

**Item No.12:-**

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

*Wednesday, the 09<sup>th</sup> day of August 2023.*

*(Through Video Conference)*

**Original Application No.61 of 2023 (SZ)**

**IN THE MATTER OF:**

**B. Saravanan**



...Applicant(s)

*Versus*

- 1) **The Member Secretary**  
Tamil Nadu Pollution Control Board  
No.76, Anna Salai, Chennai – 600 032.
- 2) **The District Environment Engineer**  
Tamil Nadu Pollution Control Board  
No.A3, SIPCOT Industrial Complex,  
Kuttikadu, Cuddalore – 607 005.
- 3) **The Assistant Engineer**  
Tamil Nadu Electricity Board  
Annagramam, Cuddalore – 607 112.
- 4) **The Block Development Officer**  
Annagramam Panchayat Union  
Panrutti Taluk, Cuddalore – 607 106.
- 5) **The Panchayat President**  
Kizhkarapattu Village,  
Annagramam, Cuddalore – 607 112.
- 6) **M/s. Shiva Sakthi Plastics**
  
- 7) **M/s. Sakthi Plastics**

...Respondent(s)

For Applicant(s): M/s. R. Karthikeyan, K. Kulandaivelu,  
K.N. Paridhi Arasu, P. Shanthini & S. Dhamocharan.

For Respondent(s): Ms. Aarti represented  
Mr. S. Sai Sathya Jith for R1 & R2.  
Dr. D. Shanmuganathan for R4 & R5.

**CORAM:**

**HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER**

**HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

**ORDER**

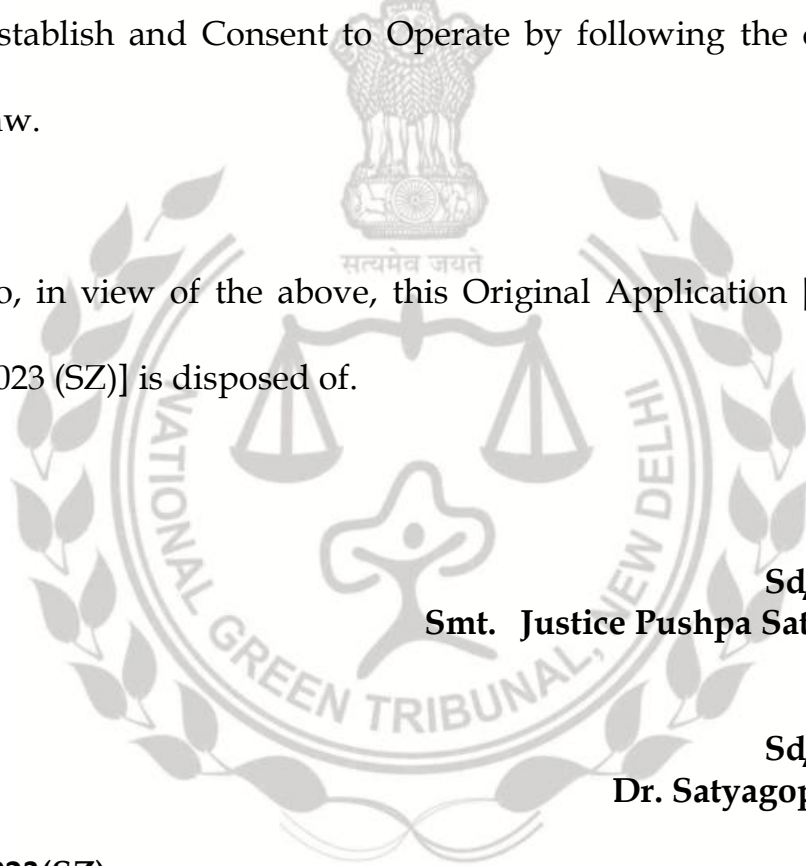
1. This Original Application is filed seeking a permanent injunction restraining Respondents No.6 and 7 from operating the plastic recycling unit at No.84/6, Vinayagar Kovil Street, M.Pudhupalayam, Panrutti Taluk.
2. After accepting the notice, the Tamil Nadu Pollution Control Board (TNPCB) has filed a report dated 25.07.2023 and the same is taken on record.
3. The report states that there were several complaints received from the applicant and also the public of M. Pudhupalayam Village against Respondents No.6 and 7. Hence, there was an inspection made on 07.02.2023 and it was observed that the unit was in operation without obtaining Consent to Operate (CTO) from the TNPCB and the unit had stored the plastic scrap in the middle of the habitation.

4. A show cause notice was issued on 10.02.2023 under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for the above referred violations. There was also a response from Respondents No.6 and 7 to the show cause notice. Thereafter, the TNPCB collected the water samples and analyzed them in the lab and the report revealed that there is no contamination due to the activity of Respondents No.6 and 7. Thereafter, based on another complaint and also the application made by Respondent No.6 for the issuance of Consent to Operate (Direct) on 19.04.2023, the TNPCB inspected the premises on 20.04.2023 and issued the Consent to Operate on 21.04.2023 to the unit of M/s. Siva Bottles (earlier known as M/s. Sivasakthi Plastics). The consent was issued to the Project Proponent at different locations in the same village.
5. It is open to the applicant to challenge the Consent to Operate order, if he sues the same.
6. The report further states that the said M/s. Siva Bottles located at No.84/6, Vinayagar Kovil Street, M. Pudhupalayam, Panrutti Taluk is not in operation in the above premises and the above premises is used as a raw material storage godown, for which, consent is not required.
7. From the report of the TNPCB, it is evident that before obtaining the Consent to Operate for the unit in S.F. No.100/1 of Kizkavarapattu Village, Panrutti Taluk, the Project Proponent was operating in the application mentioned location. If the operation was done by the

Project Proponent without consent, the TNPCB should have computed the number of days during which the Project Proponent was carrying on the operations and should have levied the compensation. However, the report is silent about it.

8. Hence, we direct the TNPCB to levy the compensation for the period in which the unit was in operation without obtaining the Consent to Establish and Consent to Operate by following the due process of law.

9. So, in view of the above, this Original Application [O.A. No.61 of 2023 (SZ)] is disposed of.



Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.61/2023(SZ)  
09<sup>th</sup> August, 2023. Mn.

NGT

Copy to

Member Secretary  
Tamil Nadu Pollution Control Board.