

Item No.6:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Wednesday, the 22nd day of January 2025.

[Through Physical Hearing (Hybrid Option)]

Original Application No.189 of 2023 (SZ)

IN THE MATTER OF

**Kalapet Tsunami Kudieruppu
Makkal Nala Sangam**

P2-365, Tsunami Quarters,
Periyakalapet,
Puducherry – 605 104

Represented by Mr. A. Kumar, Organiser

... Applicant(s)

Versus

1) Puducherry Pollution Control Board

Through Member Secretary
Department of Science, Technology and Environment
Puducherry.

2) District Collector

Government of Puducherry
Puducherry.

3) M/s. Solara Active Pharma Sciences Limited,

Oulgaret Municipality,
Periyakalapet,
Puducherry.

...Respondent(s)

For Applicant(s):

M/s. C.P. Prasanth Gopal &
Ramapriya Gopalakrishnan.

For Respondent(s):

Mr. Ramaswamy Meyyappan for R1 & R2.
M/s. S. Kumaran & K.S. Kamakshi for R3.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGEMENT

1. The above Original Application has been filed by the Applicant viz., '*Kalapet Tsunami Kudieruppu Makkal Nala Sangam*', which is a registered society established on 01.01.2013, aiming to address issues faced by the fishermen in the Tsunami Quarters of Periya Kalapet, Chinna Kalapet, Kanaga Chettikulam, and Pillaichavadi in Puducherry. The society represents over 1,400 fishing families, who rely on fishing for their livelihood.

2. It is alleged in the application that the 3rd Respondent viz., '*M/s. Solara Active Pharma Sciences Limited*' operates a chemical factory in Periya Kalapet, previously under M/s. Shasun Pharmaceuticals Limited. This factory had been discharging untreated industrial effluents into the sea through underground pipes, causing pollution and damage to marine life.

3. Despite a previous order to disconnect these pipes, they were not fully removed. The presence of these pipes and cement platforms continues to create a serious nuisance, as they entangle the fishermen's nets, causing significant losses. Several fishermen, including members of the Applicant Society, have suffered damage to their fishing nets, with monetary losses ranging from Rs.12,000 to Rs.1,00,000/- due to these entanglements.

4. The Applicant Society raised concerns about this ongoing issue and made complaints before the authorities. Despite orders to remove the pipes and installations, the 3rd Respondent has failed to comply, leading to further damage. The Applicant also approached the Pondicherry Legal Service Authority for assistance, which verified the existence of the pipes and concrete blocks underwater, disproving the claims made by the 3rd Respondent.

5. It is further alleged that the continued existence of the pipes and cement installations violates the Water (Prevention and Control of Pollution) Act, 1974 and constitutes a nuisance that directly affects the livelihoods of fishermen. The inaction of

the authorities, particularly the 1st Respondent, has worsened the situation, infringing upon the fishermen's fundamental right to livelihood.

6. Hence, the Applicant has sought for the following prayers:-

- I. Direct the 1st Respondent to enforce its own directions for removal of the underground pipes and concrete installations of blocks at the sea floor at Periyakalapet, Puducherry.
- II. Direct compensation at Rs.10 lakhs to be granted to the applicant on behalf of its members against the Respondents for their failure to cause abatement of nuisance.

7. Upon notice, respondents have entered appearance through their counsels and filed their respective pleadings.

8. The **3rd Respondent (M/s. Solara Active Pharma Sciences Limited)** has filed a **counter affidavit dated 22.02.2024**, stating that the bulk drug manufacturing company, established in 1986, obtained necessary consents for effluent discharge under the Water (Prevention and Control of Pollution) Act, 1974, and approvals from the Central Board for the Prevention and Control of Water Pollution, New Delhi and the Department of Science, Technology & Environment. In 2004, the company replaced its marine outfall pipeline (from 2½ inches to 4 inches) after approvals from various authorities. The treated effluent of 45 KLD was discharged through two 4-inch HDPE pipelines extending 500 meters offshore, with the consent of the Puducherry Pollution Control Committee (PPCC). Following closure directives, the company dismantled old ETP pipelines and removed HDPE pipelines from the company to the dispensary near the seashore. Compliance was reported to the PPCC on 15.12.2017. The company has complied with all environmental norms, and allegations of pipeline interference with fishing activities are baseless. On 21.12.2021, the PPCC directed to remove the marine discharge pipelines and concrete holders under the sea up to 500 meters from the High Tide Line.

9. The 3rd Respondent has narrated the steps taken for the removal of pipelines, in compliance with the directions issued by the PPCC. It is further stated that the Company, in its letter dated 15.02.2022, enclosed confirmation from the Periyakalapet Meenavar Grama Panchayat, Puducherry, stating that the marine discharge pipelines were disconnected after installing the new ETP and that the remaining pipeline sections posed no issues for fishing activities. The petitions by a few persons in the village appear to be driven by personal interests. On 12.10.2022, the PPCC directed the company to engage scuba divers and report on the pipeline status. In response, the company's letter dated 21.10.2022 confirmed the Panchayat's assurance of no hindrance to fishing and expressed readiness to conduct scuba inspections under favourable weather conditions.

10. It is further stated by the 3rd Respondent that during the pendency of this Original Application, on 20.02.2024, scuba divers engaged by the company were unable to locate any concrete structures due to rough seas and opined that there were no structures to their visibility. The 3rd Respondent company has fully complied with all directives, and no pipelines or structures remain. Allegations of damage to fishing activities are baseless. The applicant has not established grounds for compensation and prayed for dismissal of the Original Application.

11. The **Puducherry Pollution Control Committee (PPCC)/ Respondent No.1** also filed a **report dated 01.07.2024**, stating that on 19.03.2024, a scuba diving team from M/s. Temple Adventures, Pondicherry, led by Director Mr. SB Aravind Thanusri and Mr. D. Chandru, conducted a search for the pipeline. Representatives from the PPCC, Fisheries and Fishermen Welfare Department, Revenue Department, Coastal Police Station, the Petitioner, the 3rd Respondent Company, and the Secretary of Kalapet Grama Panchayat were present during the exercise. The search, conducted from 8:00 AM to 10:30 AM at approximately 350 meters from the seashore, revealed the following:-

"1. At the location GPS Co-ordinates (12° 2'3.97"N ; 79°52'27.09"E), a Solid Block (probably Conical Shaped)

Concrete Structure with few Iron channels on it was found at around 7.4 m beneath the sea. The solid block / conical structure of size above a meter in width and height was identified.

2. Pieces of Fishing Nets and ropes were found to be strangled on the structure.

3. Pipelines could not be identified from the conical structure. The same could have been submerged in the sea bed.

4. Permanent plastic floating 'buoy has been tied to the structure for future identification."

12. Finally, it is concluded in the 1st Respondent's report that the visible solid block is identified as the diffuser block attached to the marine outfall pipeline of the 3rd Respondent's ETP. The pipeline was not visible and might have been submerged in the seabed.

13. When the matter came up for hearing today, the Tribunal considered the pleadings, reports and submissions made by the learned counsel appearing for the applicant as well as respondents.

14. The case of the applicant is that untreated industrial effluents were discharged into the sea by the 3rd Respondent, M/s. Solara Active Pharma Sciences Limited, through underground pipelines. Despite directives for removal, remnants of the pipelines and related structures continue to hinder fishing activities and cause financial losses to the fishermen. The applicant also sought for compensation of Rs.10 lakhs, for which, the appropriate Court Fee has been paid.

15. On the other hand, the 3rd Respondent contended that all necessary clearances were obtained for their operations and that they have complied with directives to remove the pipelines. They further claimed that no structures or pipelines currently interfere with fishing activities.

16. The report dated 01.07.2024 of the PPCC confirms the presence of a concrete diffuser block and entangled fishing nets at a specified sea location. Further, the pipeline was not visible and is presumed to be submerged in the seabed.

17. From the above, it is evident that while the 3rd Respondent took steps to remove pipelines and comply with environmental norms, remnants of the marine outfall system, such as the diffuser block, persist underwater.

18. However, during the course of arguments, the learned counsel appearing for the 3rd Respondent submitted that while the marine outfall pipeline has been removed, certain remaining structures are yet to be cleared. Due to an advisory issued by the Meteorological Department, the 3rd Respondent was unable to enter into the sea. The learned counsel requested an additional three months to remove the remaining structures.

19. The statement made by the learned counsel for the 3rd Respondent is recorded, and three months' time is granted for the removal of the remaining structures submerged in the seabed.

20. In respect of the Applicant's claim for compensation of Rs.10 lakhs for the losses incurred by the fishermen due to the entanglement of their nets with the remnants of the pipelines and structures, the PPCC has to examine the claim and pass appropriate orders in accordance with law.

21. In view of the foregoing, the following directions are issued:-

(i) The 3rd Respondent is granted three months to remove all remaining structures submerged in the seabed.

(ii) The PPCC is directed to examine the Applicant's claim for compensation of Rs.10 Lakhs and pass appropriate orders in accordance with law, within a period of three months.

22. With the above directions, the **Original Application [O.A. No.189 of 2023 (SZ)] is closed.**

23. Let the matter be listed on **07.04.2025** for reporting compliance.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.189/2023 (SZ)
22nd January, 2025. Mn.

