

Item No.1

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No.757/2023

Gunashekhar

...Applicant

Versus

State of Tamil Nadu & Ors.

...Respondents

Date of hearing: 19.01.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the Applicant.

Application is registered based on a complaint received by Post.

ORDER

1. Mr. Gunashekhar resident of 7, 16, Eveready Colony, Raghavan Nagar, Kodungaiyur, Chennai, Tamil Nadu has sent by post the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 757/2023.

2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

*“Sir/Madam,
Despite repeated complaints to the local pollution control board authorities regarding gross violation of pollution norms by:
M/s. Subam Papers Private Limited,
located at: 143, Vaduganpatti Village, Tirunelveli - 627010. Tamil Nadu, India.*

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NO actions were taken to prevent the unit from polluting the environment and violating the following pollution control norms:

1. Combustion/usage of HIGHLY POLLUTING PLASTIC WASTE as HAZARDOUS FUEL in all of the 4 boilers instead of the PCB approved fuels. This combustion of plastic waste releases toxic chemicals such as nitrogen oxides, sulfur dioxide, volatile organic chemicals (VOCs) and polycyclic organic matter (POMs), in addition to heavy metals and toxic chemicals, such as dioxin. Other chemicals released while burning plastic include benzo(a)pyrene (BAP) and polyaromatic hydrocarbons (PAHs), which have both been shown to cause CANCER. The photo proof of the combustion of plastics in one of the boilers of M/s. Subam Papers Private Limited is shown below:



As per rules, these plastic wastes are to be only scientifically disposed via authorized hazardous waste treatment facilities or cement mills. By using plastic waste, the mill saves on both the disposal costs and boiler fuel costs.

2. M/s. Subam Papers is ILLEGALLY operating a DE-INKING Plant without ENVIRONMENTAL CLEARANCE. If the distance between a river and the mill boundary, is less than 5.0 kilo meters, M/s. Subam Papers cannot operate the HAZARDOUS DE-INKING PLANT

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WITHOUT ENVIRONMENTAL CLEARANCE. The GPS distance between Thamarabarani river and the mill site boundary is measured in google maps and is shown below.



Despite repeated warning to all the above concerned authorities, there is no action taken to:

1. *STOP THE POLLUTION IMMEDIATELY.*
2. *PREVENT THE OCCURRENCE OF THE POLLUTION BOTH AT DAY AND NIGHT TIME AT A LATER DATE.*

If this continues, we have no option but to leak the video proof of the above gross violations to the media.”

3. *Prima facie* the averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.
4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Tamil Nadu Pollution Control Board (TNPCB), CPCB and District Collector, Tirunelveli and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the

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concerned project proponent, verify the factual position and take appropriate remedial action. The TNPCB will be the nodal agency for coordination and compliance.

5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Southern Zone Bench of this Tribunal at Chennai, we are of the considered view that it will be appropriate if the case is further heard by the Southern Zone Bench of this Tribunal at Chennai.

6. Accordingly, the Registry is directed to list the matter before the Southern Zone Bench of this Tribunal at Chennai on 23.04.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

7. Factual and Action taken Report may be submitted before the Southern Zone Bench of this Tribunal at Chennai within two months preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. A copy of this order be forwarded by email to the Tamil Nadu Pollution Control Board (TNPCB), CPCB and District Collector, Tirunelveli for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 19th, 2024