

Item No.03:

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: 23.05.2022

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Appellant(s): Mr. Ritwick Dutta

For Respondent(s): Mr. Ramaswamy Meyyappan for Ms. Me. Saraswathy
Meyyappan for R1
Dr. D. Shanmughanathan for R2
Mr. Sai Sathya Jith for R3
Mr. G. Viswanathan for Mr. A. Saravanan for R5

ORDER

1. The appeal is filed challenging the Environmental Clearance dated 31.03.2022. The appellant, who has taken up the cause, has filed the appeal on various grounds.
2. Admittedly, the project now under challenge is an expansion of the active pharmaceutical unit of the 5th respondent. The basic allegation is that the

expansion project granted under the impugned Environmental Clearance is falling within the 05 km boundary of the Vedanthangal Lake Bird Sanctuary. It is pointed out in Form-I filed by the project proponent under the heading of the 'Environmental Sensitivity' that the Vedanthangal Lake Bird Sanctuary is approximately 3.72 km of away from the said project. It is also pointed out by the Learned Counsel for the appellant that an undertaking was given by the project proponent that in an event information furnished in Form-I is found to be false or misleading at any stage the project will be rejected and the clearance given will be revoked.

3. It is now clearly demonstrated by the Learned Counsel for the appellant that the expansion of the 5th respondent, Pharma unit is coming within the prohibited radius of the Vedanthangal Lake Bird Sanctuary and the distance mentioned in the Form-I is also misleading.
4. In the impugned Environmental Clearance given, it is stated that the project proponent reported that the unit is located at 3.72 km west from the bird sanctuary and the wildlife corridors etc within 10 km from the project site and the project proponent had applied for NBWL clearance which is under consideration by the Wildlife Division. The project proponent also has assured zero liquid discharge and no treated or untreated waste water shall be discharged.
5. Learned Counsel appearing for the Pollution Control Board is also not able to answer at this point of time that whether any inspection of the

same was conducted or not. The apprehension of the applicant is that the 5th respondent is proceeding with the expansion project based on the Environmental Clearance given. The Expert Appraisal Committee had noted that the PFR/EMP reports are in order, reflecting the present environmental stages and the projected scenario for all the environmental components. The Committee deliberated on the proposed mitigation measure towards air, water, noise and soil pollutions. The Committee suggested that the storage of toxic/explosive raw material/products shall be undertaken with utmost precautions and following the safety norms and best practices.

6. Even on the last hearing, it was pointed out that Environmental Clearance cannot be granted on the basis of the undertaking given by the project proponent particularly when it deals with storage of toxic and explosive material in a bird sanctuary area.
7. In view of the above grounds, we are convinced that a prima facie case has been made out by the appellant. As the order was being dictated, Learned Counsel appearing for the 5th respondent requests that a short accommodation may be granted. However, considering the above aspects, we are of the opinion that at least the status quo as on date has to be maintained by the 5th respondent till the date of next hearing. Accordingly, there shall be a order of status quo as on date to be maintained by the 5th respondent.

8. It is stated that one Mr. A. Saravanan is appearing for 5th respondent. He is also directed to file his Vakalat at the earliest and file his response.
9. Post the matter on 12.07.2022.

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

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

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23rd May, 2022. (AM)

