

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

Original Application No.98 of 2021

V. Mahendran,
S/o. Vijayaraj,
D.No.58F6, Rajarajan Nagar Post,
Kumarapalayam Agraharam Village
Kumarapalayam Taluk,
Namakkal District -638183.
Ph: 91 9965360568 & 2 Ors

...Applicants

Vs

The District Collector,
Namakkal District
Namakkal.
Email:collrnmk@nic.in
Ph No:04286 281100 and 7 other.

...Respondents

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**Filed by
Thiru. C. Kasirajan
Advocate, Chennai.**

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**REPORT FILED ON BEHALF OF THE 6th AND 7th RESPONDENTS
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R. Vijayabaskaran, son of E. Rathinam, Hindu, aged about 58 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 Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board and I am filing this Report on behalf of the 6th & 7th Respondents Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the applicant filed this application with the following prayer:

i. Allow this Original Application by directing the respondents 6 & 7 with the aid of other official respondents stated above to permanently close the illegally operating power loom factory by the


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10th respondent in T.S. No. 20, Block No. 23, Town Survey Ward – B of Rajarajan Nagar, Komarapalayam, Namakkal District – 638 183, by considering the applicants 'representation dated 04.12.2020 to the respondents 1 to 4, 8 and 10; and

ii) Direct the 10th respondent to pay costs as to the expenses incurred by the applicants for filing this Original Application and any other remedy as this Hon'ble Tribunal deems fit and proper in the interest of justice.

3. It is respectfully submitted that the Hon'ble NGT (SZ) has passed order dated 12.04.2021 and directed inter alia as follows:-

“we direct the Tamil Nadu Pollution Control Board (TNPCB) to submit status as well as action report, if there is any violation found, regarding the above mentioned aspects before this Tribunal including suggesting the recommendations if any, to be carried out by the 10th respondent for the purpose of abating the nuisance and pollution alleged while operating their unit and also assess the environmental compensation for the violation committed”.

4. It is respectfully submitted that pursuant to the above said order, the details of the power loom are provided as below:

Earlier, a complaint petition dated. 11.03.2020 was received from Thiru. Jawahar residing at 40P, Alankadu, Kumarapalayam and Thiru. V. Mahendran residing at Rajarajan Nagar, Kumarapalayam Agraharam Village, Namakkal District against the proposed Power


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loom unit owned by the 8th respondent Mr. Sundararajan at Rajarajan Nagar, Kumarapalayam Agraharam Village, Namakkal District through online on 11.05.2020. Based on the complaint, the construction site was inspected by the TNPCB officials of the DEE, TNPCB, Kumarapalayam on 24.06.2020 and observed that construction activity was under progress. The owner of the complaint construction site Thiru. Sundararajan have been contacted over phone to know about the purpose of construction, he informed that the construction site is to be utilised for godown purpose. Further, the same was investigated from the nearby public, it was informed that they are not aware of construction. The same was informed to the petitioner vide DEE, TNPCB, Kumarpalayam Letter No. dated.29.06.2020.

5. It is further submitted that, subsequently a complaint dated. 01.08.2020 was received from Thiru. A.K. Kumar & 8 others residing at Rajarajan Nagar, Kumarapalayam Agraharam Village, Namakkal District against the proposed Power loom unit owned by Mr. Sundararajan at Rajarajan Nagar, Kumarapalayam Agraharam Village, Namakkal District. Based on the complaint, the construction site was inspected by the office of the DEE, TNPCB Kumarpalayam officials on 14.08.2020 and observed that construction activity was still under progress. Hence, it is requested to the petitioner to know about the status of the license obtained if any from the Commissioner, Kumarapalayam Municipality. The same was informed to the petitioner vide DEE, Kumaapalayam Letter No. dated.18.08.2020.


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6. It is further submitted that the applicant Thiru. V. Mehandran & 13 others residing at Rajarajan Nagar, Kumarapalayam Agraharam Village, Namakkal District has lodged complaint against the Power loom installed by Mr. Sundararajan at Rajarajan Nagar, Kumarapalayam Agraharam Village, Namakkal District dated. 07.12.2020 regarding dust & noise pollution. Based on the complaint the power loom was inspected on 28.12.2020 and observed that the construction site noticed in the earlier inspections has been completed and installed power looms in two different sheds which were under operation without Consent of the Board. Hence, a show cause notice was issued to the unit under Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 vide Proceeding No. DEE/TNPCB/KMP/F-NA/GS/A&W/2021, dated 04.01.2021. The unit has not furnished reply to the Show Cause Notice. Hence the unit was called for Personal hearing on **23.02.2021** vide DEE, TNPCB Letter dated. 17.02.2021. The 8th respondent Thiru. Soundarajan has attended the personal hearing and assured to obtain consent to operate from the TNPC Board. Also, it has been instructed to the unit's authority to provide:

- i. Covered glass panel at the entrance of the loom shed 1 & 2.
- ii. Covered glass panel to all the windows.
- iii. Rubber bushes at the bottom of all the 16 power looms to control vibrations.
- iv. Dust collector to control the dust emission.


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7. It is respectfully submitted that, in order to comply the Hon'ble NGT order dt.12.04.2021, the 8th respondent's power loom unit was inspected on 23.04.2021 and Ambient Noise Level Survey was conducted in the vicinity of the complaint unit & Complainant houses. During the inspection the following were observed:

i. The power loom was under operation and it is a tiny cottage industry.

ii. The unit, affixed with Door & Windows, is facing the complainant house. Windows have been provided on southern, Eastern & western side of the power loom.

iii. The unit has provided covered glass panel at the entrance of the loom shed 1 & 2.

iv. The unit has provided covered glass panel to all the windows.

v. The unit has provided Rubber bushes at the bottom of all the 16 power looms to control vibrations.

vi. Installation of dust collector is under progress.

vii. The power loom and complainant house is located adjacent to each other.

viii. The unit has provided compound wall with 10 feet height abutting the complainant house.

ix. The unit has installed 16 Nos of looms in two separate sheds (8 Nos. each) and loom warping & winding section in one shed and each loom has been fitted with 1.0 HP motor.

x. The power loom unit is surrounded by:


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East	Complainant (Mr. V. Mahendran) House & Vacant land and Complainant (Mr. Veerichetti) House & power loom,
West	Complainant (Mr. Jawahar) line houses & Road and another Line houses & Road
South	Road, Power looms & Residences
North	Road, Residences & Power looms.

xi. The Kumarapalayam Municipality has furnished the report stating that the unit location T.S. No.20, Block No. 23, Town survey Ward-B of Rajarajan Nagar, Kumarapalayam Village, Namakkal District has classified as Mixed residential.

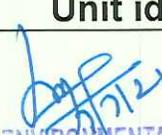
8. It is respectfully submitted that the Ambient Noise Level Survey was conducted in the vicinity of the complaint unit on 23.04.2021. The Ambient Noise Level readings within the complainant house were taken and details are as follows.

Complainant 1:

Sl. No.	(Mr. V. Mahendran House)	ANL in dB(A)		
		During operation		Unit idle condition
		Door open	Door closed	
1.	Bed Room 1	59.8	59.2	38.8
2.	In-between Hall & Kitchen	67.7	59.5	50.3
3.	Bed Room 2	67.0	57.6	48.9
4.	Entrance	66.8	64.8	56.0
5.	Backside of the House	63.4	62.5	51.1

Complainant 2:

Sl. No.	Mr. Jawahar Line Houses	ANL in dB(A)	
		During operation	Unit idle


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	(Tmt. Poongodi Tenant)	Door open	Door closed	condition
1.	Centre (Backside of the unit)	74.5	64.6	62.2
2.	Backside of the House	76.3	64.7	63.0
3.	Hall	66.5	63.2	64.1
4.	Entrance *	71.7	64.1	57.3
5.	Entrance of the Mrs. Kannammal (Tenant) *	73.1	64.2	64.4

Complainant 3:

Sl. No.	(Mr. Veerichetty House)	ANL in dB(A)		
		During operation		Unit idle condition
		Door open	Door closed	
1.	Bed Room	71.1	64.1	39.4
2.	Hall	65.2	61.0	55.4
3.	Kitchen	64.1	54.4	41.7
4.	Portico	64.0	61.4	59.3

Status report/Action taken:

1. The power loom is located in the Mixed Residential Zone.
2. Further it is submitted that as per G.O. Ms. No. 1730, Dated 24/07/1974 of Rural Development and Local Administration Department, in mixed residential area, Cottage industries as specified in G.O. Ms. No. 566 dated 13/03/1962 are permitted in the mixed residential zone. The weaving (Power loom) industries is one among the cottage industry permitted in the said G.O. Ms. No. 566.
3. The unit is a power loom and comes under the Green category (3015-Cotton spinning and weaving (small scale)) as per the Tamil Nadu Pollution Control Board, BP. No. 6 dated 02.08.2016. No trade effluent / point source emission from the power loom unit. However, fine dust


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may emanate besides Noise. Further, the unit requires to obtain consent of the TNPCB.

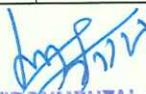
The noise level standards permitted and allowable limits (as per Noise Pollution (Regulation and Control) Rules, 2000) limited up to is given below.

Complainant 1:

Sl. No	(Mr. V. Mahendra n House)	ANL in dB(A)			Ambient Noise Level standards for Residential Zone)	Asper allowable limit by Noise Pollution (Regulation and Control) Rules, 2000
		(During Day operation)		Unit idle condition		
		Door open	Door closed			
1.	Bed Room 1	59.8	59.2	38.8	45 (Night time)	55 (Night time)
2.	In-between Hall & Kitchen	67.7	59.5	50.3		
3.	Bed Room 2	67.0	57.6	48.9	55 (Day time)	65 (Day time)
4.	Entrance	66.8	64.8	56.0		
5.	Backside of the House	63.4	62.5	51.1		

Complainant 2:

Sl. No	Mr. Jawahar Line Houses (Tmt. Poongodi Tenant)	ANL in dB(A)			Ambient Noise Level standards for Residential Zone)	Asper allowable limit by Noise Pollution (Regulation and Control) Rules, 2000
		(During Day operation)		Unit idle condition		
		Door open	Door closed			
1.	Centre (Backside of the unit)	74.5	64.6	62.2	45 (Night time)	55 (Night time)


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2.	Backside of the House	76.3	64.7	63.0	55 (Day time)	65 (Day time)
3.	Hall	66.5	63.2	64.1		
4.	Entrance *	71.7	64.1	57.3		
5.	Entrance of the Mrs. Kannammal (Tenant) *	73.1	64.2	64.4		

*Frequent Vehicle movement observed.

Complainant 3:

Sl. No.	(Mr. Veerichetty House)	ANL in dB(A)			Ambient Noise Level standards for Residential Zone)	Asper allowable limit by Noise Pollution (Regulation and Control) Rules, 2000
		(During Day operation)		Unit idle condition		
		Door open	Door closed			
1.	Bed Room	71.1	64.1	39.4	45 (Night time)	55 (Night time)
2.	Hall	65.2	61.0	55.4		
3.	Kitchen	64.1	54.4	41.7		
4.	Portico	64.0	61.4	59.3	55 (Day time)	65 (Day time)

* Survey conducted during day time only.

The Noise Pollution (Regulation and Control) Rules, 2000, Clause 7 (1) as follows.

“A person may, if the noise level exceeds the ambient noise standards by 10 dB(A) or more given in the corresponding columns against any area/zone ² [or, if there is a violation of any provision of these rules regarding restrictions imposed during night time], make a complaint to the authority”.


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9. It is submitted that the Ambient Noise Level survey report reveals that during non-operation of power loom varies from **64.4 dB(A) - 38.8 dB(A)**. This range value reveals that is very nearer to 65dB(A) of the allowable limit to make complaint. The noise level is also because of frequent vehicle movement in the area. Since the ANL value reveals that during Door closed with operating the power loom ranging from **64.8 dB(A) – 54.4dB(A)** which is also reveals that within the allowable limit for making complaint. Further, the unit's in its letter dated. 27.04.2021 has stated that, they have stopped their power loom operation from 26.04.2021 (photographs for EB reading) and assured to operate the loom only after obtaining consent from the TNPC Board through online.

10. It is respectfully submitted that, now the 8th respondent's power loom units has filed application in the name and style of **M/s. S.S.Tex** at T.S. No.20, Block No.23, Town survey Ward-B of Rajarajan Nagar, Kumarapalayam Village, Namakkal District for CTO-direct under the Water and Air Acts through online (OCMMS) vide application No. 39029506, dated. 29.04.2021 and additional particulars such as APC measures provided with photographs called for. Consent to operate will be issued to the unit after resubmission of the application. Since, the unit has provided suitable acoustic measures like covered glass Door, covered glass windows, Rubber bushes (to control vibrations) and dust collector.


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Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to take this Report on record and 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.


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BEFORE ME

VERIFICATION

I, R. Vijayabaskaran, S/o. E. Rathinam, working as Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai - 600032, do hereby submit that the contents of the above report are true to the best of my knowledge through records.

Verified at Chennai on this 06th day of July, 2021.


 ADDL. CHIEF ENVIRONMENTAL ENGINEER
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**Advocate for Respondent: - TNPCB
Thiru.C. Kasirajan,
Advocate, Chennai.**

Date:08.07.2021.

Next date of hearing on :20.07.2021