

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

**Original Application No. 45 of 2023 (SZ)**

Rajesh Khanna,

**...Applicant**

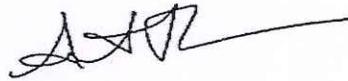
**Vs**

The District Collector,  
Thiruvallur District and Ors.

**...Respondents**

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



**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Original Application No. 45 of 2023 (SZ)**

Rajesh Khanna,

...Applicant

Vs

The District Collector,  
Thiruvallur District and Ors.

...Respondents

**REPORT SUBMITTED BY THE SECOND AND THIRD RESPONDENTS - TAMIL NADU POLLUTION CONTROL BOARD.**

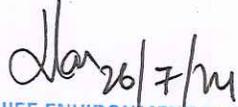
I, R. Sarasavani, Daughter of Thiru. J. Raghavan, aged about 59 years having office at No.76, Mount Salai, Guindy, Chennai 600 032 do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this report on behalf of Respondents 2 and 3 Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.
2. It is respectfully submitted that based on the Hon'ble National Green Tribunal (SZ) direction order dated 06.10.2023 "2. *...the State Pollution Control Board is directed to file an action taken report, including the assessment of damage caused by the unit, as the unit has been operating without consent*", the following additional report is submitted as follows:
  - i. Consent for Establishment (CTE) vide Proceeding No. F. 0998TLR / OS / DEE / TNPCB / TLR / W / 2017 DATED 27.11.2017 was issued under Water and Air Acts to the unit M/s. Sabari Crop Care Sciences (P) Limited, S.F. No. 355/2, Kaverirajapuram Village, Tiruttani Taluk, Tiruvallur District (copy of the consent order is attached herewith and marked as **Annexure 1**).

*R. Sarasavani*  
26/8/24

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

- ii. The unit was inspected by the officials of the O/o. DEE, TNPCB, Tiruvallur on 23.02.2021 and vide Proceeding No. DEE / TNPCB / TLR / F.TLR1548 / W&A / 2020 dated 27.02.2021 a Show-cause notice was issued to the unit(copy of show-cause notice is attached hereto and marked as **Annexure 2**) for the following violations:
- a. The unit was in operation without obtaining valid consent of the Board.
  - b. The unit is currently carrying out repacking of bulk quantity of pesticides in powder form into smaller packing after mixing them in solids ribbon blender.
  - c. The unit is currently carrying out repacking of bulk quantity of pesticides in liquid form into smaller packing after mixing them in vessel using stirrer.
- iii. Then, the unit has applied for Consent to Operate (CTO) after CTE vide online application No.20649043 dated 23.04.2021, and the application was returned to the unit by the O/o. DEE, TNPCB, Tiruvallur on 15.05.2021 for want of additional particulars.
- iv. As the above application for Consent to Operate(CTO) - after Consent to Establishment (CTE) was auto deleted, the unit again applied for CTO-Direct through online vide application No.48546648 dated 01.11.2022. After scrutiny, the application was returned to the unit on 05.12.2022 for want of certain details. Subsequently, the above application was also auto deleted after the expiry of 60 days.
- v. Subsequently, the unit had filed a fresh application for CTO-Direct through online vide application No.51039633 dated 12.03.2023. The unit was inspected by the officials of the O/o. DEE, TNPCB, Tiruvallur on 13.03.2023 and the inspection report was placed before the 297<sup>th</sup>District Level Consent Clearance Committee (DLCCC) meeting held on 14.03.2023.
- vi. The District Level Consent Clearance Committee (DLCCC) decided to issue Consent to Operate to the unit vide Item No.297-02, dated

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

14.03.2023. (Copy of DLCCC decision is attached hereto and marked as **Annexure 3**)

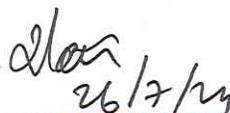
vii. As per the Board Proceeding No.15, dated 07.05.2021, “*All the units that have not applied so far but are operating without consent to operate (CTO) shall apply for consents under Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 and remit the consent fee as follows:*

a. **Lower of**, 6 times the consent fee (5 arrear + 1 current) as per the GFA on the date of application (**OR**) the consent fee applicable from the date of commissioning (as ascertained by EB connection or VAT registration or GST registration date or building plan approval date). If no evidence for the date of commissioning is produced then a flat rate of 6 times fee (5 arrear fee + 1 Current) shall be payable”. (Copy of Board Proceeding No.15 attached hereto and marked as **Annexure 4**.)

viii. In this case Consent for Establishment (CTE) was issued and the unit had applied for CTO-After CTE vide application No.20649043 dated 23.04.2021, Application No.48546648 dated 01.11.2022 & Application No.51039633 dated 12.03.2023 and consent fee was collected accordingly.

3. It is respectfully submitted that with respect to the levy of EC against the unit as per the orders of the Hon'ble NGT, the DEE vide his letter dated 25.04.2024 has reported the following.

- i. Sewage generated is disposed through septic tank followed by soak pit arrangement
- ii. No trade effluent discharged by the unit and hence there is no environmental damage caused by the unit.
- iii. There is no possibility of levying environmental damage to the unit, since there is no trade effluent from the unit's activity except wet scrubber bleed off (0.03 KLD) and the same is disposed into elevated solar evaporation pan provided.

  
26/7/24  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

4. It is respectfully submitted that the unit has also provided wet scrubber with stack for the blending section (liquid pesticide formulation) and bag filter with stack for the blending section (solid pesticide formulation) as APC measures

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

*Jan*  
26/7/14

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

**BEFORE ME**

**VERIFICATION**

I, R. Sarasavani, Daughter of Thiru. J. Raghavan, working as Joint Chief Environmental Engineer, office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby submit that the above contents are true to the best of my knowledge and belief.

*Jan*  
26/7/14

JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600.032.



Annexure - I

**TAMIL NADU POLLUTION CONTROL BOARD**

**CONSENT ORDER NO. 170117965819 DATED: 27/11/2017.**

**PROCEEDINGS NO.F.0998TLR/OS/DEE/TNPCB/TLR/W/2017 DATED: 27/11/2017**

**SUB:** TNPC Board-Consent for Establishment-M/S SABARI CROP CARE SCIENCES (P) LTD S.F No. 355/2, KAVERIRAJAPURAM Village, Tiruttani Taluk, Tiruvallur District - for the establishment or take steps to establish the industry under Section 25 of the Water (Prevention and control of Pollution) Act, 1974, as amended in 1988 (Central Act 6 of 1974)- Issued- Reg.

**REF:** 1. Application for issue of CTE dt 13/06/2017  
2. 151st Minutes of the meeting item No: 151-001  
3. IR.No : F.0998TLR/OS/DEE/TLR/2017 dated 22/11/2017

Consent to establish or take steps to establish is hereby granted under Section 25 of the Water (Prevention and control of Pollution) Act, 1974, as amended in 1988 (Central Act 6 of 1974) (hereinafter referred to as 'The Act') and the Rules and Orders made there under to

The Director,  
SABARI CROP CARE SCIENCES (P) LTD

Authorizing occupier to establish or take steps to establish the industry in the site mentioned below:

S.F. No.355/2,  
KAVERIRAJAPURAM Village,  
Tiruttani Taluk,  
Tiruvallur District.

This Consent to establish is valid upto **November 26, 2022**, or till the industry obtains consent to operate under Section 25 of the Water (Prevention and control of Pollution) Act, 1974, as amended in 1988 whichever is earlier subject to special and general conditions enclosed.

**District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
TIRUVALLUR**

To  
The Director,  
M/s.SABARI CROP CARE SCIENCES (P) LTD,  
Kaverirajapuram Village, Tiruttani Taluk, Tiruvallur District,  
Pin: 631210

**Copy to:**

1. The Commissioner, TIRUVALANGADU-Panchayat Union, Tiruttani Taluk, Tiruvallur District .
  2. Copy submitted to the Member Secretary, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.
  3. Copy submitted to the JCEE-Monitoring, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.
  4. File
-

6  
**SPECIAL CONDITIONS**

1. This consent to establish is valid for establishing the facility for the manufacture of products/byproducts (Col. 2) at the rate (Col 3) mentioned below. Any change in the product/byproduct and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

Sl. No.	Description	Quantity	Unit
<b>Product Details</b>			
1.	Pesticides Formulation of Solid type Agro chemicals ( dusting Powder, Granules, Wettable Powder, suspension Powder)	150	Ton/Month
2.	Pesticide Formulation of Liquid type agro chemicals (Emulsion concentrate and suspension concentrate)	120.0	KL / MONTH

2. The unit shall provide Sewage Treatment Plant and /or Effluent Treatment Plant as indicated below.

<b>a Sewage Treatment Plant:</b>			
Treatment status: Septic Tank and SP/DT			
SL. No.	Name of the Treatment Unit	No. of Units	Dimensions in metres
1.	SEPTIC TANK	1	4X3X2
2.	SOAK PIT	1	1X1X2
<b>b Effluent Treatment Plant:</b>			
Treatment status: No trade effluent and hence does not arise			
SL. No.	Name of the Treatment Unit	No. of Units	Dimensions in metres
1.			

3. This consent to establish is valid for establishing the facility with the below mentioned outlets for the discharge of sewage/trade effluent. Any change in the outlets and the quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

Outlet No.	Description of Outlet	Maximum daily discharge in KLD	Point of disposal
<b>Effluent Type : Sewage</b>			
1.	SEWAGE	2.0	On Industrys own land
<b>Effluent Type : Trade Effluent</b>			

4. **Additional Conditions:**

- 1.The unit shall provide septic tank followed by soak pit for the treatment and disposal of sewage.
- 2.The unit shall not generate trade effluent at any stage of its manufacturing activity.
- 3.The unit shall not manufacture pesticide technical and banned pesticide within their premises.
- 4.The unit shall develop green belt within the factory premise considering 25% of it area as green belt area.
5. The activity of the unit shall not invite any complaint.
6. The unit shall not generate any Hazardous solid waste from its activity.
7. The unit shall ensure that the non-hazardous solid waste shall properly be collected and disposed to re-cyclers then and there.

**District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
TIRUVALLUR**

**GENERAL CONDITIONS**

1. This consent to establish cannot be construed as consent to operate and the unit shall not commence the operation without obtaining the Consent to operate.
2. The applicant shall make a request for grant of consent to operate at least thirty days, before the commissioning of trial production.
3. Any Change in the details furnished in the conditions has to be brought to the notice of the Board and got approved by the Board, before obtaining consent to operate under the said Act.
4. The unit has to comply with the provisions of Public Liability Insurance Act, 1991 to provide immediate relief in the event of any hazard to human beings, other living creatures/plants and properties while handling and storage of hazardous substances (wherever applicable).
5. Consent to operate will not be issued unless the unit complies with the conditions of consent to establish.
6. The unit shall provide adequate water sprinklers for the control of dust emission during the loading and unloading of construction material so as to minimize the dust emission.
7. The unit shall provide water sprinklers along the temporary roads inside the premises to avoid fugitive dust emission during the vehicle movements.
8. The unit shall develop green belt of adequate width around the premises.
9. In case there is any change in the management, the unit shall inform the change with relevant documents immediately.

**District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
TIRUVALLUR**

\*\* This consent order is computer generated by OCMMS of TNPCB and no signature is needed\*\*





**TAMIL NADU POLLUTION CONTROL BOARD**

**CONSENT ORDER NO. 170127965819      DATED: 27/11/2017.**

**PROCEEDINGS NO.F.0998TLR/OS/DEE/TNPCB/TLR/A/2017      DATED: 27/11/2017**

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**SUB:** TNPC Board-Consent for Establishment-M/s. SABARI CROP CARE SCIENCES (P) LTD , S.F. No. 355/2, KAVERIRAJAPURAM village, Tiruttani Taluk and Tiruvallur District - for the establishment or take steps to establish the industry under Section 21 of the Air(Prevention and control of Pollution)Act,1981, as amended in 1987(Central Act. 14 of 1981)-Issued -Reg.

**REF:** 1. Application for issue of CTE dt 13/06/2017  
2. 151st Minutes of the meeting item No: 151-001  
3.IR.No : F.0998TLR/OS/DEE/TLR/2017 dated 22/11/2017

Consent to establish or take steps to establish is hereby granted under Section 21 of the Air (Prevention and control of Pollution) Act,1981, as amended in 1987 and the Rules and Orders made there under to

The Director,  
M/s . SABARI CROP CARE SCIENCES (P) LTD  
S.F No.355/2,  
KAVERIRAJAPURAM Village,  
Tiruttani Taluk,  
Tiruvallur District.

Authorizing occupier to establish or take steps to establish the industry in the site mentioned below:

S.F No. 355/2,  
KAVERIRAJAPURAM Village,  
Tiruttani Taluk,  
Tiruvallur District.

This Consent to establish is valid upto **November 26, 2022**, or till the industry obtains consent to operate under Section 21 of the Air (Prevention and control of Pollution) Act, 1981, as amended in 1987 whichever is earlier subject to special and general conditions enclosed.

**District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
TIRUVALLUR**

To  
The Director,  
M/s.SABARI CROP CARE SCIENCES (P) LTD,  
Kaverirajapuram Village, Tiruttani Taluk, Tiruvallur District,Tiruvallur District  
Pin: 631210

**Copy to:**

- 1.The Commissioner, TIRUVALANGADU-Panchayat Union, Tiruttani Taluk, Tiruvallur District .
  2. Copy submitted to the Member Secretary, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.
  3. Copy submitted to the JCEE-Monitoring, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.
  4. File
-

9  
**SPECIAL CONDITIONS**

1. This consent to establish is valid for establishing the facility for the manufacture of products/byproducts (Col. 2) at the rate (Col 3) mentioned below. Any change in the product/byproduct and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

Sl. No.	Description	Quantity	Unit
<b>Product Details</b>			
1.	Pesticides Formulation of Solid type Agro chemicals ( dusting Powder, Granules, Wettable Powder, suspension Powder)	150	Ton/Month
2.	Pesticide Formulation of Liquid type agro chemicals (Emulsion concentrate and suspension concentrate)	120.0	KL / MONTH

2. This consent to establish is valid for establishing the facility with the below mentioned emission/noise sources along with the control measures and/or stack .Any change in the emission source/control measures/change in stack height has to be brought to the notice of the Board and fresh consent has to be obtained if necessary.

<b>I Point source emission with stack :</b>				
Stack No.	Point Emission Source	Air pollution Control measures	Stack height from Ground Level in m	Gaseous Discharge in Nm3/hr
01	Blending Area	Wet scrubber with stack	6	
02	DG SET - 125 KVA	Stack	5	
<b>II Fugitive/Noise emission :</b>				
Sl. No.	Fugitive or Noise Emission sources	Type of emission	Control measures	
1.	DG set	Noise	Acoustic enclosure	

3. **Additional Conditions:**

1.The unit shall provide wet scrubber attached to the liquid formulation section as proposed.

District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
TIRUVALLUR

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## GENERAL CONDITIONS

1. This consent to establish cannot be construed as consent to operate and the unit shall not commence the operation without obtaining the Consent to operate.
2. The applicant shall make a request for grant of consent to operate at least thirty days, before the commissioning of trial production.
3. Any Change in the details furnished in the conditions has to be brought to the notice of the Board and got approved by the Board, before obtaining consent to operate under the said Act.
4. The unit has to comply with the provisions of Public Liability Insurance Act, 1991 to provide immediate relief in the event of any hazard to human beings, other living creatures/plants and properties while handling and storage of hazardous substances (wherever applicable).
5. Consent to operate will not be issued unless the unit complies with the conditions of consent to establish.
6. The unit shall provide adequate water sprinklers for the control of dust emission during the loading and unloading of construction material so as to minimize the dust emission.
7. The unit shall provide water sprinklers along the temporary roads inside the premises to avoid fugitive dust emission during the vehicle movements.
8. The unit shall develop green belt of adequate width around the premises.
9. In case there is any change in the management, the unit shall inform the change with relevant documents immediately.

**District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
TIRUVALLUR**

\*\* This consent order is computer generated by OCMMS of TNPCB and no signature is needed\*\*







**TAMILNADU POLLUTION CONTROL BOARD**

O/o.The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Master Plan complex, S.F.No. 1/6D& 1/5B,  
Perumbakkam Village,  
Tiruvallur District – 602 001.

**Proceedings No. DEE/TNPCB/TLR/F. TLR1548/A/2020. Date.28.02.2021**

Sub: TNPC Board - Industries – Issue of show cause notice under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 to the unit of M/s. Sabari Crop Care Sciences (P) Ltd S.F No. 355/2, Kaverirajapuram Village, Tiruttani Taluk, Tiruvallur District –Violation of consent order conditions - Reg.

Ref: 1. TNPCB's Proc. No. F.0998TLR/OS/DEE/TNPCB/TLR/W/2017 DATED: 27/11/2017  
2. Inspection of the unit by TNPCB official on 23.02.2021.

\*\*\*\*\*

Tamil Nadu Pollution Control Board serves this notice on you as occupier for contravening the conditions imposed in consent to establish already issued to the unit of M/s. Sabari Crop Care Sciences (P) Ltd S.F No. 355/2, Kaverirajapuram Village, Tiruttani Taluk, Tiruvallur District under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 (Hereinafter referred to as the Act) in the reference 1<sup>st</sup> cited.

Whereas during inspection of the unit of M/s Sabari Crop Care Sciences (P) Ltd S.F No. 355/2, Kaverirajapuram Village, Tiruttani Taluk, Tiruvallur District on 23.02.2021 the following were observed.

1. The unit was in operation without obtaining valid consent of the Board.
2. The unit is currently carrying out repacking of Bulk quantity of Pesticides in powder form in to smaller packing after mixing them in solids ribbon blender.
3. The unit is currently carrying out repacking of Bulk quantity of Pesticides in liquid form in to smaller packing after mixing them in vessel using stirrer.
4. The unit has not provided wet scrubber with stack for the Solid blending area as mentioned in CTE issued to the unit.

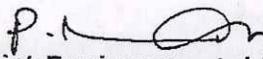
Thereby you are violating the provisions of Section 21 of the Act, which are offences punishable under Section 37 of the Act with imprisonment for a term which shall not be less than one year and six months, but which may extend to six years and with fine.

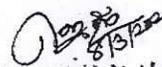
Hence, you are directed to show cause within 7 days from the date of receipt of this notice as to why penal action for offence under Section 37 of the Act should not be taken against you for contravening the provisions of Section 21 of the Act and also why directions should not be issued under Section 31A of the Act for closure of the unit, stoppage of power supply, etc.

It is informed that non-receipt of reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above contravention and action will be taken accordingly.

To

The Director,  
M/s. Sabari Crop Care Sciences (P) Ltd  
S.F No. 355/2, Kaverirajapuram Village,  
Tiruttani Taluk, Tiruvallur District  
Pincode – 631210.

  
27.2.2021  
District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Tiruvallur.

  
செயலாளர்

**TAMILNADU POLLUTION CONTROL BOARD****DLCCC - ITEM NO. 297 - 02****DATE OF MEETING: 14.03.2023**

TO CONSIDER THE ISSUE OF **CONSENT TO OPERATE - DIRECT** TO M/S. SABARI CROP CARE SCIENCES (P) LTD, S.F.NO. 355/2, KAVERIRAJAPURAM VILLAGE, TIRUTTANI TALUK, TIRUVALLUR DISTRICT UNDER THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AS AMENDED AND UNDER THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981 AS AMENDED FOR ITS **OPERATIONAL** ACTIVITY.

The DLCCC decided to grant of **Consent to Operate - Direct** to M/s. Sabari Crop Care Sciences (P) Ltd, S.F.No. 355/2, Kaverirajapuram Village, Tiruttani Taluk, Tiruvallur District under Section 25 of the water (Prevention and Control of Pollution) Act, 1974 as amended and under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended for its **Operational** activity valid up to **31.03.2027** subject to the following conditions:

**Water Act:**

1. The unit shall treat and dispose the sewage through septic tank and soak pit provided.
2. The unit shall ensure that wet scrubber bleed off generated is disposed to Elevated solar Evaporation Pan.
3. The unit shall not manufacture the products which are banned by Govt. of India, Ministry of Agriculture (Department of Agriculture & Co-operation) Directorate of plant Protection, Quarantine, & Storage, Central insecticides Board and registration committee.
4. The unit shall not use "Use and throwaway plastics" irrespective of thickness such as plastic sheets used for food wrapping, spreading on dining etc; plastic plates, plastics coated tea cups, plastic tumbler, water pouches and packets, plastic straw, plastic carry bag and plastic flags within the premises. Instead the unit shall encourage use of eco-friendly alternatives such as banana leaf, Arecanut palm plate, stainless steel, Glass, Porcelain plates/cups, Cloth bag, Jute bag etc.,.
5. The unit shall comply with the E-Waste Management Rules 2016. E Waste as listed in Schedule -I, generated by them shall be channelized through collection centre or dealer of authorized producer or the dismantler or recycler or through designated take back service provider of the producer to authorized dismantler or recycler. The unit shall maintain records of e-waste generated by them in Form-2 and make such records available for scrutiny by the TNPCB. The unit shall file annual returns in Form -3, to the TNPCB on or before the 30th day of June following the financial year.

6. The unit shall not carryout the manual cleaning of septic tank, under any circumstance.
7. The unit shall furnish the Auditor`s certificate every year for the Gross Fixed Assets showing the value of the land, building, machinery, etc. without depreciation and shall remit the consent fee as and when demanded by the Board if any due to revision.
8. In case of revision of consent fee by the Government, the unit shall remit the difference in amount within one month from the date of notification. Failing to remit the consent fee, this consent order will be withdrawn without any notice and further action will be initiated against the units as per law.

**Air Act:**

1. The unit shall operate and maintain the air pollution control measures efficiently and continuously so as to bring the quality of emission to satisfy the Ambient Air Quality/Emission standards prescribed by the Board.
2. The unit shall adhere to the Ambient Noise level standards Prescribed by the Board.
3. The unit shall continue to develop green belt by planting tall tree saplings (Kurunkadugal scheme) [spacing of 5 x 5 m for each tree and 5 to 7ft height] within the unit premises so as to cover 25% of the total area.
4. The unit shall not manufacture the products which are banned by Govt. of India, Ministry of Agriculture (Department of Agriculture & Co-operation) Directorate of plant Protection, Quarantine, & Storage, Central insecticides Board and registration committee.
5. The unit shall furnish the Auditor`s certificate every year for the Gross Fixed Assets showing the value of the land, building, machinery, etc. without depreciation and shall remit the consent fee as and when demanded by the Board if any due to revision.
6. In case of revision of consent fee by the Government, the unit shall remit the difference in amount within one month from the date of notification. Failing to remit the consent fee, this consent order will be withdrawn without any notice and further action will be initiated against the units as per law.

*S. Selenth*  
AE [S]

*14/03/2023*  
AE [R]

*OCathk PB*  
140323  
AEE

*[Signature]*  
DBE/District Officer



## TAMILNADU POLLUTION CONTROL BOARD



**TNPCB – DIVERSIFIED CONSENT FEES AS PER THE GROSS FIXED ASSETS, CATEGORY AND CLASSIFICATION OF THE EXISTING BUT NOT APPLIED UNITS FOR ISSUING CTO-DIRECT AND UNDER SECTION 25 OF THE WATER(P&CP) ACT, 1974 AND UNDER SECTION 21 OF THE AIR(P&CP)ACT, 1981.**

B.P.No.15

Dated 07.05.2021

**Read : Board Resolution No.284-2-1, dated 29.04.2021**

- Ref:
1. Ambattur Industrial Estate Manufacturers' Association (AIEMA) letter dated 28.6.2019
  2. IMA representation to the Hon'ble Minister for Environment on 26.6.2019 in the meeting held at TNPCB.
  3. Senior Officers meeting held on 16.7.2019 in the Conference hall, TNPCB.
  4. Circular Memo No. TSI/16488/MISC/90, dated 28.5.1991.
  5. RC No.F/289/TRY/90, dt 07.09.1991
  6. B.P. Ms. No. 13 dated 22.11.2011
  7. Board Resolution No. 278-1-18, dated 30.07.2019
  8. Board Resolution No. 281-2-6, dated 04.08.2020
  9. Board Resolution No. 282-2-25, dated 05.12.2020

\*\*\*\*\*

As per the TNPCB circular memo No.TSI/16488/MISC/90 dated 28.05.1991, levying of consent fees is prescribed as below:

(1) **Assessment of Capita investment for the existing Industry:**

Investments made on fixed assets as per the audited report inclusive of both movable and immovable assets not reckoning the depreciation.

(2) **Industries to be established:**

Assessment can be made based on the investments including movable and immovable assets as detailed in the project report.

(3). **Investment of lease basis:**

Twenty times of the Annual lease is to be taken as equivalent to capital investment.

The Ambattur Industrial Estate Manufacturers' Association (AIEMA) have made representations during Oct-2018 & Jan-2020 to the Board to reconsider the calculation of Gross Fixed Assets for the industries which are operating on lease land enumerated vide (item 3) above wherein it has been emphasized that the present procedure of considering 20 times of the Annual lease value as equivalent to the capital investment may be altered to 3 times of annual lease value.

The said proposal was placed before the Board in its 278<sup>th</sup> meeting held on 22.7.2019. The Board vide resolution No. 278-1-18 noted that re-examining the norms for arriving GFA for the units established on lease basis may lead to huge loss to the consent fee revenue of the Board and hence the proposal cannot be agreed in the present form. At the same time the Board needed to encourage the entrepreneurs in the Micro and Small sector to enable them to become viable and competitive. Considering the above the Board instructed to revise the proposal and bring to the Board after getting legal opinion and also examining the procedures followed in other States.

As per the above Board's resolution, procedure followed in other States & legal opinion was obtained from the Board Standing Council. It has been opined by the Board Standing Council in his letter dated 24.02.2020 that "It is up to the Board to follow any method in its sole discretion in computing the consent fee for the industry/units which are operating on lease basis, **without affecting the revenue of the Board** with consultation with the State Government."

With the above details, a revised proposal was placed before the Board in its 281st meeting held on 30.07.2020. The Board vide resolution No. 281-2-6 dated 04.08.2020 resolved that, if the GFA is calculated by considering three year annual lease value, plus gross value of plant & machineries and other fixed assets to arrive



## TAMILNADU POLLUTION CONTROL BOARD



consent fee, there will be a loss of revenue to the tune of Rs. 25.53 crores from the existing all categories and all scales of units. If it is considered for only small scale units, the loss will be Rs. 13.9 crores. The Board also noted that, if the practice of considering the rental value for the validity period of consent, this may result in small scale industries opting for one year only and will ultimately result in further loss of consent fee revenue to the Board.

The Board has further observed that the concept of polluter pays principle should be applied in consent fee payments and for that effect, variable lease periods shall be adopted based on the category and scale of the industries for the GFA calculations as follows:

For the purpose of small –scale industries (GFA upto Rs.5 Crore) the lease period can be modified as:

Category	Existing lease period	Proposed Lease period for GFA calculation
Red – Small	20 Years	12 Years
Orange - Small	20 Years	6 years
Green - Small	20 Years	3 years

**For large & medium industries the lease period can be modified as:**

Category	Existing lease period	Proposed Lease period for GFA calculation
Red Large & Medium	20 Years	15 Years
Orange Large & Medium	20 Years	10 years
Green Large & Medium	20 Years	5 years

The Board has also noted that the rationale for adopting the revised lease period for large & medium industries (i). The framework follows polluter pays concept in estimating the consent fee (ii) Revenues of TNPCB will not be drastically impacted. (iii). Smaller industries benefit with lower consent fees. Considering the above, the Board instructed to re-work the proposal along with the details of loss of revenue and bring the subject to the next Board meeting to take a decision.

In this regard, the Estimation of revenue loss in consent fee collection considering lease value as 15 years for Red Large and Medium units, 12 years for Red Small units, 10 years for orange Large and Medium, 6 years for Orange Small scale units and 3 years for Green Small scale units were worked out and the subject was placed before the Board's 282<sup>nd</sup> meeting held on 30.11.2020. The Board vide resolution no 282-2-25 Dated 05.12.2020 decided to have detailed deliberation on the proposal in the next Board meeting.

In this regard, the detailed working was carried out and the following are furnished:

- a) The estimated revenue in consent fee per year is Rs.206.16 Crores (Considering last three years revenue).
- b) Maximum annual expenditure during the last three years is Rs.193.31 Crores.
- c) The estimated loss of revenue in consent fee per year while considering small scale units of Red, Orange and Green categories is Rs.9.16 Crores.
- d) The expenditure on pay and establishment is further to increase for the new recruiters (viz) Assistant Engineer -89, Scientist -72, Junior Assistant- 52, and Typist-56.
- e) Emerging of fraudulent practices by way of declaring assets as lease values in the name of other directors and partners etc.,



## TAMILNADU POLLUTION CONTROL BOARD



In view of the above, the following points may be considered.

- a) The rationality behind the AIEMA letter dated 01.12.2020 is to regularize small scale units operating for several years without the consents of the Board under Water and Air Acts.
- b) In the 273<sup>rd</sup> Consent Clearance Committee and HoD meeting held on 08.01.2021, it was discussed and finally decided that to regularize the not applied existing industries by collecting consent fees as below:
  - Small category Industries, 6 times (5 arrear +1 Current) the consent fee as applicable on the date of filing of application.
  - Medium category Industries, 5 times (4 arrear +1 Current) the consent fee as applicable on the date of filing of application.
  - Large category Industries, 4 times (3 arrear +1 Current) the consent fee as applicable on the date of filing of application.

### Recommendations

In view of the above, without comprising much the Revenue of the Board the following are recommended,

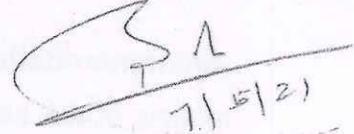
- (1). The components for the calculation of the consents fees under Water Act & Air Acts shall continue to be Gross Fixed Assets value as in practice without any change.
- (2). All the not applied industries shall apply for consents under Water Act & Air Act and remit the consent fees as below:
  - Small category Industries, 6 times (5 arrear +1 Current) the consent fee as applicable on the date of filing of application.
  - Medium category Industries, 5 times (4 arrear +1 Current) the consent fee as applicable on the date of filing of application.
  - Large category Industries, 4 times (3 arrear +1 Current) the consent fee as applicable on the date of filing of application.

Hence, the subject was placed before the Board at its 284<sup>th</sup> Board meeting held on 29.04.2021 and the Board has gone through the proposal and after detailed deliberations, resolved vide item no.284-2-1 that

1). The components for the calculation of the consent fees under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 shall continue to be the Gross Fixed Assets value as in practice without any change.

2). All the units that have not applied so far but are operating without Consent to Operate (CTO) shall apply for consents under the Water (P&PC) Act, 1974 and the Air (P&CP) Act, 1981 and remit the consent fee as follows:

**Lower of**, 6 times the consent fee (5 arrear + 1 current) as per the GFA on the date of application **(OR)** the consent fee applicable from the date of commissioning (as ascertained by EB Connection or VAT registration or GST registration date or Building Plan approval date). If no evidence for the date of commissioning is produced then a flat rate of 6 times fee (5 arrear + 1 current) shall be payable.

  
7/5/21

**Dr.S.Selvan,**  
**Member Secretary**

To  
JCEE-III

  
7/5/21

Copy to

1. FA
2. All HODs of Technical Section
3. All JCEE(M)
4. All DEEs
5. BMS
6. File

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

**Original Application No. 45 of 2023 (SZ)**

Rajesh Khanna,

**...Applicant**

**Vs**

The District Collector,  
Thiruvallur District and Ors.

**...Respondents**

**REPORT SUBMITTED BY THE SECOND  
AND THIRD RESPONDENTS – TAMIL  
NADU POLLUTION CONTROL BOARD**

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

**Date: 26.07.2024.**

**Date of hearing on 30.08.2024**

