

Item No.1:-

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

(Through Video Conference)

Appeal No.77 of 2022 (SZ)

IN THE MATTER OF

M/s. Varalakshmi Starch Industries (P) Ltd.,
Represented by its Director,
Salem.

...Appellant(s)

Versus

Tamil Nadu Pollution Control Board
Represented by its Chairman
Chennai and Ors.

...Respondent(s)

Date of hearing: 09.12.2022.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Appellant (s): Mr. V.P. Sengottuvel.

For Respondent(s): Mr. S. Sai Sathya Jith for TNPCB.

ORDER

1. The appellant is a company registered under the Companies Act in the name and style of “Varalakshmi Starch Industries Private Limited” engaged in the business of manufacturing and exporting Super Higher Grade Tapioca Starch, Sago and Modified Starches made out of the Tapioca Tuber and Maize Starch made out of Maize kernels. The company is in operation from 1997 and obtained a Consent order from the Board all through the years, the last of which was valid till 31.03.2021. Due to the advent of Covid, the Tamil Nadu Pollution Control Board itself extended the consent order till 30.11.2021. The appellant applied for renewal of consent in April 2021 and thereafter, sent several reminders.
2. In their communication dated 17.11.2021, the Pollution Control Board has stated that though the water samples collected in the outlet of the ETP were sent to the analysis, the reports were awaiting from the laboratory. However, they had given two reasons for returning the application viz., “1) *The unit shall take steps to remove the Seema Karuvelam trees and shall develop greenbelt by planting native species like Vilvam, Agal, Asogam, Puli, Tekku, etc. within the premises and 2) The unit shall apply and obtain authorization under Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 for generating used oil from the Diesel Generators.*”
3. While so, the impugned order dated 08.11.2021 seems to have passed against the appellant industry on various grounds which should not have been done at the first inspection when the unit was put into operation. Besides, the inspection has been done at a non-

seasonal time when the unit was not in operation and no trade effluent was generated. The impugned order was passed under Section 33 A of the Water (Prevention and Control of Pollution) Act, 1974 ordering the closure and disconnection of the power supply.

4. In the above circumstances, we feel that the appellant has made out a prima facie case and all those short comings whatever has been pointed out in the impugned order are rectifiable and does not warrant the closure of the unit.
5. **Therefore, there will be an order of interim stay of the impugned order dated 08.11.2022 and the 4th respondent is directed to restore the power supply immediately.**
6. Let the papers be served on the learned counsel appearing for the Tamil Nadu Pollution Control Board, the notice of which is accepted by Mr. S. Sai Sathya Jith and serve the papers on the learned counsel appearing for the TANGEDCO.
7. Post the matter on 05.01.2023.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

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09th December, 2022. Mn.