

**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 5TH RESPONDENT REGARDING THE FIVE (5)
DOCUMENTS NOT SERVED BY THE 4TH RESPONDENT ON THE 5TH RESPONDENT**

The 5th Respondent humbly submits as follows:

1. The 4th Respondent herein, i.e **Tamil Nadu Pollution Control Board**, has repeatedly issued show cause notices and proceedings to the 5th Respondent for the alleged Bio Medical Waste found near the Pallavaram Eri (“**Site**”) on 24.09.2024 , without proving that Bio Medical Waste, if any, belonging to the 5th Respondent was present at the Site.
2. The list of show cause notices and proceedings issued by the 4th Respondent and received by the 5th Respondent till date are as follows:

| S.No | Date | Description | Reply issued by 5 th Respondent on |
|------|------------|---|---|
| 1. | 25.09.2024 | Proceedings No. DEE/TNPCB/CHS/F.2353/ RL/ W / 2024 | 27.09.2024 |

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|----|------------|--|------------|
| 2. | 25.09.2024 | Proceedings No. DEE/TNPCB/CHS/F.2353/RL /A/2024 | 27.09.2024 |
| 3. | 08.10.2024 | Proceedings No. DEE/TNPCB/F.2353 CHS/RED Large/2024 | 30.10.2024 |
| 4. | 15.10.2024 | Proc. No. T3/TNPCB/F.022499/BMW/2024-1 | 30.10.2024 |
| 5. | 15.10.2024 | Proc. No. T3/TNPCB/F.022499/BMW/2024-2 | 30.10.2024 |
| 6. | 04.11.2024 | Proceeding No. TNPCB / F. HOWA/ MMN / RL/ 2024 | 12.11.2024 |
| 7. | 18.12.2024 | Proc. No. T3/TNPCB/F.022499/BMW/2024 ("Directions") | 07.01.2025 |

3. The 5th Respondent has duly replied to all the above show cause notices and proceedings issued by the 4th Respondent.
4. However, the following references mentioned by the 4th Respondent in its show cause notice and proceedings bearing Proc. No. T3/TNPCB/F.022499/BMW/2024-1 and Proc. No. T3/TNPCB/F.022499/BMW/2024-2 dated 15.10.2024 have not been served on the 5th Respondent till date:
- a. DEE/MMN Lr. No. DEE/TNPB/MMN/BMW/2024 dated 25.09.2024 (Reference No. 3 of Proc. No. T3/TNPCB/F.022499/BMW/2024-2 dated 15.10.2024) which appears to be a notice relating to the Bio-Medical Waste Management Rules, 2016 ("**BMWM Rules**");
 - b. Lr. No. F.No.2353/DEE/CHS/TNPCB/BMW/Complaint/EPA/2024 dated 01.10.2024 (Reference No. 6 of Proc. No. T3/TNPCB/F.022499/BMW/2024-2

dated 15.10.2024) which appears to be a Complaint under BMWM Rules and Environmental Protection Act, 1986 (hereinafter referred to as "EP Act"); and

- c. Lr. No. F.No.2353/DEE/CHS/TNPCB/BMW/Complaint/EPA/2024 dated 07.10.2024. (Reference No. 7 of Proc. No. T3/TNPCB/F.022499/BMW/2024-2 dated 15.10.2024) which appears to be a Complaint under BMWM Rules and EP Act.
5. The 4th Respondent has purposely refrained from serving these important references to the 5th Respondent and denied the 5th Respondent the right to represent itself in these matters.
 6. The 5th Respondent additionally submits that the 4th Respondent has also failed to serve the 5th Respondent the following References mentioned in the Directions dated 18.12.2024:
 - a. Lr. No. DEE/CHS/TNPCB/NGT (SZ)/O.A. No. 274 of 2024 dated 18.11.2024 (Reference No. 8 of the Directions dated 18.12.2024) which appears to be a letter from the DEE/CHS; and
 - b. Lr. No. DEE/CHS/TNPCB/NGT (SZ)/O.A. No. 274 of 2024 dated 10.12.2024 (Reference No. 9 of the Directions dated 18.12.2024) which appears to be a letter from the DEE/CHS.
 7. The 5th Respondent humbly submits that the 4th Respondent has wilfully refrained from serving the above references to the 5th Respondent even as the 4th Respondent relied on the above references and imposed environmental compensation of Rs. 55,25,625/- (Rupees Fifty-Five Lakhs Twenty -Five Thousand Six Hundred and Twenty-Five only) on the 5th Respondent vide Directions dated 18.12.2024.

8. The 4th Respondent has not served any of the above-mentioned references to the 5th Respondent till date, even after the 5th Respondent has pointed out the same and asked for the documents in its Memorandum of Appeal in Appeal No. 1 of 2025 filed before this Hon'ble Tribunal and the following replies:
- a. 5th Respondent's reply letter dated 30.10.2024 to the 4th Respondent's Proc. No. T3/TNPCB/F.022499/BMW/2024-1 dated 15.10.2024;
 - b. 5th Respondent's reply letter dated 30.10.2024 to the 4th Respondent's Proc. No. T3/TNPCB/F.022499/BMW/2024-2 dated 15.10.2024; and
 - c. 5th Respondent's reply letter dated 07.01.2025 to the 4th Respondent's Directions dated 18.12.2024.
9. Moreover, if the 4th Respondent serves the above-mentioned references to the 5th Respondent before the final hearing dated 13.06.2025, the same would not be effective, as the 5th Respondent has lost its opportunity to reply to the said references.
10. In light of the above, the 5th Respondent humbly submits that the failure of the 4th Respondent to serve the References of the show cause notices and proceedings constitutes a grave violation of a principle of natural justice namely, *Audi Alterum Partem*.

Dated at Chennai on this the 11th day of June 2025

Shel.
NS 4162/22

COUNSEL FOR THE 5th RESPONDENT

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P.S. Suman (Ms. 924/2003)
S. Dhakshin Kumar (4201/2022)
Huda S (4162/2022)

Ph No. 99629 11111 / 7550257638

E-mail: suman@pss.legal,
dhakshin@pss.legal
huda@pss.legal

**COUNSEL FOR THE
5th RESPONDENT**