

Item No.15

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Wednesday, the 3rd day of July, 2024.

Original Application No. 122 of 2023 (SZ)
(Through Video Conference)

IN THE MATTER OF

R. Kanappan,

S/o Rangaiya Gowder,
2/213°, Kilakku Thottam, Illupanatham,
Thimmanur Post, Sirumugai- 641 302
Mettupalayam Taluk, Coimbatore District.

...Applicant(s)

Versus

1. The Chairman,

Tamil Nadu Pollution Control Board,
No. 76, Mount Salai, Guindy,
Chennai- 600 032.

2. The Member Secretary,

Tamil Nadu Pollution Control Board,
No. 76, Mount Salai, Guindy,
Chennai- 600 032.

3. The Joint Chief Environmental Engineer,

Tamil Nadu Pollution Control Board,
4th Floor, NO. 34, Bharathi Park 8th Cross Street,
Saibaba Colony, Coimbatore- 641 011.

4. The District Environmental Engineer,

Coimbatore (North)
Tamil Nadu Pollution Control Board,
No.5, Ramasamy Nagar,
Near Fire Service Station,
Kavundampalayam Coimbatore- 641 030.

5. The District Collector,

Coimbatore,
Collectorate, State Bank Road,
Coimbatore- 641 018.

6. The Tahsildar,

Mettupalayam Taluk,
Office of the Tahsildar,
Mettupalayam, Coimbatore District,

7. V.B. Agro Farms,

Rep by its Proprietor, P. Mahendran,
S.F. No. 139/2, Illupanatham Village,
Mettupalayam Taluk,
Coimbatore District

...Respondent(s)

For Applicant(s): Mr. Pa. Saigovindaraja

For Respondent(s): Mr. Sai Sathya Jith for R1 to R4.
Dr. D. Shanmuganathan for R5 and R6.
Ms. C.P. Kavitha for Mr. T. Sai Krishnan, Mr. R. Saravanan, Ms. J. Dayana and Ms. G. Lavanya for R7.

Date of Hearing: 3rd July, 2024.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGMENT

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member

1. The applicant a resident of Illupanatham Village, Mettupalayam Taluk, Coimbatore District is seeking the intervention of this Tribunal to restrain the 7th respondent, V.B. Agro Farms, from illegally operating Button Mushroom compost in S.F. No. 139/2, Pt, Illupanatham Village, Mettupalayam Taluk and to direct the official respondents to take immediate action against the 7th respondent for violating the closure order dated 17.07.2023.
2. According to the applicant, the 7th respondent is operating the unit for the manufacture of Button Mushroom Compost using fertilizers and chemicals which is letting out a bad odour and the leachate released is also discharged into the water in and around the Illupanatham Village of Coimbatore District. Due to the pollution, the residents nearby are facing severe health issues and also affecting their livelihood.

3. The applicant also stated that various complaints and protest have been conducted against the 7th respondent based on which temporary closure order was issued by the Pollution Control Board. Thereafter, an inspection was conducted by the Tamil Nadu Pollution Control Board and found that the unit was operating without obtaining the 'Consent to Operate' under the Water (Prevention and Control of Pollution) Act, 1974. Therefore, the Pollution Control Board issued a Show Cause notice dated 15.05.2023.
4. It is submitted that the 7th respondent's unit was again inspected by the Tamil Nadu Pollution Control Board on 19.06.2023 and found that it was still operating without 'Consent to Operate' and did not take any steps to control Leachate from material handling area and to control other pollution. Therefore, the Tamil Nadu Pollution Control Board issued the closure order on 17.07.2023 directing the closure and disconnection of power supply to the unit of the 7th respondent. Accordingly the authorities had disconnected the power supply on 19.09.2023.
5. It is alleged by the applicant that the 7th respondent was illegally operating the unit by using a power generator and also violating the conditions prescribed in 'Consent to Establish'. The applicant has approached the Tribunal seeing a direction to take action against the 7th respondent for violating the provisions of the Environmental (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1981 and the Air (Prevention and Control of Pollution) Act, 1974.

6. **The 7th respondent, V.B. Agro Farms,** filed its reply affidavit denying all the allegations made by the applicant. It is stated that the above application is a counter blast to the legal measures taken by the 7th respondent.
7. It is submitted that unit is a non-polluting unit coming under the white category of units as per the categorisation by the Central Pollution Control Board. No air and water pollution is caused due to the mushroom manufacturing by the unit. The water used for compost is reused and water is not at all discharged from the unit at any point of time and there is no such violation.
8. The allegation that the unit was illegally operating using a power generator was denied stating that the power generator was used only for the installation of the wet scrubber. The 7th respondent also described the procedure followed for button mushroom manufacturing.
9. **The Tamil Nadu Pollution Control Board, (respondents 1 to 4),** also filed a report dated 19.02.2024. It is stated that the 7th respondent had obtained 'Consent to Establish' under the category of 3999-Miscellaneous (Green) on 30.05.2019. On receipt of public complaints regarding odour nuisance and environmental pollution due to the operation of the 7th respondent's unit, the unit was inspected by the officials on 15.05.2023 and show cause notice was issued for operating without obtaining 'Consent to Operate' by considering the category of the unit as Green-3999-Miscellaneous (Green) and not considering under the category of White-4028-Organic Manure (Manual Mixing) because of the fact that they were using machineries in the process.

10. It is stated that vide proceeding dated 17.07.2023 direction for closure and disconnection of power supply was issued to the unit under Section 33A of the Water (Prevention and control of pollution) Act, 1974 and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 for not rectifying the violations mentioned in the Show Cause notice. Accordingly, the power supply to the unit was disconnected on 19.07.2023.
11. It is also stated that as per the direction of the Tribunal vide order dated 25.08.2023, joint inspection was carried out on 01.09.2023 and it was observed that the unit was not under operation and the unit has installed ammonia scrubber and suction hood arrangements as odour control measures and operating the same using DG set to control ammonia emanation from its bulk chamber and bunker rooms. As a caution, the unit was instructed not to carry out any operation of the unit without obtaining 'Consent to Operate' and proper revocation of closure direction from the Tamil Nadu Pollution Control Board.
12. The unit applied for Consent to Operate-Direct on 22.08.2023 through Online Consent Management and Monitoring System (OCMMS) which was issued by the Pollution Control Board on 17.10.2023 and is valid upto 31.03.2025 with a condition that "the issue of this consent shall not be construed as permission for operation of the unit and the unit shall carry out operation only after obtaining proper revocation of the closure direction and restoration of power supply order from the Board".

13. The unit also made representation for revocation of closure order and restoration of power supply after complying with the direction issued by the Pollution Control Board during inspection. Based on which the Pollution Control Board inspected the unit on 26.10.2023 and after having been satisfied by the compliance issued the direction for revocation of closure and restoration of power supply on 03.11.2023 with a condition that " the unit shall comply with the conditions stipulated in the CTO-Direct order proceeding dated 07.10.2023."

14. From the above, it can be seen that the 7th respondent has rectified the deficiencies pointed out by the Tamil Nadu Pollution Control Board and also complied with the directions issued. Further, they also obtained 'Consent to Operate'- Direct from Pollution Control Board on 17.10.2023 which is valid till 31.03.2025. The Pollution Control Board has also issued revocation of closure and restoration of power supply order on 03.11.2023.

15. With regard to the complaint of odour and leachate being discharged in the water, the unit has installed ammonia scrubber with suction hood arrangement as odour control measure and also provided septic tank followed by dispersion trench arrangement for treatment and disposal of sewage. They have also provided collection tank to recycle the trade effluent generated and provided concrete impervious platform for the manure mixing area.

16. To be noted is that the applicant has not challenged the Consent to Operate-direct issued on 17.10.2023 by the Pollution Control Board. If at all the applicant is aggrieved by the Consent to Operate order issued by the Pollution Control Board, he ought to

have filed an Appeal before the appropriate forum within the period of limitation.

17. Based on the above, we instruct the Pollution Control Board to issue general circular to the industries running under White Category Industries to strictly abide by the directions issued to ensure that no air or water pollution is caused due to operation of their units.

18. The project proponent, 7th respondent, is directed to strictly follow the conditions imposed in the Consent to Operate-Direct and the directions issued by the Pollution Control Board from time to time and any violation will be viewed seriously.

19. In view of the above, the Original Application is disposed of.

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

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

Internet – Yes/No
All India NGT Reporter – Yes/No

O.A. No.122/2023(SZ)
03rd July, 2024. (AM)

NGT