

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 184/2018  
(Earlier O.A. No. 34/2015 (SZ))

S. Pugazhendhi & Ors.

Applicant(s)

Versus

Tamil Nadu State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 01.02.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Ritwick Dutta, Ms. Meera Gopal, Advocates

For Respondent (s): Mr. C. Kasiranjana, Advocate for TNPCB  
Mr. Ramesh Venkata, Advocate for R-2  
Mr. D.S. Ekambaram, Advocate for CPCB  
Mr. Kamlesh Kannan, Advocate for R-4  
Mr. V. Sudhakar, K.S. Vishwanatha, Advocates  
for R-5

**ORDER**

1. The issue for consideration is pollution of groundwater and remedial measures to be taken at Cuddalore industrial area in the State of Tamil Nadu.
2. According to the applicants, the industries in the industrial area set up by the State Industries Promotion Corporation of Tamil Nadu (SIPCOT) have caused water pollution by their activities. The result is that SIPCOT area is declared as critically polluted region. The SIPCOT in Cuddalore is a toxic hotspot on account of chemical manufacturing industries having adverse impact on the ambient air standards.
3. The Madras High Court in *Member Secretary v. State of Tamil Nadu & Ors.*, Writ Petition No. 27241/2004 vide order dated 29.08.2012 directed the Tamil Nadu State Pollution Control Board (TNSPCB) to

monitor the air quality. The water level has gone down on account of over extraction of the groundwater. Unscientific disposal of waste has further impacted the environment. The State Human Rights Commission conducted a study and found that Cuddalore was over-polluted. On testing of water samples, the water found to be contaminated with chemicals and heavy metals like cadmium, chromium and lead.

4. This application was filed on 08.01.2015 and has been considered on several hearings.
5. On 07.09.2016, the TNSPCB was directed to furnish a status report about the water quality in the area.
6. On 29.09.2016, it was noted that atleast three samples had presence of nickel, lead and iron ore in excess of prescribed standards. The stand of the TNSPCB was that the quality of water even outside the SIPCOT area was similar.
7. On 16.11.2016, the Tribunal directed SIPCOT to file a report on quality of water supplied to the inhabitants.
8. On 12.05.2017, a statement was made by the SIPCOT industries association that adequate drinking water was being supplied for which the association was making payment.
9. Our attention has been drawn to the report dated 03.10.2016 by the TNSPCB concluding as follows:

**“Conclusion:-**

*It was ascertained from the report of analysis of Bore well water samples collected outside the SIPCOT, inside the SIPCOT and Piezo metric well water samples collected inside the premises of industries reveals that the parameters Lead and Iron are commonly present in the water samples and are exceeding the drinking water standards of accepted limit as prescribed in the IS 10500:2012. The report of analysis of piezo-metric well water samples reveals that the parameter of*

*Nickel is exceeded in 3 locations out of 27 locations to the drinking water standards of accepted limit as prescribed in the IS 10500:2012. The report of analysis of Uppanar river water reveals that presence of traces level of Lead.”*

10. Having regard to the importance of access to clean water, it is necessary to ensure that all precautionary and remedial measures are taken against water pollution. It is especially so in the present case when the area is having red/large category units which include highly polluting units (17 category), as noticed in the report of the TNSPCB.

11. Accordingly, before we proceed further, we consider it necessary to have an updated status of the water quality in the area.

12. Let a joint team comprising representatives of the Central Pollution Control Board (CPCB) and the TNSPCB collect samples from Bore wells and shallow aquifers, Peizo-metric wells in and around SIPCOT Industrial Complex, Cuddalore and Uppanar River and furnish a report to this Tribunal within one month by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).

13. The Committee may also ascertain the status of functioning of ETPs or other effluent treatment devices used by the industries. The Committee may also report as to how much the quantity of drinking water must be supplied to the inhabitants. The TNSPCB will be the nodal agency for coordination and compliance.

A copy of this order be sent to the TNSPCB by e-mail for compliance.

The SIPCOT association which is supplying the drinking water may suitably increase the quantity of the water, having regard to the needs of the inhabitants and viability of water availability.

Put up for consideration of the report on 27.03.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 01, 2019  
Original Application No. 184/2018  
(Earlier O.A. No. 34/2015 (SZ)  
DV

