

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI**

**Original Application No.90 of 2024(SZ)
[Earlier O.A. No.772/2023 (Principal Bench) LP]**

Thiru. Jeganathan Kumarasamy,
Plot No. 8 & 9, Surya Avenue,
Tropical Enclave,
Pallikaranai,
Chennai.

....Applicant

-Vs-

The State of Tamil Nadu,
Chief Secretary to Government,
Fort St. George,
Chennai – 600 009 & others.

....Respondents

INDEX

S.No	Description	Page No.
1.	REPORT FILED ON BEHALF OF THE SECOND RESPONDENT – TAMIL NADU POLLUTION CONTROL BOARD	1 - 4



**Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI.**

**Original Application No.90 of 2024(SZ)
[Earlier O.A. No.772/2023 (Principal Bench) LP]**

Thiru. Jeganathan Kumarasamy,
Plot No. 8 & 9, Surya Avenue,
Tropical Enclave,
Pallikaranai,
Chennai.

...Applicant

-Vs-

1. The State of Tamil Nadu,
Chief Secretary to Government,
Fort St. George,
Chennai – 600 009.
2. Tamil Nadu Pollution Control Board,
Represented by its Member Secretary,
76, Anna Salai, Guindy,
Chennai - 600 032
3. The District Collector,
Chennai District Collector Office,
Singaravelan Maligai, Rajaji Salai
Chennai – 600 001.

...Respondents

**REPORT FILED ON BEHALF OF THE SECOND RESPONDENT -
TAMIL NADU POLLUTION CONTROL BOARD.**

I, S.Palanisamy, Son of Thiru. S.Santhappan, aged about 59 years having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby solemnly affirm and sincerely state as follows:

- 1) I respectfully submit that I am Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board (TNPCB) and I am filing this Report on behalf of the second Respondent and as such I am well acquainted with the facts of the case from the office records. I have carefully perused the contents of the affidavit filed by the applicant in support of the above original application and I deny all the allegations contained thereon except those that are specifically admitted here under and the Petitioner herein is put to strict


 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

proof thereof. I reserve my right to file additional counter affidavit, if any new facts come to my knowledge at a later point of time.

- 2) It is respectfully submitted that this case Suo Motu registered by the Principal Bench of the National Green Tribunal, New Delhi as Original Application No.772 of 2023 (PB) based on the complaint received from the petitioner Thiru. Jeganathan Kumarasamy in connection to the petition sent by Mr. Jeganathan Kumarasamy enumerating grievances as follows;

"Improper operation of organic solid waste management facility in Mallikeswaran Nagar, Pallikaranai, Chennai (Survey no. 731) on the western side of a residential house in Surya Avenue Tropical Enclave, Pallikarnai. The said facility is operating in violation of SWM Rules, 2016 thereby damaging the environment by creating breeding place of insects and mosquitoes and causing serious health hazard to residents in the neighborhood which are all marked as residential plots. Stagnant water is oozing out with a bad odour and during the rains, the rainwater along with sewage water from the facility enters into private property damaging the ground water which is unfit for drinking purposes. No action has been taken by the concerned authority."

- 3) It is respectfully submitted that the Hon'ble NGT (PB), New Delhi vide order dated 07.02.2024 directed as follows;

"... 5. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Central Pollution Control Board (CPCB), TNSPCB and Collector, Pallikaranai, Chennai and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due course of law. The TNSPCB will be the nodal agency for coordination and compliance..."

Further, the case was transferred to Southern Zone Bench and re-numbered as Original Application No. 90 of 2024 (SZ) and the case was posted for hearing on 15.07.2024.

- 4) It is respectfully submitted that in compliance to the Hon'ble NGT directions, the District Collector, Chennai conducted first meeting on 13.03.2024 at District Collectorate and the DEE, TNPCB appraised about the case and

30

 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

the inspection was planned to be scheduled on 22.03.2024 and the Joint Committee was constituted with following members:

1. The District Collector, Chennai – Member.
2. Dr. R. Rajkumar, Scientist E, Central Pollution Control Board, Regional Directorate, Chennai - Member.
3. District Environmental Engineer, TNPCB, Chennai South @ Velachery. - Nodal Officer cum Member.

Further, District Collector, Chennai vide letter dated 20.03.2024 nominated RDO, South Chennai and Thasildhar, Shollinganallur Taluk for the said joint committee inspection.

- 5) It is respectfully submitted that the Joint Committee inspected the site on 22.03.2024 along with the complainant and officials of Revenue Dept. and GCC and report of said Joint committee is submitted herewith (Copy attached).

The Action plan for Remediation suggested by the Committee is as follows:

"In view of above observations, following action plan for remedial are proposed by the Joint Committee:

i. The GCC shall take necessary action to build a permanent wall on the eastern side to prevent Organic waste/compost from spilling on to the complainant's land. The Organic waste/compost storage should be relocated to the North Western side of the processing facility by providing covered storage shed.

ii. Even though, the facility has obtained authorization for processing of organic waste through micro composting having capacity of 5.5 TPD, as per the records, it was found that the facility was processing less than the 5 Tons per day, in such scenario the buffer zone criteria is not applicable, and considering the high population density in urban areas, scarcity of land to set up such facilities and also only organic waste is treated through micro composting. It is suggested to allow the plant to operate in same location restricting the processing capacity less than 5 TPD and also ensure that the facility shall be operated without causing pollution to the surroundings. Further, the GCC shall obtain amendment in authorization as per provisions of Solid Waste Management Rules, 2016 for actual peak organic waste processing quantity as per records."


 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

- 6) It is respectfully submitted that based on the Joint committee report, Tamil Nadu Pollution Control Board has addressed a letter to the Commissioner, Greater Chennai Corporation vide Lr.No. T3/TNPCB/F.026841/ NGTO.A.90 of 2024/2024, Dated: 06.12.2024 to furnish the Action Taken Report.

It is, therefore, most humbly prayed that this Hon'ble Tribunal may be pleased to consider the submissions made in the report by this Respondent and pass orders as this Hon'ble Tribunal may deem fit and necessary in the circumstances of the case and thus render justice.


 11/12/24
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

VERIFICATION

I, S.Palanisamy, Son of Thiru.S.Santhappan, working as Joint Chief Environmental Engineer, TNPCB, office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records.


 11/12/24
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI

Original Application No.90 of 2024(SZ)
[Earlier O.A. No.772/2023 (Principal Bench)
LP]

Thiru. Jeganathan Kumarasamy,
Plot No. 8 & 9, Surya Avenue,
Tropical Enclave,
Pallikaranai,
Chennai.

....Applicant

-Vs-

The State of Tamil Nadu,
Chief Secretary to Government,
Fort St. George,
Chennai – 600 009 & others.

....Respondents

REPORT FILED ON BEHALF OF
THE SECOND RESPONDENT – TAMIL
NADU POLLUTION CONTROL
BOARD

Advocate for Respondent: TNPCB
Thiru.Sai Sathya Jith,
Advocate, Chennai.

Date:12.12.2024

Date of Hearing on:17.12.2024

