

Item No.6:-

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

Friday, the 08th day of November 2024.

(Through Video Conference)

Original Application No.10 of 2023 (SZ)

IN THE MATTER OF

K. Rusendrbabu

M/ 50 years
S/o. Krishnasamy
No.69, Nelveli Village
Uthiramerur Taluk
Kancheepuram District – 603 107.

...Applicant(s)

WITH

1. The Tamil Nadu Pollution Control Board

Represented by District Environmental Engineer,
Kancheepuram District,
Maraimalai Adigalar Street, Maraimalai Nagar,
Kancheepuram- 603 209.

2. The District Collector

Kancheepuram District
RMFW+GX3,
Tiruvannamalai- Kancheepuram Road
ThaiyarKullam, Kancheepuram – 631 501

3. Aravind Ceramic Industries Limited

Rep. by its Director Mr. Ramanuja Reddiar Kumar
Having its registered office at
No.354/2, Kundrathur Road, Porur,
Chennai – 600 116.

...Respondent(s)

For Applicant(s): M/s. R. Priyanka, A. Afsal Hussain &
U. Venkatesh.

For Respondent(s): Mr. S. Sai Sathya Jith for R1.
Dr. D. Shanmuganathan for R2.
Mr. R. Saravana Kumar for R3.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. VIJAY KULKARNI, EXPERT MEMBER

J U D G E M E N T

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member

1. The above Original Application is filed by the applicant to restrain the 3rd Respondent (M/s. Aravind Ceramic Industries Limited), who is involved in the manufacturing of ceramic tiles, from discharging poisonous, noxious or polluting waste into the water bodies situated in and around the Nelveli and Rettamangalam Village, Uthiramerur Taluk, Kancheepuram District and to pay a cost towards restoration of those water bodies.

2. It is alleged in the application that the 3rd Respondent factory is situated approximately 12 kms from the Vedanthangal Bird Sanctuary, a protected area, and is surrounded by agricultural lands.

3. The Applicant has raised concerns that the 3rd Respondent has been discharging untreated industrial waste into nearby water bodies, including Nelveli Lake. This has led to the complete contamination of the lake, rendering it unfit for human consumption. Additionally, the pollutants have degraded the fertility of the soil, resulting in the suspension of agricultural activities on approximately 150 Acres of land around Nelveli Village.

4. The Applicant also states that the 3rd Respondent's factory has significant carbon emissions and failed to comply with required emission standards. The unchecked release of pollutants into the air has caused multiple health hazards for residents in the surrounding villages. The groundwater contamination is another concern, attributed to the untreated waste discharged by the factory.

5. Despite a representation made by the Applicant to the District Collector of Kancheepuram (2nd Respondent) on 05.09.2022, which was forwarded to the 1st Respondent, no action has been taken to address the issue. That prompted the applicant to file this Original Application before this Tribunal.

6. After admitting the matter, the TNPCB was directed to inspect the area in question after issuing appropriate notice to the applicant as well as to the 3rd Respondent and also directed to file a detailed report as to whether there was any discharge of effluents, whether they have provided ETP/STP and what are all the remedial measures provided by the 3rd Respondent to mitigate the pollution issues.

7. Pursuant to the same, the **TNPCB has filed its report dated 08.08.2023**, wherein it is stated that the 3rd Respondent unit has obtained Consent to Operate on 03.07.2009 to manufacture Porcelain Tiles with a capacity of 2,700 T/Month. Subsequently, the unit applied for expansion and obtained Consent to Operate on 18.11.2015 to manufacture Vitrified Tiles of 13,500 T/Month capacity with a by-product of Gray oil from a gasifier of 2 T/Month capacity and to discharge 15 KLD trade effluent and 8 KLD sewage, which was valid up to 31.03.2016. Thereafter, the same was renewed on 15.02.2021 and valid up to 31.03.2024. The unit has provided STP having a capacity of 10 KLD for the treatment and disposal of sewage generated from the unit. The unit has also provided the ETP having capacity of 15 KLD for the treatment of trade effluent generated from the unit and also provided two sets of settling tanks for the treatment and disposal of effluent generated from the polishing section. Meantime, a complaint regarding the discharge of industrial effluent into the Nelveli Lake was received against the unit.

8. In this regard, the unit and the nearby areas were inspected on 01.07.2022 and the following observations were made:-

“(1) All components in the existing ETP found with the oil bearing effluent and the ETP was not under operational condition and the untreated trade effluent was discharged outside the premises leads to stagnation near the Nelveli Lake.

(2) All the components of STP provided by the unit was also not in operation.

(3) Black colour effluent was noticed adjoining to the Nelveli lake and noticed open land inside and outside the premises.

(4) Sludge generated from the unit is disposed backside of the unit in haphazardly manner."

9. Based on the above-said observations, a show cause notice has been issued to the unit on 01.07.2022 and in turn, the unit has furnished its reply on 06.07.2022.

10. Following a news report on 15.12.2022 regarding alleged effluent discharge into a nearby lake, the site was inspected again on 15.12.2022 with the complainant/applicant herein. Water samples were collected from Nelveli Lake. The results showed that water quality parameters met standards for irrigation (Class E surface water), but the sample from the stagnated effluent outside the premises exceeded prescribed standards for Total Suspended Solids (TSS), Biological Oxygen Demand (BOD), and Chemical Oxygen Demand (COD).

11. Once again, the unit was inspected by the Board officials on 24.05.2023 and they have noted the following violations:-

"1. The industry was in operation. Out of 3 kilns installed, 2 kilns were in operation. LPG is being used as a fuel in one kiln and firewood & cashew nut shell are being used in the other kiln.

2. The unit is also using cashew nut shell as a fuel for the spray drier.

3. The unit has provided 3 gasifiers, Out of 3 gasifiers provided, two gasifier using firewood as a fuel and one gasifier using cashew shell as a fuel. Cashew shell gasifier is not under operable condition and out of two firewood gasifier one gasifier was under operation and other one was not in operation during the time of inspection.

4. The unit has stored black coloured slurry generated from the cashew shell operated gasifier in the ETP tanks.

5. The sewage treatment plant provided by the unit was not under operation and untreated sewage was found to be discharged into open land without having any treatment.

6. Effluent treatment plant provided by the unit was not properly operated and all the components were accumulated with sludge.

7. The waste water from polishing section and from the process sections are passes through the series of settling tanks provided and it is being recycled back to the concerned

sections. However, the above said tanks are accumulated with sludge and the same is dumped haphazardly in wet condition in open land. There were no proper management of the sludge in the process section.

8. Stagnation of dark brown colored effluent was noticed on open land within the premises and the traces of effluent also noticed outside its premises which led to Nelveli Lake.

9. The unit has provided earthen canal without impervious for the collection of storm water and the same was found to be in dark brown colour.

10. The Air Pollution Control measures provided by the unit was not operated properly.

11. No adequate green belt has been developed by the unit.

12. Poor housekeeping is maintained by the unit within the premises.”

12. Following the inspection, the TNPCB issued an order for closure and disconnection of the power supply on 26.06.2023. The unit was also issued a show cause notice under Section 5 of the Environment (Protection) Act, 1986, levying environmental compensation of Rs.24,60,000/- for causing water pollution.

13. In compliance with the Order dated 30.05.2023 of this Tribunal, the unit was again inspected on 21.07.2023 by the Board officials along with the applicant and the unit representative with due notice to both parties. During the inspection, the Board officials observed that the unit was not operational due to TNPCB's closure order and disconnection of the power supply. Brown-coloured effluent traces were noticed near the western compound wall, adjacent to agricultural land not belonging to the applicant. No effluent traces were found in the applicant's agricultural land. On the applicant's concern, water samples were taken from the applicant's well and from Nelveli Lake for analysis.

14. In the report, the TNPCB further stated about the action taken by the unit to comply with the violations mentioned in the closure order issued. Finally, the TNPCB has made certain recommendations to be complied with by the unit, which are usefully extracted below:-

"1. The unit may be permitted to operate only one Kiln using LPG / Propane gas and shall not operate the gasifiers forthwith.

2. The unit shall stop using cashew nut shell as fuel for the spray dryer forthwith.

3. The unit shall revamp, operate and maintain the STP before re-commissioning the production and the treated sewage shall be completely used for green belt development after satisfying the standards prescribed by the Board.

4. The unit shall revamp the existing ETP before re-commissioning the production to treat the waste water generated from gas cooling system, sizing section, spray drier.

5. The unit shall treat and dispose all the waste water stagnated in various tanks in the ETP and treated effluent shall be reused in the process.

6. The unit shall dispose the black coloured slurry stored in the tanks through authorized recycler for preparing for co-Incineration within a month time.

7. The unit shall ensure that no treated or untreated sewage / trade effluent is discharged outside the premises under any circumstances.

8. The unit shall provide proper storm water drainage system within the premises so as to avoid mixing of effluent / spillage with rain water runoff.

9. The unit shall revamp/operate & maintain the Air pollution control measures provided at various sections continuously and efficiently so as to satisfy the Ambient Air Quality/Emission standards prescribed by the Board from time to time within a month time.

10. The unit shall ensure to comply with the Hazardous & Other Wastes (M &TM) Rules, 2016 at all time."

15. The 3rd Respondent has also filed its reply dated 10.08.2023, wherein it is stated that the unit is engaged in the manufacturing of vitrified tiles and they also explained the manufacturing process in detail. It is further stated that the manufacturing process does not result in the generation of poisonous or noxious waste, as alleged in the application. The unit is located at a distance of 12 Km from the Vedanthangal Bird Sanctuary and there is neither any prohibition nor any way to affect the sanctuary and the birds. The unit has valid Consent to Establish and Consent to Operate and renewed the same periodically. The 3rd Respondent has denied the allegations made by the applicant that the unit's operation affects the agricultural operation, discharge of untreated waste outside the premises, carbon emission from the unit, and discharge of chemical waste into the water bodies. The 3rd Respondent

further states that the wood used as a bio-fuel and the wood stored in the open land, got wet due to rain which generated brown colour water and which flowed along with rain water to Nelveli Lake. It is also stated that the quality of water and air was tested by the Board officials and the same is well within the prescribed standard of the TNPCB. The 3rd Respondent unit is complying with the conditions and directions imposed by the TNPCB. Hence, prayed for the dismissal of the application.

16. In the **latest report dated 06.11.2024 of the TNPCB**, it is stated that samples collected from Nelveli Lake in May and July 2023 showed Biological Oxygen Demand (BOD) levels above acceptable outdoor bathing standards, indicating pollution. The well water on the applicant's land was found to have acceptable levels for most parameters except for minor issues with Total Suspended Solids (20 mg/L) and Chemical Oxygen Demand (16 mg/L), which are within limits but still notable.

17. The unit has filed a writ petition as **W.P. No. 33964 of 2023** before the Hon'ble High Court of Madras seeking a stay on the proceeding issued under Section 5 of the Environment (Protection) Act, 1986 to remit the environmental compensation of Rs.24,60,000/-. The Hon'ble High Court, vide Order dated 08.12.2023, has issued an interim stay on the above-said proceeding. The TNPCB has also recorded the status of compliance with conditions stipulated in the suspension of closure order issued to the unit.

18. Finally, the unit was inspected by the Board officials on 02.08.2024 and they have noted that the unit operates two of three kilns with LPG/Propane, with the third kilns still undergoing conversion. Two large LPG storage bullets are being installed to support this shift. The unit has dismantled its gasifiers, stopping the generation of gasifier effluent (black slurry). Effluents from other processes are treated and recycled internally. No effluent discharge was observed outside the premises. Sludge from wastewater treatment is repurposed as raw material for tile production, and treated sewage is used for gardening and greenbelt development. Air pollution control devices for spray

dryers, kilns, and DG sets were found operational. Air and noise quality parameters met TNPCB standards as of the June 2024 survey. 700 trees were planted within the premises, utilizing treated sewage for their upkeep.

19. Based on the inspection carried out on 02.08.2024 and the compliance of the conditions stipulated in the suspension of closure order dated 16.02.2024, the TNPCB, vide Proceeding dated 23.08.2024, issued a direction for temporary revocation of closure order and temporary restoration of power for six months (i.e. up to 22.02.2025), contingent on specific conditions mentioned therein.

20. Following the Tribunal's order, TNPCB has monitored the factory closely, imposing penalties and enforcing operational restrictions due to pollution concerns, including untreated effluent discharge impacting Nelveli Lake and surrounding lands. The recent temporary revocation of the closure order demonstrates the unit's progress in addressing air and water pollution controls, though certain compliance aspects remain under review.

21. Given TNPCB's ongoing oversight and the factory's compliance improvements, it would be appropriate to direct the TNPCB to continue monitoring and ensure that Respondent No.3 adheres to all environmental regulations. Additionally, regarding the environmental compensation of Rs.24,60,000/-, as the matter is *sub judice* before the Hon'ble High Court, a final determination on this penalty should await the court's judgment.

22. In light of the above facts and circumstance of the case, the following directions are issued:-

- I.** The 3rd Respondent is directed to comply with the directions/recommendations of the TNPCB, including the conditions imposed in the consent order/temporary revocation of the closure order.

II. The TNPCB is directed to continue monitoring and ensure that Respondent No.3 adheres to all environmental regulations.

III. The TNPCB is directed to collect the environmental compensation of Rs.24,60,000/- from the 3rd Respondent subject to the outcome of the **W.P. No. 33964 of 2023** filed before the Hon'ble High Court of Madras.

23. With the above directions, the Original Application [O.A. No.10 of 2023 (SZ)] is disposed of.

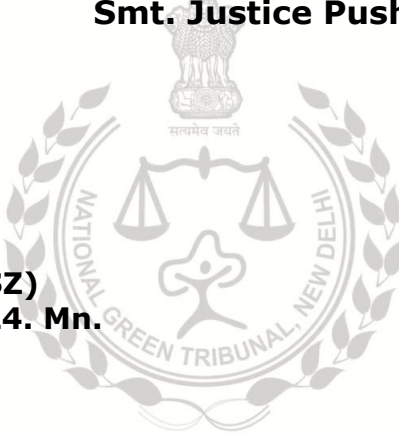
Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Vijay Kulkarni, EM

O.A. No.10/2023 (SZ)
08th November, 2024. Mn.



NGT