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

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Dated at Chennai on this the 11th Day of June, 2025

NS 4162/22

Counsel for the 5th Respondent

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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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.

1. The Chief Secretary to Govt. of Tamil Nadu,
Government of Tamil Nadu Secretariat,
Chennai-600009.

... 1st Respondent

2. The Principal Secretary to Govt. of Tamil Nadu,
Department of Environment and Climate Change,
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet, Chennai-600 015.

... 2nd Respondent

3. The Principal Secretary to Govt. of Tamil Nadu,
Department of Health & Family Welfare,
4th Floor, Fort St. George, Secretariat,
Chennai – 600009, Tamil Nadu.

... 3rd Respondent

4. Tamil Nadu Pollution Control Board,
Represented by its Chairman,
No.76, Mount Salai, Guindy,
Chennai-600032.

... 4th Respondent

5. MIOT International Hospitals Private Limited,
Represented by its Authorised Signatory,
No. 4/112, Mount Poonamalle Road,
Manapakkam, Chennai - 600 089.

... 5th Respondent

6. M/s. GEM Hospital,
Represented by its Authorised Representative,
632, Poonamallee High Road,
Ayyavoo Colony, Aminjikarai,

For MIOT HOSPITALS PRIVATE LIMITED

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Chennai, Tamil Nadu-600029. ... 6th Respondent

7. District Collector,
Chengalpattu District,
Collectorate, GST Road,
Chengalpattu – 603001. ... 7th Respondent

8. Tambaram City Municipal Corporation,
Rep By Its Municipal Commissioner,
28, Muthurengam Street, West Tambaram,
Chennai – 600 045. ... 8th Respondent

9. GJ Multiclave (India) Pvt Ltd.
Represented by its General Manager,
No. 37, Old No. 20,
Teachers Colony, Adyar,
Chennai- 600 020.
+91 8754597155
service@gjmulticlave.com ...9th Respondent

REPLY FILED BY THE 5th RESPONDENT TO THE REPORT DATED 28.04.2025

FILED BY THE 8th RESPONDENT IN OA NO. 274 OF 2024

I, Mr. B.S Vidhyasagar, aged about 45 years, having office at No.4/112, Mount Poonamallee Road, Manapakkam, Chennai 600 089, do hereby solemnly affirm and sincerely state as follows:

1. I am the Chief Financial Officer of M/s. MIOT Hospitals Private Limited which is the 5th Respondent to the O.A No. 274 of 2024. I state that in my official capacity, I am acquainted with the facts of the present case. I have perused the records, and I am competent and authorized to swear this Reply on behalf of the 5th Respondent herein.

For MIOT HOSPITALS PRIVATE LIMITED

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2. Except for the matters explicitly admitted in this Reply Affidavit, all other allegations in the report filed by the 8th Respondent **("Report")** before this Hon'ble Tribunal on 28.04.2025 shall be considered as categorically denied by the 5th Respondent.

A. <u>Para-wise Reply to the 8th Respondent's Report:</u>

3. The 5th Respondent humbly submits that Para No. 1 of the Report does not warrant a reply from the 5th Respondent.

4. With regard to the contents stated in Para No. 2 of the Report, it is humbly submitted that the 5th Respondent is not liable to be prosecuted under Section 41 to 45 of the Tamil Nadu Public Health Act, 1939 inter-alia for the following reasons:

   a. Sections 41 to 45 of the Tamil Nadu Public Health Act deals with *"Abatement of Nuisances"*;

   b. For the various reasons stated elaborately in the Report filed by the 5th Respondent outlining its compliance of the Bio-Medical Waste Management Rules, 2016 dated 19.04.2025 (**"Compliance Report"**) and Reply dated 10.12.2024 filed by the 5th Respondent to the 8th Respondent's report dated 16.10.2024 (**"Reply"**), the 5th Respondent denies the allegation that the 5th Respondent has caused nuisance to public health. The 5th Respondent has not, in any manner, caused any negative impact on the public health or the environment. The

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PRIVATE LIMITED

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Compliance Report and Reply of the 5th Respondent may be treated as part and parcel of this reply to the 8th Respondent's Report and the 5th Respondent craves leave to refer to the same as and when necessary.

c. The 8th Respondent cannot impose any penalty whatsoever on the 5th Respondent under Section 134(1) of the Tamil Nadu Public Health Act since the 5th Respondent has not violated any provisions of the Tamil Nadu Public Health Act, 1939; and

d. The 5th Respondent cannot be held responsible for improper handling and disposal of its Bio Medical Waste and General Waste by 9th Respondent and the General Waste Vendor, M/s. Ashok Paper Mart.

5. Further, the 5th Respondent states that it is not liable to be prosecuted under Rule 15 of the Bio Medical Waste Management Rules, 2016 ("**BMWM Rules**"). Rule 15 of the BMWM Rules is extracted hereinbelow:

"**15. Accident reporting. -** (1) In case of any major accident at any institution or facility or any other site while handling bio-medical waste, the authorised person shall intimate immediately to the prescribed authority about such accident and forward a report within twenty-four hours in writing regarding the remedial steps taken in Form I.

(2) Information regarding all other accidents and remedial steps taken shall be provided in the annual report in accordance with rule 13 by the occupier."

For MIOT HOSPITALS PRIVATE LIMITED

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6. The 5th Respondent humbly submits that Rule 15 of the BMWM Rules, 2016 does not apply to the present case since no major accident has occurred in the 5th Respondent's premises while handling Bio Medical Waste.

7. The 5th Respondent admits the contents of Para No. 3 of the Report only to the extent that the 8th Respondent has served a notice dated 25.09.2024 to the 5th Respondent on 04.10.2024 ("**Notice**").

8. However, the 5th Respondent vehemently denies the 8th Respondent's allegation in Para No. 3 of the Report that the 8th Respondent imposed a fine of Rs.5,00,000/- (Rupees Five Lakhs Only) on the 5th Respondent as penalty for the alleged illegal disposal of wastes including Bio Medical Waste in an open place. The 5th Respondent humbly submits that no such fine was imposed on the 5th Respondent by the 8th Respondent vide the Notice or otherwise.

9. Moreover, the 5th Respondent vehemently denies the 8th Respondent's allegation in Para No. 3 of the Report that the 5th Respondent has not responded to the 8th Respondent's Notice dated 25.09.2024. The 5th Respondent humbly submits that it has replied to the 8th Respondent's allegations in the Notice dated 25.09.2024, by way of a reply letter dated 05.10.2024. The 5th Respondent humbly submits that it is mischievous for the 8th Respondent to submit that the 5th Respondent has not replied to the 8th Respondent's notice dated 25.09.2024, when the 5th Respondent has duly replied to the same. The 8th Respondent is wilfully misleading this Hon'ble Tribunal at every turn.

10. The 5th Respondent vehemently contends the 8th Respondent's submission in Para No. 4 of the Report that the demand for the penalty of Rs. 5,00,000/- (Rupees Five Lakhs Only) was given in the form of Receipts instead of Demand, due to the lack of forms for a demand under the Tamil Nadu Public Health Act, 1939 and the Tamil Nadu Urban Local Bodies Act, 1998. The 5th Respondent submits that the alleged lack of demand forms as claimed by the 8th Respondent does not empower the 8th Respondent to issue receipts as an alternative. The 8th Respondent could have issued the demand on a plain paper instead. However, the 8th Respondent, with malafide intent, issued receipts instead of a demand notice, solely to fix the blame for the alleged Bio Medical Waste found near the Pallavaram Eri **("Site")** onto the 5th Respondent.

11. Additionally, it is pertinent to note that the alleged Demand in the form of receipt dated 04.10.2024 was never served on the 5th Respondent as claimed by the 8th Respondent in Para No. 4 of the Report. The 5th Respondent humbly submits that if the receipt dated 04.10.2024 was intended to be a demand for the penalty, the same would have been sent to the 5th Respondent to demand the penalty of Rs.5,00,000/- (Rupees Five Lakhs Only) from the 5th Respondent. However, the 8th Respondent raised the alleged Demand dated 04.10.2024, kept it with themselves, and hastily produced the alleged receipt/demand for the first time before this Hon'ble Tribunal as an annexure in the 8th Respondent's report dated 16.10.2024. The 5th Respondent humbly submits that the 8th Respondent's failure to send the alleged demand dated 04.10.2024 to the 5th Respondent to demand

the penalty of Rs.5,00,000/- (Rupees Five Lakhs Only) from the 5th Respondent, estops the 8th Respondent from claiming that the receipt was meant to be a demand for the penalty of Rs.5,00,000/- (Rupees Five Lakhs Only).

12. The 5th Respondent humbly submits that the contents of Para No. 4 of the Report are being pressed for the first time by the 8th Respondent. It is pertinent to note that based on the fabricated receipt produced by the 8th Respondent in its report dated 16.10.2024 and the submissions made by the 8th Respondent, this Hon'ble Tribunal, in its Order dated 17.10.2024 recorded that the 5th Respondent has paid a fine Rs.5,00,000/-(Rupees Five Lakhs Only) to the 8th Respondent, admitting the illegal disposal of Bio Medical Waste at the Site. Therefore, the 8th Respondent has intentionally misled this Hon'ble Tribunal and did not bring it to the attention of this Hon'ble Tribunal either before or after the order dated 17.10.2024 was passed, that the receipts dated 05.10.2024, were allegedly a demand for the penalty of Rs.5,00,000/- (Rupees Five Lakhs Only) and not receipts evidencing the payment of penalty.

13. Thereafter, even when this Hon'ble Tribunal passed an order dated 13.12.2024 directing the 5th and 6th Respondents to establish who has paid the penalty on their behalf, if they have not paid the penalty themselves, the 8th Respondent stayed silent and did not inform this Hon'ble Tribunal that the receipts dated 05.10.2024, were allegedly a demand for the penalty of Rs.5,00,000/- (Rupees Five Lakhs Only) and not receipts evidencing the payment of penalty. This action of the 8th Respondent amounts to manipulation and vindictive attitude towards the 5th Respondent.

For MIOT HOSPITALS PRIVATE LIMITED

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14. Subsequently, the 8th Respondent's sanitary officer Mr. Marimuthu, represented before this Hon'ble Tribunal on 18.02.2025 that though receipts dated 05.10.2024 were raised, money was NOT collected from the 5th and 6th Respondents. Hence, the explanation given by the 8th Respondent in Para No. 4 of the Report is only an afterthought that has been provided after this Hon'ble Tribunal was of the prima facie opinion that the 8th Respondent raised false receipts even before receiving payments from the 5th and 6th Respondents.

15. The 5th Respondent accepts the contention of the 8th Respondent in Para No. 4 of the Report that the amount of Rs.5,00,000/- (Rupees Five Lakhs Only) demanded by the 8th Respondent has not been remitted by the 5th Respondent. The 5th Respondent further submits that it is not liable to pay any fine or penalty to the 8th Respondent as the 5th Respondent has not illegally disposed of its Bio Medical Waste or General Waste at the Site. Without prejudice to the above, the 5th Respondent submits that the quantum of penalty i.e., Rs.5,00,000/- (Rupees Five Lakhs Only) has been randomly determined by the 8th Respondent without providing any explanation as to how the amount was computed by the 8th Respondent.

16. The 5th Respondent is not aware of the contents stated in Para No. 5, 6 and 7 of the Report as neither the 8th Respondent nor the 4th Respondent have brought the same to the knowledge of the 5th Respondent.

17. The 5th Respondent humbly submits that the contents of Para No. 8 of the Report does not warrant a reply.

For MIOT HOSPITALS PRIVATE LIMITED

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B. <u>Reputational damage caused by the 8th Respondent to the 5th Respondent due to the fabricated receipt dated 04.10.2024 issued by the 8th Respondent</u>

18. The 5th Respondent humbly submits that based on the fabricated receipt dated 04.10.2024 produced by the 8th Respondent in its report dated 16.10.2024, this Hon'ble Tribunal, in its Order dated 17.10.2024 has recorded that the 5th Respondent has paid a fine of Rs.5,00,000/- (Rupees Five Lakhs Only) to the 8th Respondent, admitting the illegal disposal of Bio Medical Waste at the Site. This has caused irreparable loss and hardship to the 5th Respondent.

19. Based on the Order of this Hon'ble Tribunal dated 17.10.2024, numerous false news reports have been published and circulated across the State alleging that the 5th Respondent was penalized for the illegal disposal of its Bio Medical Waste at an open place. (**Annexure).** This has caused significant damage to the reputation and goodwill of the 5th Respondent and the 8th Respondent should be held liable for the same.

20. In light of the above submissions, it is humbly prayed that this Hon'ble Tribunal may be pleased to:

    a. Dismiss OA No. 274 of 2024 as against the 5th Respondent namely, M/s. MIOT Hospitals Private Limited;

For MIOT HOSPITALS PRIVATE LIMITED

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b. Hold the 8th Respondent liable for the reputational damage caused to the 5th Respondent due to the issuance of the fabricated receipt dated 04.10.2024; and

c. Pass such further or other Orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

For MIOT HOSPITALS PRIVATE LIMITED

DEPONENT

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

MS 4162/22

Counsel for the 5th Respondent

VERIFICATION

I, Mr. B.S Vidhyasagr, Chief Financial Officer of the 5th Respondent above named do hereby declare that the facts stated above are true and correct to the best of my knowledge and belief.

For MIOT HOSPITALS PRIVATE LIMITED

5th Respondent

AUTHORISED SIGNATORY

Verified at Chennai on this the 11th day of June, 2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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…Respondents

Dates And Events filed on behalf of the 5th Respondent evidencing the false and misleading submissions made by the 8th Respondent regarding the receipt dated 04.10.2024

S.No	Dates	Events
1.	04.10.2024	**8th Respondent's Notice dated 25.09.2024 was received by the 5th Respondent on 04.10.2024.** 8th Respondent issued a notice to the 5th Respondent inter-alia alleging that: a. Bio Medical Waste and general waste belonging to the 5th Respondent was found in an open place; b. 5th Respondent has caused harm to the public

		health and environment; and c. 5th Respondent has violated Sections 41 to 45 and Section 134 (1) of the Tamil Nadu Public Health Act 1969 , Section 15 of the Environment Protection Act 1986 and the Bio Medical Waste Management Rules, 2016.
2.	05.10.2024	**5th Respondent issued a reply notice dated 05.10.2024 to the 8th Respondent's notice dated 25.09.2024.** 5th Respondent has inter-alia stated in the reply that: a. Bio Medical Waste belonging to the 5th Respondent was not dumped at a public place; b. 5th Respondent disposes of its Bio Medical Waste through TNPCB authorised Vendor M/s. G.J.Multiclave (9th Respondent) as per the Bio Medical Waste Management Rules, 2016; c. 5th Respondent's Bio Medical Waste 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 Bio Medical Waste

		Management Rules, 2016; and e. 5th Respondent practices the best Bio Medical Waste Management practices.
3.	16.10.2024	**Report filed by 8th Respondent in OA No. 274 of 2024** 8th Respondent filed a Report before this Hon'ble Tribunal in OA No. 274 of 2024. The Report inter-alia contained an annexure with a receipt dated 04.10.2024 alleging that Rs.5,00,000/- (Rupees Five Lakhs Only) was collected as fine from the 5th Respondent for dumping waste in an open place. **NOTE** It is pertinent to note that the penalty of Rs. 5,00,000/- (Rupees Five Lakhs Only) was neither levied by the 8th Respondent in its Notice dated 25.09.2024 nor paid by the 5th Respondent as alleged in the 8th Respondent's report.
4.	17.10.2024	**Order passed by this Hon'ble Tribunal in OA No. 274 of 2024 recording that the 5th Respondent has paid a penalty to the 8th Respondent** Based on the fabricated receipt filed by the

		8th Respondent in its report dated 16.10.2024 and the false submissions made by the 8th Respondent, this Hon'ble Tribunal inter-alia recorded that the 5th Respondent has paid a fine of Rs. 5,00,000/- (Rupees Five Lakhs Only) to the 8th Respondent.
5.	10.12.2024	**Reply filed by the 5th Respondent to the 8th Respondent's report dated 16.10.2024.** The 5th Respondent filed a reply before this Hon'ble Tribunal to the Report dated 16.10.2024 filed by the 8th Respondent in OA No. 274 of 2024 inter-alia clarifying that the 5th Respondent has not paid and is not liable to pay any penalty to the 8th Respondent, much less Rs.5,00,000/- (Rupees Five Lakhs Only) as alleged by the 8th Respondent in its Report dated 16.10.2024.
6.	13.12.2024	**Order passed by this Hon'ble Tribunal in OA No. 274 of 2024 directing the 5th Respondent to establish who has paid the fine on its behalf** This Hon'ble Tribunal in its Order dated 13.12.2024 inter-alia directed the 5th and 6th Respondents to establish who has paid the penalty of Rs.5,00,000/- (Rupees Five Lakhs

		Only) to the 8th Respondent, if the 5th and 6th Respondents have not paid the same.
7.	24.12.2024	**The 5th Respondent filed a Memo before this Hon'ble Tribunal in OA No. 274 of 2024** The 5th Respondent filed a memo before this Hon'ble Tribunal inter-alia stating that the burden of proof is on the 8th Respondent to establish the authenticity of the receipts dated 04.10.2024 and not on the 5th Respondent to show who has allegedly paid the penalty of Rs.5,00,000/- (Rupees Five Lakhs Only) to the 8th Respondent.
8.	18.02.2025	**8th Respondent admitted before this Hon'ble Tribunal that no penalty was collected as stated in the receipts dated 04.10.2024** The 8th Respondent's sanitary officer Mr. Marimuthu, represented before this Hon'ble Tribunal on 18.02.2025 that though receipts dated 04.10.2024 were raised, money was NOT collected from the 5th and 6th Respondents.

9.	28.04.2025	**Report filed by the 8th Respondent before this Hon'ble Tribunal in OA No. 274 of 2024** The 8th Respondent filed a Report before this Hon'ble Tribunal claiming that the receipts dated 04.10.2024 attached in its report dated 16.10.2024 were raised in the form of demand and not as receipts evidencing the payment of penalty by the 5th Respondent. **NOTE** The above submission is only made by the 8th Respondent after this Hon'ble Tribunal was of the prima facie opinion that no penalty was collected against the receipts dated 04.10.2024. The 8th Respondent didn't clarify that the receipts were raised in the form of demand when this Hon'ble Tribunal passed its orders dated 17.10.2024 and 13.12.2024.

NS 4/02/25

Counsel for the 5th Respondent

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REPLY FILED BY THE 5th RESPONDENT TO THE REPORT DATED 28.04.2025 FILED BY THE 8th RESPONDENT IN OA NO. 274 OF 2024

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

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COUNSEL FOR THE 5th RESPONDENT