

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Application No.70 of 2017 (SZ)

In the matter of

1. R.Natesan
Kinathu Theru, Vallam and Post,
Perperiankuppam (Via)
Panruti Taluk,
Cuddalore District.

Vs.

.. Applicant

1. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy, Chennai 600032
2. The Assistant Engineer,
Tamil Nadu Pollution Control Board,
Cuddalore 607 005
3. The Block Development Officer,
Panruti Taluk, Cuddalore District 607 106
4. The Collector,
Cuddalore District 607 001
5. Mr.Gunasekaran,
Kinathu Theru, Vallam and Post,
Perperiankuppam (Via)
Panruti Taluk, Cuddalore District 607 805

.. Respondents

Counsel appearing for the applicants:

Mr.R.Venugopal

Counsel appearing for the respondents

Mrs.H.Yasmeen Ali for R1

O R D E R

Present

Hon'ble Shri Justice Dr.P.Jyothimani, Judicial Member

Hon'ble Shri P.S.Rao, Expert Member

17th April, 2017

The learned counsel appearing for the Tamil Nadu Pollution Control Board (Board) submits that no “consent” has been issued to 5th respondent, cashewnut processing unit. However, the 5th respondent has applied for “consent to establish” based on which inspection was carried out on 10.04.2017 and the Board is yet to pass any orders. The learned counsel appearing for the Board would further submit that the 5th respondent unit is situated in a “Mixed Residential Zone”. In view of the same, we direct the application to be processed but till orders are passed, the 5th respondent shall not carry on the activity except by doing manually and using less than 0.5 HP motor which is permissible. According to the 5th respondent, as the activity was white category, no application for ‘consent to operate’ was filed.

It is only due to the reason that the 5th respondent is proposing to upgrade the unit and increase the power from 0.5 HP to 5 HP, the question of consent comes in. In any event, the learned counsel would submit that if it is manual and less than 0.5 HP, the 5th respondent can carry on any activity by using not more than 0.5 HP. In view of the same, we direct the Board to pass appropriate orders in the manner known to law. It is always open to the applicant to make necessary representation to the Board which shall also be considered by the Board before passing appropriate orders. Needless to state that orders passed by the Board shall be subject to judicial scrutiny if any person aggrieved by such order makes an application. Till such orders are passed by the Board, the Board shall

ensure that the 5th respondent carries on the work manually and does not carry on any activity using more than 0.5 HP motor.

With the above direction, the application stands closed, there shall be no order as to cost.



Justice Dr.P.Jyothimani
Judicial Member

Shri P.S.Rao
Expert Member

NGT