

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

Appeal No. 101 of 2016 (SZ)

IN THE MATTER OF:

M/s. K.R.S Foods
Rep. by its Proprietor
A. Muthu Karuppan
Plot No.7B, Sri Gangai Aamman Nagar
Pallikuppam Main Road
Pallikuppam Village
Poonamallee Taluk
Thiruvallur-600077.

... Applicant

Versus

1. The State of Tamil Nadu
Rep. by its Chief Secretary
Fort St. George
Chennai
2. The State of Tamil Nadu
Rep. by its Principal Secretary
Environment & Forests
Fort St. George
Chennai
3. The State of Tamil Nadu
Rep. by its Secretary
Public Works Department
Fort St. George
Chennai
4. The State of Tamil Nadu
Rep. by its Secretary
Municipal Administration and
Water Supply Department
Fort St. George, Chennai
5. The Collector
Thiruvallur District
Thiruvallur
6. The Chairman
Tamil Nadu Pollution Control Board,
No. 76, Mount Salai,
Guindy, Chennai-600 032.

7. The District Environmental Engineer
Tamil Nadu State Pollution Control Board
No.41, 1st Street, Judges Colony
Periyakuppam
Tiruvallur – 602 001

8. The Joint Chief Environmental Engineer (M)
Tamil Nadu Pollution Control Board
No.77-A, Ambattur Industrial Estate
Ambattur
Chennai.58

9 .The Superintendent Engineer
Tamil Nadu Electricity Board
Chennai South
K.K. Nagar
Chennai

10.The Assistant Engineer (O&M)
TANGEDCO
Thiruverkadu,
ThiruvallurTaluk.
Thiruvallur District.

... Respondents

Counsel appearing for the Applicant

**M/s. P. Rathnavel
Mr. C. Mariappan
Mr. M.a Ezhilarasan
Mr. C. Sundaramoorthy**

Counsel appearing for the Respondents:

**M/s. Abdul Saleem
Mr. S. Saravanan
Mr. Vidhyalakshmi for R-1, R-3 and R-4
Mr. M.K. Subramanain
Mr. P. Velmani for R-2 and R-5
Mrs. H. Yasmeen Ali for R-7, R-8 and R-9
Mr. P. Gnansekaran for R-9 and R-10**

ORDER

PRESENT:

HON'BLE SHRI JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER

HON'BLE SHRI P. S. RAO, EXPERT MEMBER

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

We have heard the counsel for the appellant as well as the respondents. The appellant is stated to be a Small Scale Unit carrying on the business of making potato chips and savouries and selling the same to small shops in and around the area. It is stated that the appellant has obtained Licence No.57/2013-2014 on 31.10.2013 for construction of a building at Plot No.7B, No.33/2, Sri Gangai Amman Nagar, No.68, Senneerkuppam Road, Thiruverkadu, Poonamallee Taluk for the production of food items namely Potato chips and savouries from the Senneerkuppam Panchayat. It is stated that he has obtained necessary permission from all the concerned authorities.

2. Under the impugned order of the Tamil Nadu State Pollution Control Board (Board) dated 18.2.2016 passed as per powers conferred under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, the Board has directed to close the Unit on the ground that the Unit was operating without obtaining Consent from the Board and that they used/ spent oil not properly collected in barrels apart from that the authorization under Hazardous Waste (Management and Handling) Rules, 2008 has not been obtained and Effluent Treatment Plant (ETP) has not been installed. The counsel appearing for the appellant would submit that the Board has passed the order without application of mind and this sort of orders are passed against the small traders and manufacturers as evident from the fact that the impugned order also states that the used / spent oil from car servicing was not properly collected in barrels. This is not at all applicable to the business which is being carried on by the appellant. He has also submitted that even though the proprietor of the appellant has given an undertaking to install

ETP with adequate capacity and according to him the said activity of the appellant, installation of ETP is not required and the Board can direct the appellant to discharge the effluent in a manner which is acceptable. He also apprehends that if the application for Consent is filed there is every possibility that the Board may impose conditions for installation of ETP.

3. On the other hand, the counsel for the Board would submit that even though such undertaking for installation of ETP has been given by the proprietor of the appellant unit, if the appellant unit makes an application, for consent, the said application will be considered independently without insisting to follow the undertaking given by the proprietor of the appellant. In such view of the matter, we dispose of the appeal with the direction that as and when the appellant makes an application for Consent in the proper form before the Board, the Board shall inspect the appellant unit and pass appropriate order with necessary conditions to be followed by the appellant's unit and such orders shall be passed within a period of one week from the date of receipt of the application from the appellant. We make it clear that till the Consent order is passed by the Board, the appellant shall not carry on its activities.

4. With the above direction, the appeal shall stand disposed of. There shall be no order as to cost.

Justice Dr. P. Jyothimani
(Judicial Member)

P. S. Rao
(Expert Member)