, comprising Justice Pushpa Sathyanarayana and expert member Satyagopal Korlapati, Tambaram authorities submitted a report stating that GEM Hospital and MIOT Hospital were levied with a fine of ₹5 lakh each as penalty for illegally disposing wastes, including biomedical wastes, in open spaces.

The counsel appearing for the Tamil Nadu Pollution Control Board (TNPCB) stated that they have already issued show cause notices under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. Following complaints about dumping, the TNPCB cleared the waste and transported it to a processing centre.

The bench directed the TNPCB to carry out the inquiry, assess the environmental damage caused, and submit a detailed report on the findings. "Let the TNPCB also mention the tie-up facility for disposing of the biomedical waste with the approved agencies and also mention for how long the hospitals are not following the rules," the order said.

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# TCMC fines two hospitals ₹5L each for illegal disposal of biomedical waste

October 23, 2024



The Tambaram City Municipal Corporation informed the southern bench of the National Green Tribunal that two city hospitals have been fined ₹5 lakh for illegal disposal of biomedical waste in open areas. Both have acknowledged the violation and paid the fine.

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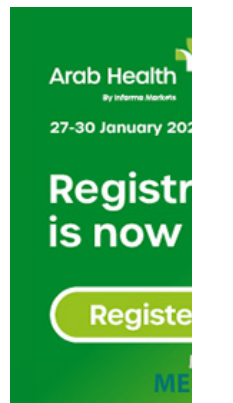
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up facility for disposing of the biomedical waste with the approved agencies and also mention for how long the hospitals are not following the rules,” the order said. *The Hindu*

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V. Amrutha (1870/2015)

V. Anandavenu (8250/2022)

S. Dhakshin Kumar (4201/2022)

Huda. S (4162/2022)

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