

Item No.14:

Court No.2

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Appeal No. 33 of 2022 (SZ)
(Through Video Conference)

IN THE MATTER OF:

Meenava Thanthai K.R. Selvaraj Kumar

...Applicant(s)

Versus

Union of India and Ors.

...Respondent(s)

Date of hearing: 09.05.2022

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Appellant(s): Mr. Stanly Hebzon Singh

For Respondent(s): NA

ORDER

1. The appeal is directed against the grant of Environmental Clearance for expansion of active pharmaceutical ingredients manufacturing unit, namely, the 5th respondent.
2. The contention of the Learned Counsel appearing for the appellant is that Environmental Clearance dated 31.03.2022 itself is illegal as the same is granted within 5 km from the boundary of the Vedanthangal Lake Bird

Sanctuary. Secondly, the project proponent's unit cannot be granted Environmental Clearance for expansion as the same being 'Red' category industry within the 5 km boundary of the Vedanthangal Lake Bird Sanctuary.

3. The contention of the applicant is that the unit was made to be appraised as violation case and not category 'B' project. A cursory glance of the Environmental Clearance dated 31.12.2021 shows that there are certain specific conditions imposed while granting the same, namely, (i) the EC is subject to the orders or judgement of the National Green Tribunal or any other Court of law, (ii) EC is subject to obtaining the NBWL clearance from the Standing Committee of Wildlife as the unit is located at 3.7 km from the Vedanthangal Lake Bird Sanctuary. There are also other general conditions that are imposed while granting Environmental Clearance.
4. What we are surprised is that the Expert Appraisal Committee (Industries Sector) had noted that the PFR/EMP report are in order reflecting the present environmental status and the projected scenario for all the environmental components. The Committee suggested that the storage of toxic/explosive raw materials/products shall be undertaken with utmost precautions and following the safety norms and best practices.
5. The Environmental Clearance cannot be granted on undertaking given by the project proponent particularly when it is storage of toxic and

explosive material in a bird sanctuary area. As the appellant has made out a prima facie case, we deem it appropriate to issue notice to the project proponent and their consultant respondent.

6. Dr. D. Shanmughanathan accepts notice for respondents 2 and 4. Mr. Sai Sathya Jith accepts notice for 3rd respondent.

7. Let notice be sent to respondents 1, 5 and 6 through the Tribunal as well as privately by applicant.

8. Notice returnable on 23.05.2022.

.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

.....E.M.
(Dr. Satyagopal Korlapati)

Appeal No. 33/2022(SZ)
9th May, 2022. (AM)

