

Item No.03:-

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

(Through Video Conference)

Original Application No. 148 of 2022(SZ)

IN THE MATTER OF:

Dr. Sushmitha, Chennai.

...Applicant(s)

Versus

The Member Secretary, SEIAA,
Chennai and Ors.

...Respondent(s)

Date of hearing: 12.01.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

Mr. Saravanan represented
Mr. S. Senthil.

For Respondent(s):

Mr. G.M. Syed Nurullah Sheriff for R1.
Dr. D. Shanmuganathan for R2, R4 & R6.
Mr. Nishanth represented
Mrs. Shanmugavalli Sekar for R3 & R5.
Mr. S.T. Raja for R7.
Mr. S. Kuberan represented
Mr. V. Anandha Murthy & S. Koushik for R8 & R10.

ORDER

1. Today, the learned counsel Mr. Kuberan appeared and stated that he has filed vakalath on behalf of respondents Nos. 8 & 10.
2. The allegation of the applicant itself is that respondents Nos. 8 to 10 are carrying on with quarrying as well as crushing operations without obtaining Environmental Clearance (EC), Consent for Establishment (CFE) and Consent for Operation (CFO) from the Tamil Nadu Pollution Control Board. Besides producing photographs to that effect, he has also filed certain documents, one of which is a letter dated 17.08.2021 which is written by the 8th respondent to the District Environmental Engineer, Tamil Nadu Pollution Control Board.
3. The said letter states that they had originally obtained 'Consent to Operate' for an expansion order for the production of Blue Metal Soling and Chips of various sizes ranging from 1 ½ inch, ¾ inch, ½ inch and ¼ inch with 34,000 Tonnes per Month. The consent was also renewed up to 31.03.2024. While so, they had proposed to apply for Consent for Establishment (CFE) for expansion at the end of the year 2020, they could not apply for the same. The letter further states that they had installed Primary Crusher - 1 No., Secondary Crusher - 1 No., Cone Crusher - 1 No. (replaced one number of secondary crusher) and to be installed one number of VSI Crusher with sand washer. The 8th respondent also wanted to expand the production of Blue Metal Jelly of various sizes and submitted the consent application to the Tamil Nadu Pollution Control Board.

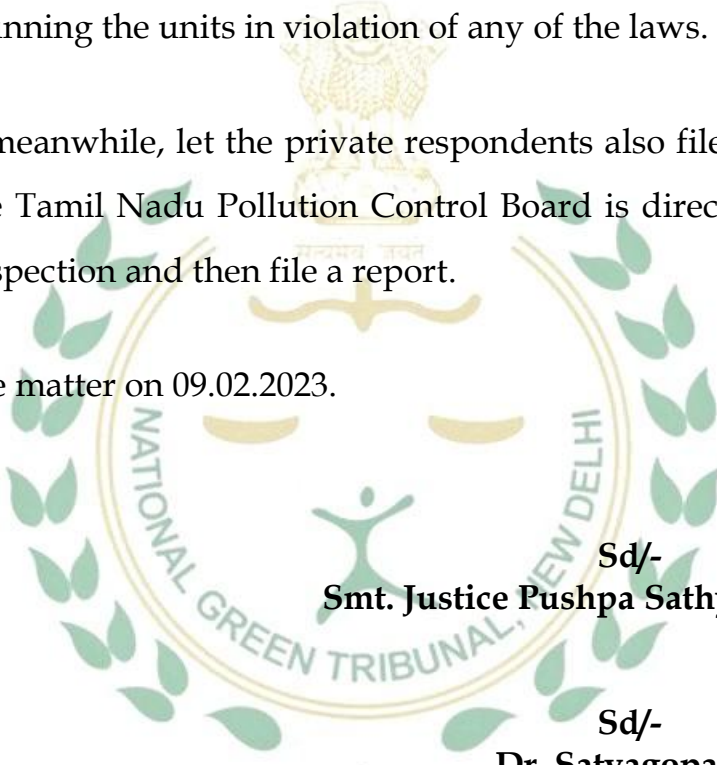
4. Since it is specifically admitted that they have already installed the machinery required for the expansion, we do not know whether they are also operating the same.
5. In this regard, only the District Collector should have given particulars in this report. But the report of the District Collector, Karur states that the area was inspected by the special team on 03.12.2022 and the preparation of reports is under progress. Unless the above report from the District Collector is received, we may not know whether the unit is operating with the existing license or for the expanded capacity. It is also not known whether the lease originally granted and which expired in the year 2019 has been subsequently extended or not. The report of the District Collector is also silent about it.
6. When the quarrying operations require an Environmental Clearance (EC) and necessary approvals/permits from the State Pollution Control Board, the private respondents cannot run their units without the same.
7. We are at a loss to understand why even after a month on the date of inspection, the report from the District Collector has not come. The report of the District Collector itself is filed only on 12.01.2023 as well, he could have filed the inspection report along with that.
8. Mr. Kuberan, the learned counsel representing respondents Nos.8 and 10 is directed to advise his client not to operate the expanded capacity of machinery, till such time appropriate approval/Consent/ Lease/Environmental Clearance (EC) orders are obtained from the concerned authority.

9. Even it appears that he has got consent renewed up to 31.03.2024 for the earlier capacity. In the event, it is found that respondents Nos.8 to 10 are operating without awaiting the appropriate approvals or the lease, legal action should be taken against them by the authorities concerned.

10. Let the District Collector also file an affidavit, whether any action has been taken against these respondents, after the inspection if they were running the units in violation of any of the laws.

11. In the meanwhile, let the private respondents also file their counter and the Tamil Nadu Pollution Control Board is directed to make a spot inspection and then file a report.

12. Post the matter on 09.02.2023.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.148/2022(SZ)
12th January 2023. AD & Mn.