

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 others  
....Respondents

**REPLY FILED ON BEHALF OF THE 9<sup>TH</sup> RESPONDENT**

I, P.SIVAKUMAR, Son of P.Pauldurai , aged about 47 years and having office at M/s.G.J.Multiclave (India) Pvt. Ltd., having its address at No.37, Old No.20, Teachers Colony, Adyar, Chennai – 600 020, do hereby solemnly affirm and sincerely states as follows:

1. I am the authorised representative and the General Manager in GJ Multiclave Pvt. Ltd., Chennai, the 9<sup>th</sup> Respondent herein and am well acquainted with the facts and circumstances of the case. I am competent and duly authorised to file this reply on behalf of the 9<sup>th</sup> Respondent Company herein.

2. I state that GJ Multiclave (India) Pvt. Ltd., is the pioneer in the waste treatment and were the first to establish Common Biomedical Waste Treatment Facility (CBWTF) in India for the safe and scientific disposal of



biomedical waste, operating with an objective to support the health care providers in addressing the challenges and risks associated with biomedical waste management. It is further submitted that a state-of-the-art Common Biomedical Waste Treatment and Disposal Facility (CBWTF) has been established at Thenmelpakkam, Chengalpattu to provide end-to-end services comprising of collection, transportation, treatment, and safe disposal of biomedical waste, in strict compliance with the provisions of the Bio-Medical Waste Management Rules while ensuring that the infectious biomedical waste generated by healthcare establishments are treated and disposed of most scientifically within a period of 48 hours from its generation. It is further submitted that the operations of the CBWTFs managed by the 9<sup>th</sup> Respondent are carried out under the active guidance and co-operation of the respective State and Central Pollution Control Boards for over 2 decades.

3. It is submitted that in Chennai, a majority of the hospitals and healthcare establishments have engaged our services for the purpose of discharging and managing their biomedical waste and we are the principal operator in the region by also providing our services to the 5<sup>th</sup> and 6<sup>th</sup> Respondent Hospitals. It is admitted that an agreement dated 01.04.2022 and 01.04.2023 has been entered between the 9<sup>th</sup> & 6<sup>th</sup> Respondent and between the 9<sup>th</sup> & 5<sup>th</sup> Respondent respectively for the limited purpose of collecting the Biomedical Waste from the Respondent Hospitals and discharging the same in compliance to the standards prescribed in Biomedical Waste (Management & Handling) Rules, 2016. The agreement dated 01.04.2022 and 01.04.2023. It



*P. S. Srinivasan*



is reiterated here that it is clear from both the agreements dated 01.04.2022 and 01.04.2023 respectively that the duty and scope of the 9<sup>th</sup> Respondent is only limited to collecting the waste handed over by the 5<sup>th</sup> and 6<sup>th</sup> Respondent and then disposing of the same on a day to day basis.

4. It is pertinent to mention here that as per the rules the 5<sup>th</sup> and 6<sup>th</sup> Respondent Hospitals are duty bound to segregate the generated Bio Medical Waste in the bar coded bags and should store such segregated bags with in the hospital premises. In this regard, the 9<sup>th</sup> Respondent's role is only limited to collecting, Transportation and disposal of the said bio medical waste handed over by the Hospitals. The process of disposing the Bio Medial Waste is as follows:-

- a) Collection: The 9<sup>th</sup> Respondent's team will collect the Biomedical Waste being handed over to them at the Hospital premises. The entire waste collected will then be weighed and recorded on a slip. The copy of the slip will also be provided to the hospitals.
- b) Transportation: The weighted waste bags will then be transported in a closed / covered vehicles equipped with GPS.
- c) Disposal: At the 9<sup>th</sup> Respondent's factory in Thenmelpakkam, Chengalpattu, the collected waste bags will be treated and then disposed according to BMW Rules. It is also submitted that the 9<sup>th</sup> Respondent uses an incinerator, an autoclave and a shedder to dispose of the Bio-Medical Waste collected from the Hospitals.



P. Dhanu



It is further made clear that the 9<sup>th</sup> Respondent will not inspect, monitor or segregate or handle the solid garbage or bio medical waste at the Hospital premises and those are only the responsibilities of the Hospitals. The 9<sup>th</sup> Respondent's role is only limited to collecting, Transportation and disposal of the said bio medical waste.

5. It is further submitted that the 9<sup>th</sup> Respondent does not deal in disposal of the general waste and solid waste with the 5<sup>th</sup> and 6<sup>th</sup> Respondent Hospitals. It is also submitted that the 9<sup>th</sup> Respondent maintains a complete and periodical record of the Biomedical Waste Collected and disposed off. It is also submitted that with respect to the waste disposed by the 9<sup>th</sup> Respondent an annual report for the years 2022 & 2023 and monthly report for the year 2024 is filed before the District Environmental Engineer, TNPCB as mandated under law and the same is made available with in the official website of the 9<sup>th</sup> Respondent in <https://gimulticlave.com/> for all the public to access. It is also submitted that the vehicles used by the 9<sup>th</sup> Respondent are enabled with GPS facility and there are GPS tracking to show the vehicles used to collect the Biomedical waste from the 5<sup>th</sup> and 6<sup>th</sup> Respondent Hospitals transit only between the concerned hospitals and waste disposal plant of the 9<sup>th</sup> Respondent.

6. It is also submitted that the present matter only concerns to illegal dumping of Hospital general waste mixed with bio medical waste. It is also submitted that the 4<sup>th</sup> Respondent notified about the dumping and directed the



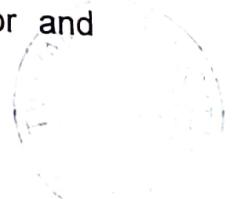
*P. Duran*



9<sup>th</sup> Respondent to segregate the Bio Medical Waste mixed with the general waste and dispose of the same. As such the 9<sup>th</sup> Respondent officials inspected the dumping site and collected 700 Kgs of Bio Medical Waste from the illegal dumping of 5 Ton General waste. Out of the 700 Kgs, 500kgs were found to be of the 5<sup>th</sup> Respondent and 200kgs were found to be of the 6<sup>th</sup> Respondent. After collecting the said 700kgs of Bio Medical Waste the same was disposed off in complaisance to the Rule and bill was raised by the 9<sup>th</sup> Respondent against the 5<sup>th</sup> and 6<sup>th</sup> Respondent which was also duly paid by them for the respective quantities of Bio Medical Waste disposed. Therefore the 9<sup>th</sup> Respondent entrusted by the Respondent Hospitals for disposing the Bio Medical Waste alone had strictly followed the procedure contemplated under the Biomedical Waste (Management & Handling) Rules, 2016 and have disposed of the same. It is submitted that there is no violation on the part of the 9<sup>th</sup> Respondent with respect to any of the terms of the agreement entered between the 9<sup>th</sup> Respondent and the 5<sup>th</sup> & 6<sup>th</sup> Respondent, nor there was any violation committed by the 9<sup>th</sup> Respondent against the rules of the pollution control board. Furthermore, the perusal of all the records pertaining to the collection and disposal of Bio Medical Waste by the 9<sup>th</sup> Respondent and the report of the 4<sup>th</sup> Respondent filed before this Hon'ble tribunal in the above case would clearly enunciate that the 9<sup>th</sup> Respondent is no way liable for the illegal dumping of General Hospital Waste in Pallavaram Eri.

7. The 4<sup>th</sup> Respondent's Report dated 09.12.2024 filed before the Hon'ble Tribunal clearly state the true facts and events contemplated prior and

*P. Jeyaraj*



subsequent to the illegal dumping and the legal steps taken thereafter. The said report also clearly lies down that the 9<sup>th</sup> Respondent is no way responsible for the illegal dumping. The relevant portions of the Report are extracted herein for the ready reference of this Hon'ble Tribunal:

*"...3. It is respectfully submitted that a complaint was received by the Office of DEE, Maraimalai Nagar, TNPCB from the Tambaram Municipal Corporation - Zone II, Chennai through telephonic message regarding the illegal disposal/dumping of Hospital general waste mixed with Bio Medical Waste along the Pallavaram radial road adjacent to Pallavaram Lake (Periya Eri) on 24.09.2024. Based on the complaint, the said complaint site was inspected by the Officials of the Office of DEE, Maraimalai Nagar, TNPCB on 24.09.2024 forenoon and the following were observed:*

*a. Huge quantity of Hospital general waste mixed with Bio Medical Waste were dumped in three different places such as 1) Along the Pallavaram radial road adjacent to Pallavaram Lake (Periya Eri), 2) Inside the Pallavaram Lake (Periyaeri), 3) Along the Pallavaram radial road opposite to Saravana Selvarathinam commercial building.*

*b. The Common Biomedical Waste Disposal Facility of M/s. G.J Multiclave (India) Pvt Ltd., S.F.No. 245 &247, Thenmelpakkam Village, Chengalpattu Taluk, Chengalpattu District was instructed to remove all the Bio Medical Waste mixed with the hospital general waste from the complaint site and to dispose the same to their Bio-medical waste treatment facility for processing.*

*c. In the complaint site Hospital records, Hospital prescription sheets, Letter head, Bio Medical Waste, hospital domestic waste and other details of the following hospitals were found in the illegally dumd waste.*

*d. M/s. G.J Multiclave (India) Pvt Ltd, S.F.No. 245&247, Thenmelpakkam Village, Chengalpattu Taluk, Chengalpattu District has collected 700 kgs of Bio Medical Waste (M/s. MIOT International Hospital, Chennai - 200 kgs and*



*P. Jeyaraj*



M/s. Gem Hospital, Chennai 500 kgs BMW facility receipt enclosed) from the illegally dumped hospital general waste mixed with the Bio Medical waste.”

“...6. It is respectfully submitted that it was ascertained 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 solid waste and disposed to the general solid waste vendor M/s. Ashok Waste Paper Mart. Later, the said general solid waste vendor M/s. Ashok Waste 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 said general solid waste storage yard with unauthorized vendor which has resulted in the dumping of general solid waste mixed biomedical waste in the Public Place (along the Pallavaram Radial Road adjacent to Pallavaram Periya Eri) of about 200 Kgs and 500 kgs of Bio Medical Waste from the said dumping area pertaining to the health care facilities of M/s. MIOT Hospitals Private Limited & M/s. Gem Hospital and Research Centre Pvt Ltd, Chennai District respectively.”

“...8. It is respectfully submitted that the District Environmental Engineer, Maraimalai Nagar vide letter dated 25.09.2024 (Copy Enclosed) has informed that in the complaint site, Hospital records, Hospital prescription sheets, Letter head, Bio Medical Waste, hospital domestic waste and other details of the hospital M/s. MIOT Hospitals Private Limited & M/s. Gem Hospital and Research Centre Pvt Ltd., were found in the illegally dumped waste.”

“...13. It is respectfully submitted that under the above circumstances, Further in exercise of the powers conferred under section 5 of Environment (Protection) Act, 1986 as amended, the Tamil Nadu Pollution Control Board (TNPCB) has issued Show cause Notice to the M/s. MIOT Hospitals Private Limited, & M/s. GEM Hospital and Research Centre Pvt Ltd, as to why the Board shall not recover the Environmental Compensation of Rs. 55,25,625/- for the period 01.08.2023 to 24.09.2024 and Rs. 28,78,750/- for the period 01.11.2023 to 24.09.2024 vide Proc.No.T3/TNPCB/F.0224991/BMW/2024-2 Dated: 15.10.2024 & Proc.No.T3/TNPCB/F.024512/BMW/2024-2 Dated: 17.10.2024 (Copy Enclosed) respectively against the said Healthcare facilities



*P. Jeyaraj*



*for the non-compliance of the provisions of the Biomedical Waste Management Rules, 2016 as amended. A reply to the show cause notice shall be furnished so as to reach to this office within 15 days from the receipt of this notice, failing which the TNPCB will be constrained to initiate action as deemed necessary and appropriate in the circumstances under the Environment (Protection) Act 1986, as amended.*

*14. It is respectfully submitted that further to state on the potential damage and the entire impact on the incident, it is submitted that the Common Bio Medical Waste Treatment Facility M/s. G.J Multiclave (India) Pvt Ltd, located at S.F.No. 245&247, Thenmelpakkam Village, Chengalpattu Taluk, Chengalpattu District., has collected 700 kgs of Bio Medical Waste (M/s. MIOT International Hospital, Chennai - 200 kgs and M/s. Gem Hospital, Chennai-500 kgs) from the complaint site.*

*15. It is respectfully submitted that the Colour coded bags collected from the complaint site were issued by the Common Bio Medical Waste Treatment Facility to M/s. MIOT Hospitals Private Limited & M/s. Gem Hospital and Research Centre Pvt Ltd, Chennai District during the month of August 2023 & November 2023 respectively."*

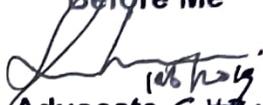
Therefore from the report of the 4<sup>th</sup> Respondent it is made clear that the illegal dumping is Hospital general waste mixed with Bio Medical Waste and that the Bio medical waste is mixed with the illegal dumping not by the fault of the 9<sup>th</sup> Respondent but due to the failure on the part of the Respondent Hospitals to properly segregate the Bio Medical Waste from the General Solid waste. It is also made clear that the 9<sup>th</sup> Respondent has acted in compliance to the Biomedical Waste (Management & Handling) Rules, 2016 and has not committed any violation requiring action against them. Hence the above application is liable to be closed as against the 9<sup>th</sup> Respondent.

*P. Devaran*



It is therefore most humbly prayed that this Hon'ble Court may be pleased to close the above Application as against the 9<sup>th</sup> Respondent and thus render justice.

Solemnly affirmed at Chennai  
On this the \_\_\_\_\_ day of June,  
2025 and signed his name  
In my presence.  
~~Chennai~~

Before Me  
  
Advocate, CHENNAI

GJ Multiclave (India) Pvt. Ltd.  
  
General Manager

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RESPONDENT**

**3J Multiclave (India) Pvt. Ltd.**

**vral Manager**

**M/s. S.L.SUDARSANAM (E.No.418/1996)  
O.P.HEMKUMAR (E.No.1462/2002)  
R.GOKUL (E.No.4636/2021)  
R.VELMURUGAN, (E.No.1663/2023)  
D.BALASUBRAMANIAM (E.No.6172/2023)**

**COUNSEL FOR 9<sup>TH</sup> RESPONDENT**