

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

**Application No. 278 of 2013 (SZ)
and
M.A.No.84 of 2016**

IN THE MATTER OF:

R.Kanagaraj,
S/o.R.Ramaraj.
No.4/75,Vilamarathupatti,
Vembakottai Post,
Sivakasi Taluk,
Virudhunagar District

.... Applicant

AND

1. The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
No. 76-Mount Road, Anna Salai,
Guindy, Chennai
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Virudhunagar,
Virudhunagar District.
3. The District Collector,
Virudhunagar,
Virudhunagar District.
4. Supreme Coated Board Mills Private Ltd.,
Rep. By its Director, K.Kannan
D.No.2/2203, Supreme Nagar,
Behind Jakkammal Koil,
Sivakasi,
Virudhunagar District.
5. M.Thangeshwari ,
Managing Director,
Supreme Coated Board Mills Private Ltd.,
D.No.2/2203, Supreme Nagar,
Behind Jakkammal Koil,
Sivakasi,
Virudhunagar District.
6. The Commissioner,
Vembakottai Panchayat Union,
Vembakottai, Sivakasi Taluk,
Virudhunagar District

.... Respondent(s)

Counsel appearing for the Applicant:

**M/s. Polax Legal Solutions,
Lakshmi Gopinathan &
M.Prabhu**

Counsel appearing for the Respondents:

**Mrs. H. Yasmeen Ali for R1 & R2
M/s. M.K. Subramanian &
P. Velmani for R3 & R6
Mr.S.Subbiah
L.G.Sahadevan &
R.S.Mangalakumar for R4 & R5.**

ORDER

PRESENT:

HON'BLE SHRI JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER

HON'BLE SHRI P.S. RAO, EXPERT MEMBER

Dated 17th August, 2016

Whether the Judgment is allowed to be published on the Internet – Yes/No
Whether the Judgment is to be published in the All India NGT Reporter – Yes/No

We have heard the learned counsel for the applicant as well as the respondents.

The prayer in this application is for a direction against the respondents 1 and 2, namely, the Tamil Nadu State Pollution Control Board (Board) and the District Environmental Engineer, to issue a direction to close the 4th respondent - Mill, by invoking the provisions of Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31-A of the Air (Prevention and Control of Pollution) Act 1981 for violation and in contravention of Section 25 of the Water (Prevention and Control of

Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act 1981.

It is true that this is in respect of the Unit No.1 of the 4th respondent, Project Proponent, in respect of which, there is a valid "Consent to Operate" as on date and it is stated that the Consent is valid upto 2018. It is true that the Board on the first occasion has pointed out certain irregularities and non compliance of the conditions imposed by it. In fact, in the joint inspection conducted on 27.02.2013 along with various Departments, like Health Department, Local Body, Public Works Department, Agriculture Department and Tamil Nadu Water Supply and Drainage Board etc. it was found that the industry was asked to clear all the spent plastic wastes, pulp wastes and store it inside a secured place. The Unit was asked to plant more trees. The TWAD Board was asked to collect water samples for analysis. The Agriculture Department was asked to collect soil samples for analysis. The Unit was directed not to block the cart track running within the Unit limits. Further inspection was conducted on 12.03.2013. At that time, the industry was directed to remove solid waste before 20.03.2013 and it shall furnish report on flue gas emission from the boiler and completely recycle the effluent in the process and shall not discharge the effluent into nearby water bodies. There are various other deficiencies which were noticed, as seen in the reply filed by the Board dated 24.03.2014. However, in the latest report of the Board dated 04.04.2016, the Board has stated that after the directions were issued in the Board Proceedings dated 16.04.2014, the Project Proponent has improved the operation of the Unit and attended to the redressal of complaints. In view of the report made by the Board to the effect that the Project Proponent has been complying with the various requirements made by the Board and there are no fresh complaints against the unit, we are of

the considered view that at this stage, it is not proper for this Tribunal to interfere with the functioning of the Project Proponent.

However, the Chairman of the Board is directed to monitor the functioning of the Project Proponent Unit and see that all the requirements are complied with strictly and in case, any complaints are received about the non-compliance of the directions of the Board, the same shall be scrupulously enquired by the Board and appropriate orders shall be passed in the manner known to law.

With the above directions, the Application No.278 of 2013 stands closed. In view of the disposal of the main application, Miscellaneous Application No.84 of 2016 also stands closed.

Justice Dr.P. Jyothimani
Judicial Member

P.S. Rao
Expert Member

NGT