

**Item No.02 (i) & (ii):**

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Appeal No. 46 of 2022 (SZ) &  
I.A. No. 151 of 2022(SZ)

**With**

Appeal No. 47 of 2022(SZ)&  
I.A. NO. 153 of 2022(SZ)

IN THE MATTER OF:

Tamil Nadu Pollution Control Board,

...Applicant(s)

**With**

Sri Raamji Sand & Blue Metals and Ors.

...Respondent(s)

**Date of hearing: 03.11.2022.**

**CORAM:**

**HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER**

**HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

In Both cases

For Applicant(s):

Mr. Sai Sathya Jith

For Respondent(s):

Mr. R. Sarawana Kumar for R1

**ORDER**

1. The above appeals are directed against the order of the Appellate Authority, Pollution Control Board which had allowed the appeals of the respondents, herein.
2. Originally, the respondents, herein had applied for consent before the Pollution Control Board for establishing their M-sand and P-sand

manufacturing unit. After inspection by the Pollution Control Board, it was noticed by them that the unit had established a crusher unit and put it into operation even without the consent of the Board. Besides the distance criteria also was considered by the Board as there was yet another unit at a distance of 0.62km from the respondent's unit. Hence the application for consent of the Board was rejected. Aggrieved by the same order, the respondent herein had preferred Appeal nos. 55 and 56 of 2021 before the Appellate Authority. Before the Appellate Authority, the appellant had filed a sworn affidavit stating that the unit proposed to be established only for manufacturing M-sand and P-sand and not blue metal jelly and the appellant unit cannot be compared with the crusher manufacturing activity.

3. Convinced by the affidavit filed by the respondent herein, however, without advertent to the BP No. 26 dated 30.07.2018, the Appellate Authority had allowed the appeals and directed the Pollution Control Board to grant 'Consent to Operate' and set aside the order of rejection passed by the Pollution Control Board. To be noted is that for M-sand units as per the BP number referred above, the activities should be only with vertical shaft impactor crusher machine. No primary crusher like jaw crusher, secondary crusher and cone crusher shall exist in the consented premises. In this case, admittedly, the jaw crusher is installed by the

respondent. Though he argued that the same will not do the functions of the jaw crusher.

4. When the Board proceedings specifically prescribes the norms for establishing M-sand and P-sand units, however modern the machinery may be, without the consent of the Pollution Control Board the same cannot be installed. If the Pollution Control Board feels that these machineries will not cause pollution and in terms of speed and sophistication the same be used by the M-sand manufacturers a new Board Proceedings has to be issued. However, for such time no exemption can be granted to anyone who intends to operate M-sand or P-sand units.
5. It is argued by the Learned Counsel for the respondent that the respondent-unit has installed the stone crusher which is a mobile unit and it is fully enclosed, therefore, there will not be any pollution. However, it is pointed by the Learned Counsel for the appellant that the original application made by the respondent-unit was for blue metal jelly of 500 tones per day. Though later it was modified or agreed by filing an affidavit that he is giving up operation of blue metal jelly, the Pollution Control Board can proceed only based on the application made.
6. Considering the above aspects, we direct the respondent to file a detailed affidavit giving out the particulars from the date of application and any modification or undertaking that he may want to state in the affidavit in

detail. Let the affidavit also state why the distance criteria is not addressed despite the objection raised by the Pollution Control Board, particularly, when the unit is said to be a mobile unit. Let the affidavit be filed and copy be shared with the Learned Counsel for the Pollution Control Board before the next date of hearing to enable them to come back with answers.

7. It is also stated that the machine is first of its kind used by the respondent in the State of Tamil Nadu and it is claimed that this machine is faster in its efficiency. If so, why not the Pollution Control Board consider the latest machines that are available in the market which can be put to optimum use by the manufacturers and permit them by appropriately modifying the Board proceedings.
8. Post the matter on 01.12.2022.

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

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

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3rd November , 2022. (AM)