

**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.

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


 For For MIOT
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 CHIEF FINANCIAL OFFICER

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 FILED BY THE
4th 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.
2. Except for the matters explicitly admitted in this Reply Affidavit, all other allegations in the report filed by the 4th Respondent ("**Report**") before this Hon'ble Tribunal on 13.12.2024 shall be considered as categorically denied by the 5th Respondent.

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A. Para-wise Reply to the 4th Respondent's Report:

3. The 5th Respondent humbly submits that Para No. 1 and 2 of the Report do not warrant a reply from the 5th Respondent.
4. The 5th Respondent was not privy to the telephone conversation between the 8th Respondent and the 5th Respondent mentioned in Para No. 3 of the Report and 5th Respondent denies the 8th Respondent's allegation that Bio Medical Waste was found along the Pallavaram radial road adjacent to the Pallavaram Lake (Periya Eri).
5. The 5th Respondent denies the 4th Respondent's allegation in Para No. 3 (a) of the Report that a huge quantity of waste was found at three different places such as "1) Along the Pallavaram Lake (Periya Eri). 2) Inside the Pallavaram Lake (Periya Eri) and 3) Along the Pallavaram radial road opposite to Saravana Selvarathinam Commercial building."
6. The 5th Respondent submits that in the 4th Respondent's show cause notices bearing **Proceedings No. DEE/NPCB/CHS/F.2353/RL/A/2024** and **Proceedings No. DEE/TNPCB/CHS/F.2353/RL/W/2024**. ("Show Cause Notices") dated 25.09.2024 (**Annexure**) served to the 5th Respondent, the 4th Respondent has specified that waste was found "in an open area near the Pallavaram Lake, radial road" and not the three locations mentioned Para No. 3(a) of this Report. This being the case, the 5th Respondent submits that the 4th Respondent's allegation in Para No. 3(a) is only an afterthought, and the 4th Respondent must be put to strict proof as to whether any waste was found in the places mentioned in Para No. 3 (a) of the Report.

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7. The 5th Respondent further submits that on 24.09.2024, the 5th Respondent received a call from a Sanitation Officer of the Tambaram Corporation (8th Respondent). The officer falsely claimed that Bio-Medical Waste belonging to the 5th Respondent had been dumped along the Radial Road, near Periya Eri, Pallavaram (the "Site").
8. The 5th Respondent's staff visited the Site and observed the following:
- a. The entire Site was flooded with general waste from multiple hospitals, clinics, and nursing homes;
 - b. Only 2 plain letter heads, a few Patients scrapped OPD Doctor Notes, a few welcome kits and a few paper bags of the 5th Respondent were present at the Site;
 - c. Only two green color General Waste covers of the 5th Respondent were found at the Site. However, these two bags were empty, and they did not have any Bio-Medical Waste inside; and
 - d. Blue-colored Bio-medical bar-coded covers of another hospital were found at the Site. However, these covers were empty, and they did not have any Bio-Medical Waste inside.
9. The 5th Respondent is not aware of the contents stated in Para No. 3 (b) of the Report since the 4th Respondent had not brought the same to the knowledge of the 5th Respondent.

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10. The 5th Respondent vehemently denies the allegation in Para No. 3 (c) of the Report that General Waste along with Bio-Medical Waste belonging to the 5th Respondent was found at the Site.
11. The 5th Respondent humbly submits that among the General Waste found at the Site, there was a scrapped OPD Doctor Note of the 5th Respondent that was dated 05.05.2023 . During this period, the 5th Respondent's General Waste Vendor, M/s. Ashok Paper Mart was in charge of the disposal of the general waste of the 5th Respondent.
12. Therefore, the 5th Respondent states that all the general waste of the 5th Respondent found at the Site had been disposed of by the 5th Respondent from its hospital's premises to its General Waste vendor, M/s. Ashok Paper Mart before December 2023. Hence, the 5th Respondent submits that it is the general waste vendor's responsibility to ensure the proper disposal of any general waste given to them.
13. The 5th Respondent denies the allegation in Para No. 3 (d) of the Report that 200 Kgs of Bio-Medical Waste belonging to the 5th Respondent was found at the Site. The 5th Respondent submits that the burden of proof is on the 4th Respondent to show how the alleged 700 Kgs of BMW collected from the Site was segregated by the Common Bio Medical Waste Treatment Facility, M/s. GJ Multiclave (9th Respondent) and how the alleged 200 Kgs of BMW, if any was attributed to the 5th Respondent.
14. The 5th Respondent further submits that the 5th Respondent has been duly handing over all its Bio-Medical Waste to the 9th Respondent every day for the past 3 years and the 5th Respondent has obtained Collections Slips from the 9th Respondent evidencing the same.

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Therefore, assuming without admitting that Bio-Medical Waste was present at the Site, the 5th Respondent states that it is the 9th Respondent who should be held responsible for the improper disposal of the Bio-Medical Waste since the 9th Respondent was in charge of collection, transportation, treatment and final disposal of Bio-Medical Waste generated in the 5th Respondent's Hospital as on 24.09.2024.

15. Furthermore, the 5th Respondent submits that the 4th Respondent has not established that the Bio-Medical Waste, if any, found at the Site belongs to the 5th Respondent. The 4th Respondent bears the burden to establish beyond doubt that there was Bio-Medical Waste at the Site and further establish the extent of the 5th Respondent's Bio-Medical Waste found at the Site, if any.
16. The 5th Respondent further denies the averments in Para No. 3 (d) of the Report that 200 kgs of Bio-Medical Waste belonging to the 5th Respondent, if any, was recovered by the 9th Respondent at the Site. In the Show Cause Notices issued by the 4th dated 25/09/2024 the 4th Respondent has referred to a picture referenced as '*Bio Medical Waste segregated from the Site and Receipt issued by the CBMWTF.*' This receipt provided by the 9th Respondent is dated 24.09.2024. The 5th Respondent submits that there are multiple anomalies in the 9th Respondent's receipt dated 24.09.2024 as detailed below:
 - a) **Quantity-** The weight of the waste that is allegedly stated to have been collected from the Site by the 9th Respondent is recorded as 200.00kgs, without any proof whatsoever;
 - b) **Name of the 5th Respondent's Hospital-** The person filling in the receipt wrongly inserted the 5th Respondent's name without any basis whatsoever. The 5th Respondent

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submits that the 5th Respondent's name ought not to have been inserted in this receipt as there is no proof that the Bio-Medical Waste at the Site, if any, belongs to the 5th Respondent. Further, no concurrence was sought by the 9th Respondent from the 5th Respondent before inserting the 5th Respondent's name in the receipt and the same is of no consequence;

- c) **Acknowledgment-** The 9th Respondent's receipt is duly signed by the 4th Respondent. The 5th Respondent submits that neither the 4th Respondent nor the 9th Respondent called upon the 5th Respondent to be present during the purported collection of Bio-Medical Waste from the Site nor to answer the 4th Respondent's queries, if any, and the 4th Respondent certainly did not call upon the 5th Respondent to verify and acknowledge the 5th Respondent's Bio-Medical Waste if any; and
- d) **Evidence-** The 5th Respondent further submits that the 4th Respondent is relying on the receipt issued by the 9th Respondent to establish the presence of the so called 200 Kgs of Bio-Medical Waste at the Site as evidence. Therefore, the 5th Respondent states that the 4th Respondent should provide the entire 200 Kgs of Bio-Medical Waste for the 5th Respondent's verification to assess if any Bio-Medical Waste was found at the Site and if any Bio-Medical Waste of the 4th Respondent was present at the Site.
17. Therefore, the 5th Respondent submits that the 4th Respondent has not produced any evidence to establish that the entire 200 Kgs of Bio-Medical Waste , if any, at the Site pertains to the 5th Respondent. This being the case, the 9th Respondent ought not to have issued the receipt with the name of the 5th Respondent marked against 200 Kgs of Bio-

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Medical Waste without any proof whatsoever. The 5th Respondent submits that the issue of this receipt dated 24.09.2024 by the 9th Respondent is tainted with mischief and is *prima facie* illegal. Hence, the 4th Respondent cannot place any reliance on this said receipt issued by 9th Respondent dated 24.09.2024 to claim that Bio-Medical Waste, if any, found at the Site belongs to the 5th Respondent.

18. The 5th Respondent admits the contents of Para No. 3 (e) of the Report to the extent that a News Item was published in Dinamalar and The Hindu Tamil dated 25.09.2024 regarding the alleged illegal dumping of Bio-Medical Waste at the Site. However, the 5th Respondent vehemently denies the contents of the news reports as false and misleading since no Bio-Medical Waste belonging to the 5th Respondent was found at the Site.
19. The 5th Respondent submits that it is not aware of the contents stated in Para No. 4 of the Report since the **Lr.No. DEE/TNPCB/MMN/BMW** dated 25.09.2024 was not served to the 5th Respondent by the 4th Respondent.
20. With regard to the contents stated in Para No. 5 of the Report, the 5th Respondent submits that its Hospital was inspected by the 4th Respondent's officials on 24.09.2024. The 5th Respondent further submits that it has received the Show Cause Notices dated 25.09.2024 issued by the 4th Respondent under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 ("**Water Act**") and Section 21 of the Air (Prevention and Control of Pollution) Act 1981.

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21. The 5th Respondent humbly submits that in Para No. 3 of the Show Cause Notices dated 25.09.2024, TNPCB has recorded that:
- “In this connection, the unit site was inspected by the TNPCB Officials, Chennai South on 24/09/2024 and it was observed that the unit generate, collect and store the Bio Medical Waste and Solid Waste separately and disposes the Bio Medical Waste to M/s. G.J Multiclave India Pvt Ltd., and Solid Waste to the waste recycling unit.”*
22. The 5th Respondent humbly submits that the above statement made by the TNPCB upon inspection of the premises of the 5th Respondent constitutes an admission from the TNPCB that the 5th Respondent has duly complied with its obligations under the Bio-Medical Waste Management Rules, 2016 (“**BMWM Rules**”) by collecting and storing the Bio Medical Waste and Solid Waste separately.
23. Most importantly, the TNPCB has noted that the 5th Respondent disposes of the Bio Medical Waste to the 9th Respondent M/s. G.J Multiclave India Pvt Ltd., and Solid Waste to the 5th Respondent’s Solid Waste Recycling Unit. I humbly submit that this being the case, the 5th Respondent cannot be held liable for the improper disposal of its General and Bio-Medical Waste, if any, by M/s. Ashok Paper Mart and the 9th Respondent, M/s. GJ Multiclave, respectively.
24. The 5th Respondent has duly replied to the Show Cause Notices dated 25.09.2024 by way of “**Reply Letters**” dated 27.09.2024. The 5th Respondent denies the 4th Respondent’s allegation in Para No. 5 of the Report that the reply furnished by the 5th Respondent was not satisfactory.

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25. The 5th Respondent denies the allegation in Para No. 6 of the Report that earlier due to improper handling and non-segregation of Bio-Medical Waste and Solid Waste by the unit authorities, the Bio Medical Waste **might got** mixed up with the general waste and disposed to the general solid waste vendor M/s. Ashok Paper Mart. The 5th Respondent further submits that the 4th Respondent has made the same allegation in Para No. 4 of the Show Cause Notices dated 25.09.2024, wherein the TNPCB has recorded that *“However, it was ascertained that due to improper handling and non-segregation of Bio Medical Waste and Solid Waste by the unit authorities earlier, the Bio Medical Waste **might got** mixed up with the general waste and disposed illegally by the waste recycler”*
26. The 5th Respondent humbly submits that the above allegation is nothing but a vague and unsubstantiated statement and a mere speculation by the 4th Respondent. The 5th Respondent respectfully submits that based on the inspection of the 5th Respondent’s premises conducted by the 4th Respondent on 24.09.2024, the 4th Respondent cannot make allegations about the handling and segregation of Waste by the 5th Respondent “earlier” than 24.09.2024. In any case, the 5th Respondent humbly submits that the 4th Respondent has not provided the 5th Respondent with a copy of the report of the inspection conducted on 24.09.2024.
27. The 5th Respondent humbly submits that had the 4th Respondent found any deviations in their inspection conducted on 24.09.2024, the same would have been submitted as a report before this Hon’ble Tribunal at the first instance by the 4th Respondent, considering the sensitivity of the present matter. However, the report of the 4th Respondent’s inspection of the 5th Respondent’s premises conducted on 24.09.2024 has not yet been filed by the 4th Respondent. This presupposes that even after the 4th

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Respondent's inspection of the 5th Respondent's premises, the 4th Respondent has not found any deviation, which therefore, supports the 5th Respondent's contention that it has duly complied with all its obligations under the BMW Rules, 2016.

28. Additionally, the 5th Respondent submits that for the renewal of consent orders issued to the 5th Respondent under the BMW Rules, 2016, Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, the 4th Respondent is required to inspect the 5th Respondent's Hospital from time to time. The 5th Respondent submits that as per Rule 6 and Rule 9(3) of the BMW Rules 2016, in the year 2023 the 4th Respondent's office inspected the 5th Respondent's Hospital for renewal of the 5th Respondent's Bio-medical waste authorization and the 4th Respondent provided the 5th Respondent with an inspection report dated 06.08.2023. (Annexure) Consequently, the 5th Respondent's Bio Medical Waste authorization was duly renewed by the 4th Respondent.

29. Accordingly, the 5th Respondent submits that the 4th Respondent has inspected the 5th Respondent's Hospital in 2023 and since the 4th Respondent's office did not find any non-compliance of (i) BMW Rules, 2016; (ii) the Air (Prevention and Control of Pollution) Act, 1981; and (iii) the Water (Prevention and Control of Pollution) Act, 1974, the 4th Respondent has issued the following consent orders to the 5th Respondent:

a. Consent Order No. 2308249768696 dated 28/04/2023 under the Water (Prevention and Control of Pollution) Act, 1974 valid from 28.04.2023 to 31.03.2025 (Annexure);

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- b. Consent Order No, 2308149768698 dated 28/04/2023 under the Air (Prevention and Control of Pollution) Act, 1981 valid from 28/04/2023 to 31/03/2025 (**Annexure**); and
 - c. Bio-Medical Waste Authorization No.23BAC48242836 dated 03/09/2023 valid from 03/09/2023 to 31/03/2025 (**Annexure**)
30. The 5th Respondent further denies the contents specified in Para No. 6 of the Report to the extent that the General Solid Waste Vendor M/s. Ashok Paper Mart has vacated his rented solid waste storage yard without clearing the waste dumped for years together and the present owner of the premises has cleared the general solid waste storage yard with an unauthorized vendor which has resulted in the dumping of general solid waste allegedly mixed with Bio Medical Waste at the Site.
31. With respect to the contents specified in Para No. 7 of the Report, the 5th Respondent humbly submits that it has duly complied with all its obligations under the BMWM Rules, 2016.
32. The 5th Respondent submits that in accordance with **Rule 4 (b)** of the BMWM Rules, the 5th Respondent has provisioned individual rooms within its premises for storage of segregated BMW with lock. Further, the segregation and collection of Bio Medical Waste have been handled by the 5th Respondent in accordance with Schedule I of BMWM Rules. The same is detailed as follows:

Category	Type of Waste	Type of bag or container to be used	Type of bag or container used by the
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		as per BMW Rules	5 th Respondent
Yellow	1. Human Anatomical Waste Animal Anatomical Waste 1. Soiled Waste	Yellow colored non-chlorinated plastic bags.	Yellow colored non-chlorinated plastic bags.
	Expired or Discarded Medicines	Yellow colored non-chlorinated plastic bags or containers	
	Chemical Waste	Yellow coloured container or non-chlorinated plastic bags.	Not generated by the 5 th Respondent.
	a) Chemical Liquid Waste (applicable liquid from laboratories and floor washing cleaning, house-keeping and disinfecting activities)	Separate collection system leading to effluent treatment system	Separate collection system leading to effluent treatment system
	a) Discarded linen, mattresses, beddings contaminated with blood or body fluid	Non-Chlorinated yellow plastic bags or suitable packing material.	Non-Chlorinated yellow plastic bags or suitable packing material.
	a) Microbiology, Biotechnology and other clinical laboratory waste are	Autoclave safe plastic bags or containers	Autoclave safe plastic bags or containers

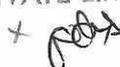
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Red	Contaminated Waste (Recyclable)	Red coloured Non – Chlorinated plastic bags or containers	Red coloured Non – Chlorinated plastic bags or containers
White	Waste Sharps including Metals	Puncture proof, leak-proof, tamper-proof containers	Puncture proof, leak-proof, tamper-proof containers
Blue	a) Glassware a) Metallic Body Implants	Cardboard boxes with blue coloured marking	Blue Colour Containers

33. After the segregation of Bio Medical Waste as mentioned above, as per **Rule 7(2)** of the BMWM Rules, the 5th Respondent duly hands over all the segregated Bio Medical Waste to the 9th Respondent for treatment, processing and final disposal according to the BMWM Rules, 2016.
34. The process of handing over the segregated Bio Medical Waste by the 5th Respondent to the 9th Respondent are as follows:
- a. the vehicle of the 9th Respondent arrives to the 5th Respondent's individual storage rooms for collection of the segregated Bio Medical Waste . The 9th Respondent staff weighs the segregated Bio Medical Waste and records the same in their Bio Medical Waste collection slip;
 - b. Thereafter, the 9th Respondent's vehicle containing the segregated Bio Medical Waste of the 5th Respondent will be transported by the 9th Respondent to their own Facility; and

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- c. Subsequently, as per Rule 5 of the BMWM Rules it is the duty of the 9th Respondent to treat and dispose the segregated Bio Medical Waste collected from the 5th Respondent.
35. The 5th Respondent humbly submits that the 5th Respondent's duty with respect to Bio Medical Waste ends once the segregated Bio Medical Waste is handed over by the 5th Respondent to the 9th Respondent for disposal. Therefore, the 5th Respondent humbly submits that it cannot be held liable for any improper handling and disposal of Bio Medical Waste by the 9th Respondent.
36. Therefore, 5th Respondent humbly submits that it has duly complied with all its obligations under the BMWM Rules, 2016 especially **Rules 4 (a), (b) , (f), Rule 7(2), Rule 8(1) and Rule 8(2)** mentioned in Para No. 7 (i) to 7(vii) of the Report.
37. The 5th Respondent further submits that with regard to **Rule 4 (e)** of the BMWM Rules, 2016 mentioned in Para No. 7(iii) of the Report, the 5th Respondent has the necessary Agreements in place with the respective vendors for disposal of wastes other than Bio Medical Waste as mandated under the applicable laws. (**Annexure**)
38. The 5th Respondent submits that it is not aware of the contents stated in Para No.8 of the Report since the letter dated 25.09.2024 was not served to the 5th Respondent by the 4th Respondent.
39. The 5th Respondent submits that it is not aware of the contents stated in Para No.9 of the Report since the letters bearing **Lr. No. F.No.2353/DEE/CHS/TNPCB/BMW/Complaint/EPA/2024 dated 01.10.2024** and

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Lr. No. F.No.2022/DEE/CHS/TNPCB/BMW/Complaint/EPA/2024 dated 01.10.2024 were not served to the 5th Respondent by the 4th Respondent.

40. In any case, the 5th Respondent humbly submits that the directions specified by the 4th Respondent in Para No. 9 (i) to (viii) are redundant since the 5th Respondent is already in compliance with all its obligations under the BMW Rules, 2016.
41. The 5th Respondent vehemently denies the contents specified in Para No. 10 of the Report and states that the 5th Respondent is not liable to pay Environmental Compensation to the 4th Respondent. The 5th Respondent further denies the contents specified in Para No. 5(i) of the Report that the 5th Respondent has improperly segregated its Bio Medical Waste. The 5th Respondent submits that it has properly segregated its BMW as outlined in the table above.
42. The 5th Respondent denies the allegation in Para No. 10 (ii) of the Report. The 4th Respondent has vaguely alleged that there are non-compliances of 'other' responsibilities under BMW Rules without categorically stating the specific non-compliances. This by itself establishes that the 4th Respondent's allegations are bald and have no basis. In any case, the 5th Respondent submits that it has complied with all its responsibilities as stipulated under BMW Rules, 2016. A detailed explanation of the same is provided hereunder:

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- a. **As per Rule 4(a) of the BMWM Rules**, the 5th Respondent has taken all necessary steps to ensure that Bio Medical Waste is handled inside the 5th Respondent's premises without any adverse effect to human health and the environment;
- b. **As per Rule 4 (b) of the BMWM Rules**, the 5th Respondent has made provision within its premises for a safe, ventilated secured location for storage of segregated Bio Medical Waste in colored bags or containers in the manner as specified in Schedule I of the BMWM Rules; **Annexure 7**
- c. **As per Rule 4 (c) of the BMWM Rules**, the 5th Respondent pretreats laboratory waste, micro-biological waste, blood samples and blood bags through disinfection or sterilization on-site in the manner as prescribed by World Health Organization (WHO) or National AIDS Control Organization (NACO);
- d. **As per Rule 4 (d) of the BMWM Rules**, the 5th Respondent uses Non Chlorinated plastic bags issued by the 9th Respondent;
- e. **As per Rule 4 (e) of the BMWM Rules**, the 5th Respondent disposes solid waste in accordance with the provision of respective waste management rules;
- f. **As per Rule 4 (f) of the BMWM Rules**, the 5th Respondent does not give any treated Bio Medical Waste with municipal solid waste;

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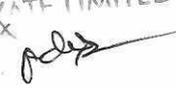
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- g. **As per Rule 4 (g) of the BMWM Rules**, the 5th Respondent has given adequate training to all its health care workers and others, involved in handling of Bio Medical Waste at the time of induction and thereafter at least once every year and the details of training programs conducted, number of personnel trained and number of personnel training are periodically submitted by the 5th Respondent to the 4th Respondent in the Annual Report Form IV; **Annexure 10**
- h. **As per Rule 4 (h) of the BMWM Rules**, the 5th Respondent has provided immunization to all healthcare workers and others involved in handling of Bio Medical Waste for protection against diseases including Hepatitis B and Tetanus that are likely to be transmitted by handling of Bio Medical Waste, in the manner as prescribed in the National Immunization Policy or the guidelines of the Ministry of Health and Family Welfare issued from time to time; **Annexure 11**
- i. **As per Rule 4 (i) of the BMWM Rules**, the 5th Respondent has established and is practicing Bar-Code system for the bags or containers from the year of commencement of the BMWM Rules 2016 and the same is also affirmed by the 4th Respondent in the Bio Medical Waste authorization renewal inspection report issued by the 4th Respondent to the 5th Respondent;
- j. **As per Rule 4 (j) of the BMWM Rules**, the 5th Respondent is ensuring segregation of liquid chemical waste at source and ensuring pre-treatment or neutralization prior to mixing it with other effluent generated at the 5th Respondent's premises;

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- k. **As per Rule 4 (k) of the BMWM Rules**, the 5th Respondent has ensured treatment and disposal of liquid waste in accordance with the Water(Prevention and Control of Pollution) Act, 1974;
- l. **As per Rule 4 (l) of the BMWM Rules**, the 5th Respondent has ensured occupational safety of all health care workers and others involved in handling of Bio Medical Waste by providing appropriate and adequate personal protective equipment;
- m. **As per Rule 4 (m) of the BMWM Rules**, the 5th Respondent has conducted health check up at the time of induction and then every one year for its healthcare workers and others involved in handling of Bio Medical Waste and the 5th Respondent has maintained records for the same;
- n. **As per Rule 4 (n) of the BMWM Rules**, the 5th Respondent has maintained, updated and displayed the Bio Medical Waste register on its website every day and has also updated the monthly record on <https://www.miotinternational.com/bio-medical-waste-report/>;
- o. **As per Rule 4 (o) of the BMWM Rules**, the 5th Respondent reports major accidents, if any during handling of Bio Medical Waste and the remedial action taken and records relevant thereto (including nil report) and submits them as an incident report to the 4th Respondent along with Annual Report in Form IV;

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- p. **As per Rule 4 (p) of the BMWM Rules**, the 5th Respondent has made available its Bio Medical Waste Annual Report on its website within the stipulated time as mentioned in the BMWM Rules;
- q. **As per Rule 4 (q) of the BMWM Rules**, the 5th Respondent obtains assistance from the prescribed authority in case the operator of a facility does not collect the Bio Medical Waste within the intended time;
- r. **As per Rule 4 (r) of the BMWM Rules**, the 5th Respondent has established a system to review and monitor the activities related to Bio Medical Waste management through its Bio Medical Waste Management Committee and the minutes are recorded;
- s. **As per Rule 4 (s) of the BMWM Rules**, the 5th Respondent is maintaining all records on autoclaving as mentioned in the BMWM Rules; and
- t. **As per Rule 4 (t) of the BMWM Rules**, the 5th Respondent is not practicing incineration at its premises. The 5th Respondent's incinerable materials are sent to the 9th Respondent.
43. The 5th Respondent humbly submits that it is not aware of the contents stated in Para No.11 of the Report since the letters bearing **Lr. No. F.No.2353/DEE/CHS/TNPCB/BMW/Complaint/EPA/2024 dated 01.10.2024** and **Lr. No. F.No.2022/DEE/CHS/TNPCB/BMW/Complaint/EPA/2024 dated 01.10.2024** were not served to the 5th Respondent by the 4th Respondent.


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44. In any case, the 5th Respondent vehemently denies the imposition of Environmental Compensation of Rs. 55,25,625/- (Rupees Fifty Five Lakhs, Twenty Five Thousand, Six Hundred and Twenty Five Only) on the 5th Respondent for the alleged non-compliance of the BMWM Rules and for contravening the conditions imposed in the Consent Order issued under Section 25 of the Water Act. The 5th Respondent humbly submits that it has complied with all the BMWM Rules and conditions of the Consent Order issued under the Water Act and therefore no Environmental Compensation is leviable from the 5th Respondent.
45. With regard to the contents specified in Para No. 12 of the Report, the 5th Respondent admits the receipt of the Show Cause Notice issued by the 4th Respondent bearing **Proceeding No. T3/TNPCB/F.022499/BMW/2024-1** dated 15.10.2024.
46. With regard to the compliance required under the Show Cause Notice issued by the 4th Respondent bearing **Proceeding No. T3/TNPCB/F.022499/BMW/2024-1** dated 15.10.2024, mentioned in Para No. 12(a) to (i) of the Report, the 5th Respondent humbly reiterates that the same is redundant since the 5th Respondent is already in compliance with all its obligations under the BMWM Rules, 2016 as outlined above.
47. The 5th Respondent admits the contents in Para No. 13 of the Report to the extent that it has received the Show Cause Notice issued by the 4th Respondent bearing **Proceeding No. T3/TNPCB/F.022499/BMW/2024-2** dated 15.10.2024. However, the 5th Respondent vehemently denies the imposition of Environmental Compensation of


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Rs.55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand and Six Hundred Twenty-Five Only) on the 5th Respondent for the alleged non-compliance of the BMWM Rules, 2016.

48. The 5th Respondent further submits that the 4th Respondent has relied on G.O. (Ms.) No. 77 dated 28.10.2020 in its Show Cause Notice bearing **Proceeding No. T3/TNPCB/F.022499/BMW/2024-2** dated 15.10.2024. This G.O. (Ms.) No. 77 only applies to Health Care Facilities and Common Bio Medical Waste Treatment Facilities for non-compliance of BMWM Rules, 2016. The 5th Respondent submits that since it has complied with all its obligations under the BMWM Rules, the G.O. (Ms.) No. 77 dated 28.10.2020 is not applicable to the 5th Respondent.
49. Without prejudice to the above, the 5th Respondent reiterates that the 4th Respondent has not shown any details as to how the Compensation amount of Rs. 55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand and Six Hundred Twenty-Five Only) has been determined. The 5th Respondent submits that G.O. (Ms.) No. 77 provides a specific methodology and formula for the computation of Environmental Compensation. This being the case, the 4th Respondent ought to have detailed either in the Show Cause Notice bearing **Proceeding No. T3/TNPCB/F.022499/BMW/2024-2** dated 15.10.2024 or in its Report, the factors considered, and the methodology followed by the 4th Respondent for arriving at the specific Compensation amount of Rs. 55,25,625/- (Rupees Fifty-Five Lakhs Twenty-Five Thousand and Six Hundred Twenty-Five Only). Hence, the 4th Respondent should provide this Hon'ble Tribunal with a clear break up in terms of the G.O. (Ms.) No. 77 on how the Compensation amount of Rs. 55,25,625/- (Rupees Fifty-

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Five Lakhs Twenty-Five Thousand and Six Hundred Twenty-Five Only) was determined by the 4th Respondent.

50. The 5th Respondent vehemently denies the contents specified in Para No. 14 of the Report that 200 Kgs of Bio Medical Waste allegedly belonging to the 5th Respondent was collected by the 9th Respondent from the Site. The 5th Respondent is unaware of the same and the 4th Respondent should be put to strict proof as to how the alleged 200 Kgs of Bio Medical Waste collected from the Site, was attributed by the 4th Respondent and the 9th Respondent to the 5th Respondent.
51. The 5th Respondent denies the allegation in Para No. 15 of the Report that color-coded bags collected from the Site were issued by the 9th Respondent to the 5th Respondent during August and November 2023. The 5th Respondent humbly submits that it routinely purchases color-coded bags and containers from the 9th Respondent to dispose of its Solid waste and Bio Medical Waste accordingly.
52. The 5th Respondent humbly submits that the 4th Respondent has in its Show Cause Notices dated 25.09.2024, sought to rely on pictures of 'color coded bags' at the Site allegedly belonging to the 5th Respondent. However, it is pertinent to note that the 5th Respondent has ceased usage of blue color 'plastic covers' for Bio Medical Waste since 2022 as stated in the 5th Respondent's Reply Letters dated 27.09.2024 addressed to the 4th Respondent. The 5th Respondent only uses blue color 'plastic containers' supplied by the 9th Respondent to the 5th Respondent to collect Bio Medical Waste and not blue color plastic covers as claimed to have been found at the Site by the 4th Respondent.

For
MIOT
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53. Therefore, the 5th Respondent submits that the Site did not have any Bio Medical Waste, and the Site certainly did not have any of the blue color plastic containers used by the 5th Respondent and the 4th Respondent should be put to strict proof thereof.

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

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

b. 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.

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

Shobha
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.

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

For MIOT
HOSPITALS
PRIVATE LIMITED


5th Respondent
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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

REPLY FILED BY THE 5th RESPONDENT
TO THE REPORT FILED BY THE 4th
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**