

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

Appeal Nos. 19, 20 and 21 of 2017 (SZ)

IN THE MATTER OF:

Appeal No. 19 of 2017

M/s. Fitwell Industries,
Rep by its proprietor D.Velayntham,
No.275, Ramakrishnapuram,
Villivakkam,
Chennai – 600 049.

... Appellant(s)

AND

1. Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
Anna Salai,
Guindy,
Chennai – 600 032
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Chennai.
3. The Superintending Engineer,
CEDC / North, TANGEDCO,
No. 2, Anna Salai,
Chennai - 2.
4. The Assistant Engineer,
TANGEDCO,
No.2, 12th Street,
SIDCO Nagar,
Villivakkam,
Chennai – 600 049.

... Respondent(s)

Appeal No. 20 of 2017

M/s. Pipare Tubus Fabricare,
Rep by its proprietor A.B. Chaudhri,
No.275, Ramakrishnapuram,
Villivakkam,
Chennai – 600 049.

... Appellant(s)

AND

1. Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
Anna Salai,
Guindy,
Chennai – 600 032
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Chennai.
3. The Superintending Engineer,
CEDC / North, TANGEDCO,
No. 2, Anna Salai,
Chennai - 2.
4. The Assistant Engineer,
TANGEDCO,
No.2, 12th Street,
SIDCO Nagar,
Villivakkam,
Chennai – 600 049.

... Respondent(s)

Appeal No. 21 of 2017

M/s. Alarmel Engineers,
Rep by its proprietor C.S. Subbaraman,
No.275, Ramakrishnapuram,
Villivakkam,
Chennai – 600 049.

... Appellant(s)

AND

1. Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
Anna Salai,
Guindy,
Chennai – 600 032

2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Chennai.

3. The Superintending Engineer,
CEDC / North, TANGEDCO,
No. 2, Anna Salai,
Chennai - 2.

4. The Assistant Engineer,
TANGEDCO,
No.2, 12th Street,
SIDCO Nagar,
Villivakkam,
Chennai - 600 049.



... Respondent(s)

Counsel appearing for the Applicants:

**M/s. Taarus Associates,
Kamalesh Kannan.S &
S. Sai Sathya Jith**

Counsel appearing for the Respondents:

Mrs. H. Yasmeen Ali for R1 and R2

ORDER

PRESENT:

HON'BLE JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER

HON'BLE SHRI DR. NAGIN NANDA, EXPERT MEMBER

Dated 31st March, 2017

Whether the Judgement is allowed to be published on the Internet – Yes/No
Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

Heard the learned counsel appearing for the appellants and the respondents. Mrs. Pushpa, the Assistant Engineer, Tamil Nadu State

Pollution Control Board (TNPCB), Chennai Office is present before the Tribunal.

2. In the light of the order to be passed, we do not find it necessary to state the whole facts of the case. Suffice to state that all these industries were operating without an order of Consent to operate. This Tribunal by order dated 04.08.2016 in Application No. 63 of 2015, directed the Tamil Nadu Pollution Control Board (TNPCB) to take appropriate action against all the units which are running without Consent of the TNPCB, following the established procedure of law. Though TNPCB had originally issued a show cause notice much prior to the order passed by this Tribunal in Application No. 63 of 2015, no further action was taken on those show cause notices. Subsequent to the order passed in Application No. 63 of 2015, TNPCB held a personal hearing of all the appellants on 07.11.2016 and certain directions were issued.

3. Thereafter, an inspection was conducted by the District Environmental Engineer, of all the units on 27.12.2016. Finding that the deficiencies have not been corrected, TNPCB issued the impugned closure orders. The learned counsel appearing for TNPCB submitted that though applications for Consent were submitted by the respective industries prior to 07.11.2016, the applications were not complete, there were deficiencies including non-payment of sufficient fees. It is submitted by the Assistant Engineer of the TNPCB present before the Tribunal that later all these applications were returned and at present no application for Consent submitted by any of appellants is now pending with the TNPCB.

4. As the impugned orders were passed for closure of the units operating without Consent to Operate, we find no reason to interfere with the impugned orders.

5. In such circumstances, the appellants are permitted to resubmit the respective applications, after curing all the deficiencies. Once those applications are resubmitted, if there is any further deficiencies, that fact shall be intimated to the respective appellants within a period of 10 days from the date of receipt of the applications. In that cases the appellants are at liberty to cure all the defects and resubmit the same. Once the applications are thus submitted, the TNPCB shall inspect each of the units within a period of 2 weeks from the date of submission of the completed application. The TNPCB shall then pass appropriate orders in the applications for Consent, in accordance with law within a period of one month from the date of the inspection.

6. These Appeals are disposed accordingly, with no order as to costs.

Justice M.S. Nambiar
Judicial Member

Shri Dr. Nagin Nanda
Expert Member