

Item No. 02

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

Original Application No. 14/2018 (SZ)  
(M.A. No. 15/2018)

Sanju Monica

Applicant(s)

Versus

State of Tamil Nadu & Ors.

Respondent(s)

Date of hearing: 28.01.2019

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

For Applicant(s):

Mr. Ritwick Dutta, Arunagiri, Mr. Sany Antory,  
Mr. J. Ramakrishnan, Advocates

For Respondent (s):

Mr. Kamlesh Kannan S., Advocate for R-1, 4&5  
Mr. V. Mowli, Advocate for TNPCB  
Mr. N.S. Shivakumar, Advocate  
ME Sarashvathi, Advocate for R-3

**ORDER**

1. As noted in our order dated 19.09.2018, the grievance of the applicant is that a Decentralized Micro Composting Centre is being constructed on a site situated in Meyyanur Village falling under the Salem Corporation in Salem District. The project is stated to be located in the heart of the city of Salem ignoring the negative environmental impact that would result in the area without obtaining Environmental Clearance under the MoEF Notification dated 14.09.2006.
2. Upon notice being issued, the Tamil Nadu Pollution Control Board filed its response by way of an affidavit stating that (i) the Salem Corporation had not applied and obtained prior Consent to Establish from the Board; (ii) as per letter dated 03.07.2017 of the Ministry of Environment, Forests and Climate Change

(MoEF&CC), in cases of projects of the present kind, provisions of the EIA Notification 2006 were not attracted.

3. Upon consideration of the facts and circumstances set out in the affidavits and the documents contained in the records, we find that the Decentralized Micro Composting Centre which was a part of Special Solid Waste Management Project is exempted from the provisions of the EIA Notification 2006 and no Environmental Clearance is necessary.
4. However, while holding as above, we take note of the fact that no consent to establish was obtained by the Board before embarking upon the project. This requirement in our view is mandatory considering the pollutant potential of the project.
5. We, therefore, direct the Salem City Municipal Corporation, Respondent No. 5, to forthwith take steps to obtain consent to establish and thereafter consent to operate from the Tamil Nadu Pollution Control Board (TNPCB), Respondent No. 2.
6. The TNPCB in turn shall consider the application and take decision in accordance with law within a period of 30 days from the date of the application submitted by the Respondent No. 5.
7. With the above direction, this application stands disposed of with no order as to costs.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

January 28, 2019  
Original Application No. 14/2018 (SZ)  
DV

