

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

For **MIOT
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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,
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

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**REPLY FILED BY THE 5th RESPONDENT TO THE ADDITIONAL REPORT FILED
BY THE 4th RESPONDENT IN OA NO. 274 OF 2024 ON 30.04.2025**

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/assertions in the additional report filed by the 4th Respondent before this Hon'ble Tribunal on 30.04.2025 ("**Additional Report**") shall be considered as categorically denied by the 5th Respondent.

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

3. The 5th Respondent humbly submits that Para No. 1, 2, 3, 4 & 5 of the Report do not warrant a reply from the 5th Respondent.



4. The 5th Respondent admits the contents of Para No. 6 of the Additional Report that in order to comply with this Hon'ble Tribunal's Order dated 13.02.2025, the 4th Respondent conducted a personal hearing for the 5th Respondent.
5. The 5th Respondent humbly submits that the contents of Para No. 6 (A) (b) to (d) of the Additional Report are admitted as true and correct.
6. With regard to the contents of Para No. 6(A)(a) of the Additional Report, the 5th Respondent states that it is in compliance with two out of the three directions issued vide the 4th Respondent's Directions dated 18.12.2024 ("**Directions**") as follows:
 - a. The 5th Respondent has not remitted the Environmental Compensation of Rs.55,25,625/- (Rupees Fifty-Five Lakhs, Twenty-Five Thousand, Six Hundred and Twenty-Five Only) demanded by the 4th Respondent vide the Directions dated 18.12.2024;
 - b. The 5th Respondent is maintaining and updating on a day-to-day basis the Bio Medical Waste Management Register and displaying the monthly record on its website according to the Bio Medical Waste generated in terms of category and colour coding as specified in Schedule I of the Bio Medical Waste Management Rules, 2016 ("**BMWM Rules**"); and
 - c. The 5th Respondent is segregating and storing the Municipal Solid Waste and plastic waste generated in its premises in accordance with the Solid

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Waste Management Rules, 2016 and handing over the segregated wastes to authorised waste processing and disposal facilities and the records for the same are submitted to the 4th Respondent every month.

7. The 5th Respondent denies the contents in Para No. 6 (A) (e) of the Additional Report wherein the 4th Respondent has stated that the 5th Respondent has remitted to the 4th Respondent 50% of the Environmental Compensation ("EC") levied by the 4th Respondent vide Directions dated 18.12.2024 i.e., Rs.27,62,813/- (Rupees Twenty-Seven Lakhs Sixty-Two Thousand Eight Hundred and Thirteen Only).
8. It is pertinent to note that the 5th Respondent has filed an Appeal before the Hon'ble National Green Tribunal ("NGT") bearing Appeal No.01 of 2025 challenging 4th Respondent's Directions dated 18.12.2024 wherein the 4th Respondent had inter-alia 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 in contravention of the Hon'ble NGT's order dated 13.12.2024 in OA No.274 of 2024 wherein 4th Respondent was directed to grant the 5th Respondent an opportunity of personal hearing.
9. The Hon'ble NGT vide order dated 10.01.2025 in Appeal No. 01 of 2025, was pleased to grant an interim stay on the 4th Respondent's Directions dated

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18.12.2024 on the condition that the 5th Respondent should deposit 50 % of the EC levied in the Directions in favour of the 4th Respondent.

10. Consequently, in order to secure the interim stay in Appeal No. 01 of 2025 and comply with the Hon'ble NGT's order dated 10.01.2025, the 5th Respondent deposited 50% of the EC levied by the 4th Respondent in the Directions dated 18.12.2024 i.e., Rs.27,62,813/- (Rupees Twenty-Seven Lakhs Sixty-Two Thousand Eight Hundred and Thirteen Only) in favour of the "Tamil Nadu Pollution Control Board Environmental Compensation Fund Account" vide DD No.505939 dated 27.01.2025.
11. Therefore, Para No. 6 A (e) of the Additional Report is incomplete to the extent that the 4th Respondent has failed to mention that 50% of the EC was remitted by 5th Respondent to secure the interim stay in Appeal No. 01 of 2025 which is sub-judice before the Hon'ble NGT and not towards any alleged non-compliance of the BMWM Rules, 2016.
12. The 4th Respondent's averments in Para No. 6 (B) of the Additional Report are admitted as true and correct to the following extent:

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- a. 5th Respondent has four buildings with in-patient and out-patient services and the collection of Bio Medical Waste and Solid Waste from the 5th Respondent's premises are scheduled at different timings;
 - b. Separate areas have been allocated by the 5th Respondent for the storage of Bio-Medical Waste and Solid Waste and the same are segregated for further disposal;
 - c. 5th Respondent's Bio Medical Waste is being collected in colour coded bags in accordance with the BMW Rules, 2016;
 - d. 5th Respondent's general solid waste is collected in green covers which includes wastes such as paper, cardboard, waste water bottles, plastic covers, etc; and
 - e. 5th Respondent's food waste is being collected separately in black covers and is disposed to piggeries and as manure through the agency M/s. Elahi Traders.
13. The 4th Respondent's averment in Para No. 6 (B) (e) that the 5th Respondent's vendor for collecting the general solid waste generated at the Hospital has been changed from M/s. Ashok Paper Mart to M/s. Parishudh after the incident of dumping of wastes is incorrect. Immediately after terminating the Agreement with M/s. Ashok Paper Mart in December 2023, 5th Respondent had entered into an agreement dated 05.01.2024 with Mr. S Muthukrishna Perumal, JSR Plastics which was terminated on 31.12.2024. Thereafter, the 5th Respondent executed an

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Agreement dated 17.10.2024 with M/s. Parishudh for collection of the 5th Respondent's general solid waste till 16.10.2025.

14. The 5th Respondent humbly submits that the 'status of compliance' recorded in Serial No. 1 of the Table in Para No. 6 of the Additional Report is only partially correct. It is true that based on the order of the Hon'ble NGT in Appeal No. 01 of 2025 the 5th Respondent has deposited 50% of the EC levied on 5th Respondent, to 4th Respondent, vide DD No.505939 dated 27.01.2025. However, it is crucial to distinguish that 50% of the EC was deposited by 5th Respondent solely to secure the interim stay granted by the Hon'ble NGT in Appeal No. 01 of 2025 and not towards any alleged non-compliance of the BMW Rules, 2016.
15. The 'status of compliance' recorded in Serial Nos. 2 and 3 of the Table in Para No. 6 of the Additional Report are admitted as true and correct.
16. The 5th Respondent vehemently denies the averments in Para No. 7 of the Additional Report as false and frivolous. The 5th Respondent states that no bar-coded yellow bag belonging to the 5th Respondent's hospital was found at the complaint site i.e., near the Pallavaram Eri. Furthermore, the 5th Respondent is not aware of any photographs being taken in this regard and 4th Respondent should be put to strict proof of the same.

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17. Moreover, the 5th Respondent states that it has taken all necessary steps to ensure that Bio Medical Waste is handled in its premises without any adverse effects to human health and the environment as stated in Rule 4(a) of the BMW Rules, 2016. Additionally, as stated by the 4th Respondent in Para No. 7 of the Additional Report, it is the duty of the 5th Respondent to dispose the wastes generated and the 5th Respondent has been duly segregating and disposing its Bio Medical Waste to the 9th Respondent and its General Waste to the respective vendor, as per the BMW Rules, 2016 and the Solid Waste Management Rules, 2016, respectively.
18. The 5th Respondent vehemently denies the 4th Respondent's contention in Para No. 7 of the 4th Respondent's Additional Report that the 5th Respondent is bound to remit the remaining 50% of the EC levied in the Directions dated 18.12.2024 for the alleged non-compliances stated therein.
19. The 5th Respondent reiterates that Appeal No. 01 of 2025 is sub-judice before this Hon'ble Tribunal and while being so, the 4th Respondent cannot prematurely demand the remaining EC from the 5th Respondent for the unproven allegations made by the 4th Respondent against the 5th Respondent in the Directions dated 18.12.2024. It is for the Hon'ble NGT to decide in Appeal No. 01 of 2025, whether the Directions dated 18.12.2024 should be upheld or set aside and in the absence of a final judgment in Appeal No. 01 of 2025, the 5th Respondent is not liable to remit any compensation to the 4th Respondent.

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20. With regard to the advice/ suggestions made by 4th Respondent in Para No. 8 of the Additional Report, 5th Respondent states that it is already in compliance of the same as outlined below:
- a. 5th Respondent provides periodical training to the lower-level staff on segregation of the Bio Medical Waste in colour coded bags in accordance with the BMW Rules, 2016.
 - b. 5th Respondent is keeping a constant check on vendors who collect general solid waste and food waste from its premises by monitoring their performance in the collection of wastes;
 - c. 5th Respondent is maintaining a register for accountability on number of barcoded bags issued to the 5th Respondent by the 9th Respondent i.e, GJ Multiclave, and the number of bags collected back by the 9th Respondent.
 - d. 5th Respondent's Bio Medical Waste Management Committee conducts regular meetings for monitoring the handling of Bio Medical Waste in its premises; and
 - e. 5th Respondent has complied with all its duties as occupiers under the BMW Rules, 2016.

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21. The 5th Respondent humbly submits that Para No. 9 to 11 of the Additional Report do not warrant a reply from the 5th Respondent as it pertains to the minutes of the personal hearing held by the 4th Respondent with the 6th Respondent.
22. The 5th Respondent further submits that the contents of this Additional Report were served on 21.03.2025 to the 5th Respondent by the 4th Respondent as 'Minutes of the Personal Hearing dated 12.03.2025.' The 5th Respondent has replied to the 4th Respondent's Minutes of the Personal Hearing by letter dated 28.04.2025 and the same has been filed before this Hon'ble Court as a Typedset on 30.04.2025.

DEPONENT

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

Shel.
NS 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

5th Respondent

[Signature]

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in Pallavaram Eri

Chief Secretary to Govt Of Tamil Nadu,
and 7 Ors.

...Respondents

**REPLY FILED BY THE 5th
RESPONDENT TO THE
ADDITIONAL REPORT FILED BY
THE 4th RESPONDENT IN OA NO.
274 OF 2024 ON 30.04.2025**

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

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**COUNSEL FOR THE
5th RESPONDENT**