

P G Sethuram vs The Principal Secretary To Govt. Of ... on 24 December, 2021

Bench: K Ramakrishnan, K. Satyagopal

Item No.06:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 231 of 2021 (SZ) &

I.A. No. 210 of 2021

(With Hybrid Option)

IN THE MATTER OF:

P.G. Sethuram

Versus

... Applicant(s)

The Chairman, TNPCB and Ors.

...Respondent(s)

Date of hearing: 24.12.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. P.G. Sethuram

For Respondent(s): Mr. Sai Sathya Jith for R1

Dr. D. Shanmuganathan for R2 and R4

Mr. S. Sarvanan and Mr. M. Joseph Nihal Raval for

Applicant in I.A. No. 210 of 2021

ORDER

1. This is an application filed by 3rd party to come on record, on the ground that he is one of the quarry-cum-crusher owner in that area and that was a Patta land where he is carrying all these activities and he had obtained all necessary documents and clearances and if any, adverse remarks are made, unless he is in party array, he may not be able to answer the same.

2. Considering the circumstances, we feel that it is necessary to allow the application and implead him as additional 5th respondent. So the application is allowed and the applicant in Interlocutory application is impleaded as additional 5th respondent.

3. Registry is directed to carry out the amendment in the cause title.

4. With the above observation and direction, I.A. No. 210 of 2021 is allowed and disposed of accordingly.

O.A. 231 of 2019

5. The above case has been posted to today for appearance of 3rd respondent, filing their independent response and also for consideration of report.

6. Additional 5th respondent was impleaded as per order in I.A. No. 210 of 2021.

7. Though, notice was served on the 3rd respondent-SEIAA Tamil Nadu, there is no representation for them. It is quite unfortunate that whenever certain allegations of violation of environment laws are made including environmental clearance and that was brought to the notice of the SEIAA, they are not taking steps to get their appearance noted in Tribunal and submit the action taken, if there is any violation noted. However, we feel that one more opportunity can be given to 3rd respondent to enter appearance and submit their independent response regarding the allegation made in the letter petition on the basis of which the case was registered by the Principal Bench and then transferred to this Bench.

8. We have received an action taken report submitted by Tamil Nadu Pollution Control Board signed by the officer on 23.12.2021, e-filed today which reads as follows:

ACTION TAKEN REPORT OF TAMILNADU POLLUTION CONTROL BOARD
SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE), CHENNAI IN THE MATTER OF ORIGINAL APPLICATION
No. 231 OF 2021 (SZ), THIRU P.G. SETHURAM Vs THE CHAIRMAN, TAMILNADU
POLLUTION CONTROL BOARD AND OTHERS, AS PER ORDER DATED 26th
NOVEMBER 2021.

1. Background In the matter of Original application No. 231 of 2021, Thiru P.G. Sethuram Vs The Chairman, Tamilnadu Pollution Control Board and others has passed an order dated 26.11.2021 to submit the report and filing their independent response to the Tribunal on or before 24.12.201.

In this regard, the District Collector, Tiruppur has constituted a committee for inspection vide Roc.925/2020/Mines, Dated: 10.12.2021 and the committee comprises of Revenue Divisional Officer, Dharapuram, District Environmental Engineer, Tamilnadu Pollution Control Board, Tiruppur North and Deputy Director of Geology and Mining, Tiruppur District. The committee members along with Tahsildar, Kangeyam, Assistant Environmental Engineer, TNPCB, Tiruppur North, Assistant Geologist, Tiruppur have inspected the following units on 15.12.2021.

i) M/s. R. Manoharan Rough Stone and Gravel Quarry, S.F. No. 733/2 & 734/2, Senapathipalayam Village, Kangeyam Taluk, Tiruppur District.

ii) M/s. Shree Nithi Stone and Metal, S.F. No. 722/A, 723/A, 731/A, 733, 734 & 736/A, Senapathipalayam Village, Kangeyam Taluk, Tiruppur District.

iii) M/s. Shree Nithi Enterprises, S.F. No. 735/3A, Senapathipalayam Village, Kangeyam Taluk, Tiruppur District.

The detailed report is submitted is as follows:

i) M/s. R. Manoharan Rough Stone and Gravel Quarry The unit of M/s. R. Manoharan Rough Stone and Gravel Quarry is located at S.F. No. 733/2 & 734/2, Senapathipalayam Village, Kangeyam Taluk, Tiruppur District.

a) Consent Details:

The unit has obtained Environmental Clearance from State Level Environmental Impact Assessment Authority, Tamil Nadu vide its Lr. No. SEIAATN/F.No.5891/1(a)/EC.No.3903/2016 Dated:18.11.2016 for Rough stone & Gravel quarry at S.F.No.733/2 and 734/2 with a lease extent of 3.25.0 hectares with the quantity of 2,78,721 m3 of rough stone, 4,830 m3 Gravel and 14,850 m3 of Weathered formation for the period of 5 Years. Further, the unit has obtained Consent to Operate (Direct) from the office vide Proc. No. F.1731TPN/RS/DEE/TNPCB/TPN/W&A/2017, Dated: 04.01.2017 with validity up to 31.03.2018 and subsequently renewed the consent up to 17.11.2022 vide this office proceedings dated: 04.08.2019. Earlier based on public complaint regarding unbearable blasting, the quarry was inspected on 19.02.2021 and the complaint was forwarded to the Assistant Director, Department of Geology and Mines, Tiruppur for taking necessary action in this regard vide this office letter dated: 23.02.2021.

b) Inspection Report:

During the committee inspection on 15.12.2021, the following were observed:

- 1) The quarry was not in operation.
- 2) The unit has provided water sprinkler system to control the fugitive emission due to vehicle movement and it is in operable condition.
- 3) The unit has not provided the fencing around the quarry boundary.
- 4) The unit has not earmarked the quarrying area.

ii) M/s. Shree Nithi Stone and Metal The unit of M/s. Shree Nithi Stone and Metal is located at S.F. No. 722/A, 723/A, 731/A, 733, 734 & 736/A, Senapathipalayam Village, Kangeyam Taluk, Tiruppur District.

a) Consent Details:

The unit has obtained Consent to Operate (Direct) from the office vide Proc. No. F.No. TPN0611/RS/DEE/TNPCB/TPN/W&A/2013, Dated: 05.10.2013 with validity up to 31.03.2014 and subsequently renewed the consent with validity up to 31.03.2022 for the following:

1. Product details: Blue Metal Jelly (1/4", 1/2", 3/4", 1 1/2" & Stone Powder)

- 2000 Tons/Month.

2. Generation and disposal of sewage - 1.50 KLD through On Industry`s Own Land.

3. Point source emission (Source - Control Measures):

Jaw crusher - 2 Nos. - Enclosure water sprinkler. Vibrator - 2 Nos. - Enclosure water sprinkler.

Powder section - Enclosure water sprinkler.

Earlier based on public complaint, the unit was inspected on 19.02.2021 and a show cause notice was issued to the unit for operating the unit without providing adequate Air Pollution Control measures and without obtaining Consent for change of name and management. The unit was called for personal hearing on 04.05.2021 and the unit has not attended the personal hearing. Subsequently, the unit was inspected on the same day, i.e., 04.05.2021 and found that the unit has provided Air Pollution Control measures. Further, the unit has applied for Consent to Operate (Direct) in the name of M/s. Erode Mines through online. Based on the online application, the unit was inspected and the application was returned to the unit for want of particulars and to provide additional Air Pollution Control measures. The unit is yet to resubmit the application for change of name and management.

b) Inspection Details:

During the committee inspection on 15.12.2021, the following were observed:

1) The unit was not in operation. However, it was under operational condition.

2) The unit has provided the following Air Pollution Control measures and was under operational condition.

S.No Point Source Pollution Control Measures Emission provided

1. Jaw crusher - 2 Nos. Enclosure with Water Sprinkler

2. Vibrator - 2 Nos. Enclosure with Water Sprinkler

3. Powder section Enclosure with Water Sprinkler

4. Conveyors Covered with hood arrangement

5. Fugitive emission Water sprinklers provided

3) The unit has provided water sprinkler system for loading and unloading area to control the fugitive emission.

4) The unit has developed green belt around the boundary of the unit.

iii) M/s. Shree Nithi Enterprises M/s. Shree Nithi Enterprises is located at S.F. No. 735/3A, Senapathipalayam Village, Kangeyam Taluk, Tiruppur District.

a) Consent Details:

The unit has obtained Consent to Operate (Direct) vide Proc. No. F.2174TPN/OS/DEE/TNPCB/TPN/W&A/2017, Dated: 20.11.2017 with validity up to 31.03.2019 further the unit has obtained Consent to Operate (Expansion-I) vide Proc. No. F.2174TPN/OS/DEE/TNPCB/TPN/W&A/2020, Dated: 06.09.2020 with validity up to 31.03.2022 for the following:

1. Product details: Crushed stone sand - 3900 Tons/Month.

2. Generation and disposal of sewage - 0.40 KLD through Industry`s Own Land.

3. Generation and disposal of trade effluent - 27.0 KLD with recycling for crushed stone sand washing.

4. Point source emission (Source - Control Measures):

Vertical shaft impactor (VSI Machine - 1 No.) - Enclosure with water sprinkling system.

Vibrator - 1 No. - Enclosure with water sprinkling system. Conveyor belt - 6 Nos. - Enclosure with water sprinkling system. D.G. Set 82.5 KVA - Acoustic enclosure with stack. Earlier, based on public complaint, the unit was inspected on 19.02.2021 and a show cause notice was issued to the unit for operating the unit without providing adequate Air Pollution Control measures and without obtaining Consent for change of name and management. The unit was called for personal hearing on 04.05.2021 and the unit has not attended the personal hearing. Subsequently, the unit was inspected on the same day i.e., 04.05.2021 and found that the unit has provided Air

Pollution Control measures. Further, the unit has applied for Consent to Operate (Direct) in the name of M/s. Erode Mines (M Sand Unit) through online. Based on the online application, the unit was inspected and the application was returned to the unit for want of particulars and to provide additional Air Pollution Control measures. The unit is yet to resubmit the application for change of name and management.

b) Inspection Details:

During the committee inspection on 15.12.2021, the following were observed:

- 1) The unit was not in operation. However, it was under operational condition.
- 2) The unit has provided the following Air Pollution Control measures and were under operational condition:

S. Point Source Emission Pollution Control Measures No provided

1. Vertical Shaft Impactor (VSI Enclosure with Water Sprinkler Machine) - 1 No. System

2. Vibrator - 1 No. Enclosure with Water Sprinkler System

3. Conveyor Belt - 6 Nos. Covered with hood arrangement

4. D.G. Set - 82.5 KVA Acoustic enclosure with stack

3) The unit has provided water sprinkler system for Haulage road and Loading and unloading point to control the fugitive emission.

4) The unit has developed green belt around the boundary of the unit. Observations and Action taken by Tamilnadu Pollution Control Board

1. The above three units have installed the Air Pollution Control measures as mentioned above and the Air Pollution Control measures are under operational condition.

2. The District Environmental Laboratory, Tamilnadu Pollution Control Board, Tiruppur has been requested to conduct Ambient Air Quality/Ambient Noise Level Surveyin and around the unit premises and in complainant`s house to assess the performance the Air Pollution Control measures provided by the unit.

3. The unit has been instructed to develop green belt with thick canopy of local variety of trees all around the periphery of the unit premises.

4. The unit has been instructed to provide concrete/tar roads inside the unit premises with water sprinkler system wherever possible to control the fugitive emission.

5. The unit has been instructed to provide compound wall / wind net arrester for 15 feet height around the unit premises to control carryover of dust particle during heavy wind.

District Environmental Engineer Tamil Nadu Pollution Control Board Tiruppur District

9. The District Collector, who is 4th respondent, though wrongly shown as 6th respondent has filed an independent report dated 23.12.2021, e-filed on the same date which reads as follows:

10. The report submitted by the Pollution Control Board states that other tests will have to be conducted. Without getting that report, it cannot be said that the report is complete to ascertain nature of pollution, violation, if any, said to have been committed by the newly added 5th respondent who has come on record on his own further report is to be filed by Tamil Nadu Pollution Control Board.

11. District Collector as well as Mining Department are directed to file their independent response and the action taken, if there is any violation found with reference to the mining laws.

12. 5th respondent is at liberty to file his independent response as well as objection, if any, to the reports submitted by the District Collector and Pollution Control Board within 10 days. He is also at liberty to serve copy of the objection filed before this Tribunal to the District Collector as well as Pollution Control Board and they are directed to consider those objections also when they are filing their respective reports as directed by this Tribunal.

13. If the Mining Department has proposed to take any action, then they are directed to issue notice to the 5th respondent and after getting his objections and conducting proper hearing, pass appropriate orders in accordance with law as violation of mining rules will not be coming within the purview of this Tribunal, though excess mining (if any) done, imposition of environmental compensation can be considered by this Tribunal.

14. They are directed to submit their respective reports and complete the pleadings as directed on or before 28.01.2022 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

15. Registry is directed to communicate this order to the official respondents for their information and compliance of the directions.

16. The office is directed to check the cause title as there is some discrepancies in the cause title which has been served on the parties, on the basis of the which the rank of the respondents are mentioned by the respondents in the report submitted. If there is any defect from the side of the office, then they are directed to take steps to rectify the same immediately.

17. For appearance of 3rd respondent, completion of pleading, objections, if any to the reports already filed by 5th respondent and also for consideration of further reports, post on 28.01.2022.

Sd/-

.....J.M. (Justice K. Ramakrishnan) Sd/-

.....E.M. (Dr. Satyagopal Korlapati) O.A. No.231 /2021 (SZ)& 24th December, 2021.
(AM)