

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 541/2018
(Earlier O.A. No. 17/2013 (SZ))**

WITH

**Original Application No. 542/2018
(Earlier O.A. No. 24/2013 (SZ))**

WITH

**Original Application No. 543/2018
(Earlier O.A. No. 285/2013 (THC) (SZ))**

WITH

**Original Application No. 544/2018
(Earlier O.A. No. 286/2013 (THC) (SZ))**

WITH

**Original Application No. 545/2018
(Earlier O.A. No. 287/2013 (THC) (SZ))**

WITH

**Original Application No. 546/2018
(Earlier O.A. No. 288/2013 (THC) (SZ))**

WITH

**Original Application No. 547/2018
(Earlier O.A. No. 289/2013 (THC) (SZ))**

WITH

**Original Application No. 548/2018
(Earlier O.A. No. 184/2015 (SZ))**

WITH

**Original Application No. 549/2018
(Earlier O.A. No. 112/2015 (SZ))**

WITH

**Original Application No. 550/2018
(Earlier O.A. No. 220/2017 (SZ))**

WITH

**Original Application No. 551/2018
(Earlier O.A. No. 252/2016 (SZ))**

IN THE MATTER OF:

M/s. Balasubramaniam Charcoal Unit

Vs.

The District Environmental Engineer, Perundurai, Erode & Ors.

WITH

M/s. Ozone Care Public Welfare Association

Vs.

The Chairman, Tamil Nadu Pollution Control Board & Ors.

WITH

M/s. Gee Carbons

Vs.

**The District Environmental Engineer, Tamil Nadu Pollution Control Board
& Ors.**

WITH

M/s. United Carbons

Vs.

**The District Environmental Engineer, Tamil Nadu Pollution Control Board
& Ors.**

WITH

M/s. Gee Carbons

Vs.

**The District Environmental Engineer, Tamil Nadu Pollution Control Board
& Ors.
WITH
M/s. Subbayan and Co.
Vs.**

**The District Environmental Engineer, Tamil Nadu Pollution Control Board
& Ors.
WITH
M/s. Subbayan and Co.
Vs.**

**The District Environmental Engineer, Tamil Nadu Pollution Control Board
& Ors.
WITH
M/s. United Carbons
Vs.**

**The Chairman, Tamil Nadu Pollution Control Board, Chennai & Ors.
WITH
M/s. United Carbons
Vs.**

**The Chairman, Tamil Nadu Pollution Control Board, Chennai & Ors.
WITH
P. Subbaiyan
Vs.**

**The District Collector, Erode District & Ors.
WITH
K.L. Mahendraprasath
Vs.**

The District Collector, Karur District & Ors.

**CORAM : HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**Present: Applicants : M/s. N.S. Siva Kumar & Shri. J. Ramkumar, Advs.
M/s. V. Manoharan & L.G. Sahadevan, Advs.
Respondents : Mr. Kamalesh Kannan, Adv. representing for
Mr. E. Manoharan, Adv.
Mrs. H. Yasmeen Ali, Adv.
M/s. V. Manoharan and L.G. Sahadevan, Advs.**

Date and Remarks	Orders of the Tribunal
Through Video Conferencing Item Nos. 03 to 13 October 10, 2018 dv	<p>1. The common question arising in this batch of cases is the pollution caused by the charcoal units in Veeranampalayam Village, Kangeyam Taluk, Tiruppur District.</p> <p>2. Without entering into detailed facts and circumstances of the case for the moment, it would be</p>

	<p>Through Video Conferencing</p> <p>Item Nos. 03 to 13</p> <p>October 10, 2018</p> <p>dv</p>	<p>sufficient to note that various directions were issued upon the units and the State Pollution Control Board to suggest and propose measures to contain such pollution which comprised of both air well as water pollutions.</p> <p>3. During the course of the proceedings Expert Committees were appointed, the primary of which is found recorded in the order dated 19.11.2015. This was followed by order dated 03.05.2016 taking on record filing of the report by the Committee constituted by the Board on the revised technical feasibility and design proposal submitted by the charcoal units. The affidavit affirmed on 28.10.2016 by the State Pollution Control Board in Original Application No. 542/2018 reveals that proposals had been submitted by the charcoal units as would appear from the following extracts of the affidavit:</p> <p><i>“M/s. United Carbon and M/s. Tiruppur District coconut shell charcoal manufacturer association have submitted similar proposal, in which it has been noticed that the modernized charcoal pit has APC measures of wet scrubber and chimney of 120 ft height from ground level. The modernized charcoal pit is 500 mm above ground level with quench water system. The quenching water is collected in collection tank and fully recycled. This system ensures that no quench water from the charcoal pit flows into ground and also helps for physical monitoring.</i></p> <p><i>Whereas the unit M/s. Balasubramianiam, Charcoal Unit has also submitted the proposal of modernized carbonizer with header chamber, burner chamber and combustion chamber. The modernized charcoal pit is 3000 mm above ground level. The quenching water is collected in collection tank and fully recycled. This system also ensures that no quench water from the charcoal pit flows into ground and also helps for physical monitoring.”</i></p> <p>4. The State Pollution Control Board has not stated as to whether the above proposals were technically acceptable or not. It may, however, be inferred the Board</p>
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	<p>Through Video Conferencing</p> <p>Item Nos. 03 to 13</p> <p>October 10, 2018 dv</p>	<p>has found the proposals to be such as to satisfy the requirements to obviate pollution potential of the charcoal units. The State Pollution Control Board later filed a set of guidelines in March 2017 and an additional report on 10.05.2017 which were comprehensive to include the distance to be maintained between two units and/or the siting criteria.</p> <p>5. Mr. Yogeshwaran, learned Counsel appearing for the applicant in Original Application No. 542/2018, however, urges that there are certain deficiencies in the guidelines which has been indicated in his affidavit dated 17.07.2017.</p> <p>6. Even if we accept the guidelines framed by the Pollution Control Board which we are inclined to do, the question in respect of restoration of the environment and compensation to the affected villagers still remain to be decided. Considering the facts and circumstances of the case, we deem it appropriate to pass the following directions:</p> <p>(i). We direct the State Pollution Control Board to examine the suggestions filed by Mr. Yogeshwaran, learned Counsel for the applicant in Original Application No. 542/2018 and also consider as to whether it can be adopted in the guidelines or not, if not already adopted. In order to facilitate, we direct Mr. Yogeshwaran to serve a copy of the affidavit containing the suggestions to the State Pollution Control Board expeditiously by tomorrow by e-mail.</p> <p>(ii). A Committee of Experts be constituted</p>
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	<p>Through Video Conferencing</p> <p>Item Nos. 03 to 13</p> <p>October 10, 2018</p> <p>dv</p>	<p>comprising of Experts from the following:</p> <p>(a). Central Pollution Control Board.</p> <p>(b). National Environmental Engineering Research Institute.</p> <p>(c). State Pollution Control Board.</p> <p>7. The Committee shall assess the damage caused on the soil and water and submit a restoration proposal and also of damage caused to the adjoining villages by such pollution. The entire exercise shall be completed within three months from today and report submitted to the Tribunal at the end of that period. The State Pollution Control Board shall be the Nodal Agency. The Committee while assessing the restoration plan and the damage caused shall take into consideration the fact that the polluting units have been closed since the year 2015.</p> <p>8. We also permit the application to place representation before the Committee. We also permit the units to place suggestions before the Committee.</p> <p>9. In the meanwhile, the State Pollution Control Board shall complete the process of finalizing the guidelines and place a copy of it before us.</p> <p>10. Let the report be filed on 4th February, 2019.</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p style="text-align: right;">10.10.2018</p>
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