

S Sakthivel vs Ministry Of Environment Forest And ... on 31 October, 2022

Author: Satyagopal Korlapati

Bench: Satyagopal Korlapati

Item No. 05:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 190 of 2021 (SZ)
(Through Video Conference)

IN THE MATTER OF

S. Sakthivel, Salem

...Applicant(s)

Versus

The MoEF&CC, New Delhi & ors.

...Respondent(s)

Date of hearing: 31.10.2022.
CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

None appeared.

For Respondent(s):

Ms. Renuka Devi for Ms. H. Yasmeen Ali for R2.

Ms. Dayana for Mr. T. Sai Krishnan for R4.

Ms. T. Vennila for R5.

Mr. Adarsh Ramanujan for R13 and R25.

ORDER

1. Today when the matter was taken up, we have received a memo from the Learned Counsel for the applicant dated 30.10.2022 stating that he has revoked the vakalat in O.A. No. 190 of 2021. The memo is taken on record and the Registry is directed to issue notice to the applicant attaching the copy of the memo.

2. In the meanwhile, Mr. Adarsh Ramanujan appearing for the respondent nos. 13 and 25 has filed a reply affidavit stating that the said respondents are fully compliant and they have been unnecessarily added as respondents herein.

3. The Learned Counsel appearing for the 5th respondent seeks further time to file a response to the report of the Telengana State Pollution Control Board. In the report filed by the Pollution Control

Board, they have enclosed a tabular column setting out the details of the area of the construction, year of establishment and the availability of Environmental Clearances particulars. The said report also includes the CFO status with details and the biomedical waste authorisation with details.

4. A cursory glance of the said report gives a shocking revelation that respondent no. 24, M/s. Dr. Patnam Mahender Reddy Institute of Medical Sciences, Chevella (V&M), Rangareddy District has a capacity of 500 beds and had applied for renewal of the CFO which was rejected by the Board and is operating without Environmental Clearance under provisions of EIA Notification. The application for renewal of BMW authorisation was also rejected for the said medical institution.

5. We presume that the said institution is in operation and is generating biomedical waste every day. When the renewal of BMW authorisation and CFO renewal were rejected, it is the duty of the State Pollution Control Board to ensure that the biomedical waste generated are disposed of in manner known to law or they should have directed the institute to stop their operations. The duty of the Pollution Control Board does not stop with mere rejection of the application and also to take care that the institution does not violate any of the norms required. So, we direct the Pollution Control Board to assess each of the respondents without necessary approvals and file another comprehensive report regarding the action taken in this regard.

6. Post the matter on 13.12.2022.

.....J.M. (Smt. Justice Pushpa Sathyanarayana)
.....E.M. (Dr. Satyagopal Korlapati) O.A. No.190/2021 (SZ), 31st October, 2022.
(AM)