

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

Original Application No. 234 of 2017 (SZ)

Meenava Thanthai K.R. Selvarajkumar
Meenavar Nala Sangam,
Represented by its president
M.R.Thiyagarajan,
S/o. Late C. Rajalingam,
Office at No.15/8, A.J. Colony,
Royapuram, Chennai- 600 013.

...Applicant

Vs

The Director,
Ministry of Environment and
Forests and Climate Change
Indira Paravaran Bhawan,
Jorbagh Road,
New Delhi- 110 003 & 10 others

...Respondents

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Filed by
Thiru.C. Kasirajan,
Advocate, Chennai.

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REPORT FILED ON BEHALF OF THE 7TH RESPONDENT
TAMILNADU POLLUTION CONTROL BOARD

I, G. Goplakrishnan, Son of V. Gandhi, Hindu, aged about 58 years, having office at No.76, Mount Road, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai - 600 032 and I am filing this Report on behalf of the Respondents TNPC Board and as such I am well acquainted with the facts of the case from the records.

2. It is submitted that the Hon'ble NGT has passed an order dated 12.09.2020 and directed inter alia as follows:

"The committee is also directed to revisit the question of compensation for past violation as directed by this Tribunal in several cases of this nature applying the formula evolved by the Central


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

Pollution Control Board in this regard and also taking into the consideration the nature of damage caused to the coastal zone on account of such activities and the amount required for restoration of the same to its original position”.

3. It is further submitted that the Hon'ble NGT has also passed an order dated 15.02.2021 and directed inter alia as follows:

“So considering the circumstances, we feel that one more opportunity can be given to the regulators to come with a proper action taken report before this Tribunal on or before 24.03.2021”.

4. It is respectfully submitted that in pursuance to the said orders of the Hon'ble Tribunal, the revised joint committee was constituted with the following members:

- i. The RDO, Chennai North, Chennai District (Representing District Collector, Chennai) – Member
- ii. Director, Institute of Remote Sensing, Anna University, Chennai – 28 / Member TNSCZA (representing TNSCZMA, Chennai) – Member
- iii. Thiru. R. Rajkumar, scientist D, Central Pollution Control Board, Regional Directorate, Chennai – Member – CPCB
- iv. Thiru. Dr. R. Umayakunjaram, District Environmental Engineer, TNPCB, Chennai.

The committee assessed the Environmental Compensation for violation of the provisions of Environmental (Protection) Act, 1986 considering the CPCB in-house calculation methodology

Calculation of Environmental compensation based on the CPCB Guidelines:


 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD,
 No.76, MOUNT SALAI, CHENNAI-600 032.

Environmental Compensation Formula $EC = PI \times N \times R \times S \times LF$

Where EC = Environmental compensation

PI = Pollution Index of Industry Sector

N = Number of days of violation took place

R = A factor of Rs for EC

S = Factor for scale of operation

LF = Location factor

$$\begin{aligned} \text{Environmental Compensation Formula} &= PI \times N \times R \times S \times LF \\ &= 50 \times 320 \times 100 \times 0.5 \times 1.5 \\ &= 12,00,000/- \end{aligned}$$

The environmental compensation calculated by the committee as per the formula is Rs.12,00,000/- (Rupees Twelve Lakhs only) and same shall be imposed on the industry. The copy of Joint Inspection Report on environmental compensation for the violations committed by the M/s. St Peter Paul Sea Food Exports Pvt. Ltd., is submitted herewith as **Annexure-I**.

5. It is respectfully submitted that based on the assessment of the Environmental Compensation calculated by the Joint Committee, the TNPC Board has issued direction under Section 5 of the Environment (Protection) Act, 1986 to the Managing Director, M/s. St Peter Paul Sea Food Exports Pvt. Ltd., to remit environmental compensation of Rs.12,00,000/- (Rupees Twelve Lakhs only) to the Board vide proceeding dated 15.03.2021. The copy of Board proceeding dt.15.03.2021 is submitted herewith as **Annexure-II**.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to

G. Govindarajan
23/3/2021
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

G. Gopalakrishnan
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.
BEFORE ME

VERIFICATION

I, G. Gopalakrishnan, Son of V. Gandhi, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032 do hereby submit that the contents of above report are true to the best of my knowledge through records.

Verified at Chennai on this 23rd day of March, 2021.

G. Gopalakrishnan
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

Report on environmental compensation for the violation committed by M/s. St PETER & PAUL SEA FOOD EXPORTS PVT.LTD, NO.11A, NEW THIRUVALLUVAR NAGAR, ROYAPURAM, CHENNAI- 600013, Tamil Nadu as per Hon'ble NGT in the order dated:12.09.2020 in O.A.No.234 of 2017 (SZ).

It is respectfully submitted that the Hon'ble NGT (SZ), Chennai in the order dated:12.09.2020 in O.A.No.234 of 2017 (SZ), issued the following direction

"The committee is also directed to revisit the question of compensation for past violation as directed by the Tribunal in several cases of this nature applying the formula evolved by the CPCB in this regard and also taking into the consideration the nature of damage caused to the coastal zone on account of such activities and the amount required for restoration of the same to its original position

The committee can co-opt any expert member for the purpose of assessing environmental compensation if they feel and submit the report in this regard to this Tribunal .

.....

We also feel that a Scientist from Central Pollution Control Board, Regional Office, Chennai can be added to the committee so that it will be helpful for the committee to assess the environmental compensation as directed by this Tribunal. So, the committee is reconstituted including a Scientist/Officer from the Central Pollution Control Board, Regional Office, Chennai as well...."

In this regard, the CPCB, nominated Shri. R. Rajkumar, Scientist D, Central Pollution Control Board, Regional Directorate, Chennai for this case.

Hence as per the direction of the Hon'ble NGT (SZ) dt: 12.09.2020, the revised joint committee was constituted with the following members,

1. Revenue Divisional Officer, Chennai North, Chennai District. (Representing District Collector, Chennai) – Member
2. Director, Institute of Remote sensing, Anna university, Chennai- 25 / Member TNSCZMA (Representing TNSCZMA, Chennai) – Member

- 6 717
3. Thiru . R. Rajkumar, Scientist D, Central Pollution Control Board, Regional Directorate, Chennai – Member-CPCB
 4. Thiru. Dr. R. Umaiyakunjaram, District Environmental Engineer, TNPCB, Chennai.

The committee assessed the environmental compensation for violating the provisions of Environmental Protection Act considering the CPCB in-house calculation methodology.

Calculation of Environmental Compensation based on the CPCB Guidelines

1) Environmental Compensation Formula

$$EC = PI \times N \times R \times S \times LF$$

Where

EC – Environmental Compensation

PI – Pollution Index of Industry Sector

N – Number days of Violation took place

R – A factor in Rs for EC

S – Factor for scale of operation

LF – Location factor

- i. The industrial sector has been categorized into Red, Orange and Green based on their pollution index in the range of 60-100, 41-59 and 21-40 respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental Compensation for Red, Orange and Green Categories of industries respectively.
In this case, the pollution index PI is taken as 50, as this is a sea food processing unit categorized as Orange –small (category (2031 – Fish processing and packing)).
- ii. N, number of days for which violation took place is the period between the day of violation observed/ due date of directions compliance and the day of compliance verified by PCB/SPCB/CPCB.

Date of violation observed : 28/09/2017

Date of power supply disconnection : 14/08/2018

Total No of days : 320 days

The, N is taken from 28/09/2017 (Date of violation observed) to 14/08/2018 (Date of power supply disconnection (thereafter industrial production activity was not carried out till date)) and it works out to be 320 days.

- iii. R, is a factor in rupees, which may be minimum of 100 and maximum of 500 or an average of 250
R is taken as 100 for this case, as the unit is a small scale industry.
- iv. S could be based on small/medium/large industries categorization which may be 0.5 for micro or small, 1 for medium and 1.5 for large units.
This unit is considered as small, hence S value is taken as 0.5.
- v. LF, could be based on the population of the city/town and location of the industrial unit. For the industrial unit located within municipal boundary or upto 10km distance from the municipal boundary of the city/town, following factors (LF) may be used.

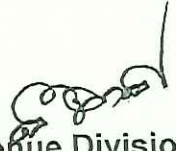
Location Factor Values

S. No.	Population (million)	Location Factor (LF)
1	1 to <5	1.25
2	5 to <10	1.5
3	10 and above	2.0

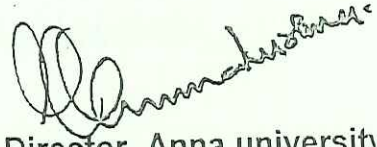
For this project LF value is taken as 1.5, as the population of the locality is between 5 and less than 10 million (Within Chennai Corporation).

$$\begin{aligned} \text{Environmental Compensation (EC)} &= PI \times N \times R \times S \times LF \\ &= 50 \times 320 \times 100 \times 0.5 \times 1.5 \\ &= 12,00,000/- \text{ (Rupees Twelve Lakhs only)} \end{aligned}$$

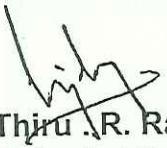
The environmental compensation calculated by the committee as per the formula is Rs 12,00,000/- (Rupees Twelve Lakhs) and same shall be imposed on the industry.



Revenue Divisional Officer,
Chennai North,
Chennai District.



Director, Anna university
Institute of Remote sensing
Chennai- 25



Thiru R. Rajkumar,
Scientist D,
Central Pollution Control Board,
Regional Directorate,
Chennai



Dr. R. Umairakunjam,
District Environmental Engineer,
TNPCCB, Chennai



TAMIL NADU POLLUTION CONTROL BOARD

Proceeding No. T2/ TNPCB/LAW/LA-III/NGT/29721/CHN/ 2021 dt:15.03.2021

Sub: TNPCB – Industries – M/s. St Peter & Paul Sea Food Exports Pvt. Ltd. No.11A, New Thiruvalluvar Nagar, Royapuram, Chennai – To remit Environmental Compensation of Rs. 12,00,000/- - Directions under Section 5 of the Environment (Protection) Act, 1986 – Issued – Reg.

Ref: 1. Joint Committee report submitted to the Hon'ble NGT
2. Hon'ble NGT order dated 12.09.2020 in O.A.No.234 of 2017 (SZ)

Whereas, a case was filed before the Hon'ble National Green Tribunal, Southern Zone, Chennai, vide Original Application No.234 of 2017 (SZ) by Meenava Thanthai K.R. Selvaraj Kumar, Meenavar Nala Sangam represented by its President, M.R. Thiyagarajan, Chennai with the grievance that the unit M/s. St Peter & Paul Sea Food Exports Pvt. Ltd. is operating a sea food export industry at No.11A, New Thiruvalluvar Nagar, Royapuram, Chennai, which is within the CRZ area and without obtaining necessary clearance from the CRZ authority, dumping the sea food waste in that area and also extracting ground water without getting necessary permission from the consent authorities and further the activities cause air as well as air pollution.

Whereas, the Hon'ble NGT (SZ) in its order dated 27.01.2020 constituted a committee comprising of District Collector, Chennai, State Coastal Zone Management Authority and the Tamil Nadu State Pollution Control Board (TNPCB) to look into the allegations made in the application and submit a report after making necessary inspection as to whether the allegations are true and if so what is the action taken by them against the violators to the Tribunal within a period of two months.

Based on the orders of the Hon'ble NGT (SZ), Chennai, a joint committee comprising the following members was constituted to inspect and file the report:-

1. Revenue Divisional Officer, Chennai North, Chennai District (Representing District Collector, Chennai)
2. Director, Institute of Remote Sensing, Anna University, Chennai – 25 / Member TNSCZMA (Representing TNSCZMA, Chennai)
3. District Environmental Engineer, TNPCB, Chennai.

Meanwhile, Thiru. M.R. Thiyagarajan, President, Meenava Thandai K.R. Selvakumar Meenavara Nala Sangam had filed complaint petition to the TNPCB regarding water pollution caused by the unit during September 2017.

During inspection, it was observed that, the unit M/s. St Peter & Paul Sea Food Exports Pvt. Ltd, No.11A, New Thiruvalluvar Nagar, Royapuram, Chennai was in operation without obtaining consent of the Board and the waste water generated by the unit was discharged into the underground drain without any treatment. The unit was advised to produce the land document of the unit in order to verify the applicability of the Coastal Regulation Zone Notification. As the unit had not submitted the CRZ Clearance for that activity from competent Authority and operated without consent of the TNPCB Board, direction for closure and disconnection of power supply to the unit was issued vide Proc. dated 06.07.2018. The EB service connection of the unit has been disconnected on 14.08.2018.

As per the orders of the Hon'ble NGT, the committee has inspected the site on 18.07.2020. During committee inspection, the following have been observed:

1. The building comprises of G+2 floor and terrace floor was found at that location. In one portion of the ground floor the unit has stored Empty Plastic drums and another portion was kept idle. 1st and 2nd floor are provided with rooms and used as rest house and terrace floor provided with Water Tank & Toilet facility.
2. The ground floor was under closed condition and observed that, the unit was not in operation and no activity was carried out.
3. It was found that, EB service connection Ac. No.002-009-415 has been disconnected. However, the unit has provided with another 2 number of EB service connection in the ground floor.
4. A team from Institute of Remote Sensing, Anna University, Chennai – 25 has conducted a filed survey on the said location, to find out the co-ordinates of the site so as to superimpose in the existing CZMP (Coastal Zone Management Plan) maps to verify whether the site is located in CRZ area or not.
5. As per the field survey and the superimposition of the unit in the CRZ map, it is ascertained that the site is located in CRZ-II area wherein the activity of sea food processing is prohibited in that area.
6. During inspection, no violation were noticed as there was no activity carried out in that site, as the unit was closed vide TNPCB order dated 06.07.2018.



TAMIL NADU POLLUTION CONTROL BOARD

The above report was submitted to the Hon'ble NGT. The NGT vide its order dated 12.09.2020 inter alia has stated that,

"The committee is also directed to revisit the question of compensation for past violation as directed by this Tribunal in several cases of this nature applying the formula evolved by the Central Pollution Control Board in this regard and also taking into the consideration the nature of damage caused to the coastal zone on account of such activities and the amount required for restoration of the same to its original position.

The committee can co-opt any expert member for the purpose of assessing environmental compensation if they feel and submit the report in this regard to this Tribunal.

We also feel that a Scientist from Central Pollution Control Board, Regional Office, Chennai can be added to the committee so that it will be helpful for the committee to assess the environmental compensation as directed by this Tribunal. So, the committee is reconstituted including a Scientist/Officer from the Central Pollution Control Board, Regional Office, Chennai as well.

In compliance to the above NGT order, the Committee has assessed the Environmental Compensation for violating the provisions of the Environment (Protection) Act, 1986 based on the CPCB methodology which is Rs. 12,00,000/- (Rupees Twelve Lakhs) for a violation period of 320 days ie., from the date of violation observed on 28.09.2017 to date of power disconnection on 14.08.2018.

Whereas, the Board has decided to levy Environmental Compensation of Rs. 12,00,000/- (Rupees Twelve Lakhs) to the unit, in compliance to the above NGT order.

Therefore, in exercise of powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Board issues the following Direction to comply within a period of 22.03.2021:

"The unit shall remit Environmental compensation of Rs. 12,00,000/- (Rupees Twelve Lakhs only) to the Board".

Failure to comply with the above said directions, will lead to further initiation of penal action against the unit under section 15 of the Environment (Protection) Act, 1986.

The receipt of this proceeding shall be acknowledged.

[Signature]
For Chairman

May
15.3.2021

To

The Managing Director,
M/s. St Peter & Paul Sea Food Exports Pvt. Ltd.
No.11A, New Thiruvalluvar Nagar,
Royapuram, Chennai – 600 013.

Copy To

1. The Joint chief Environmental Engineer,
Tamilnadu Pollution Control Board,
Chennai.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Chennai – **For follow up and report.**
3. Technical file

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI.**

**Original Application No. 234 of 2017
(SZ)**

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**REPORT FILED ON BEHALF OF THE
7TH RESPONDENT - TAMILNADU
POLLUTION CONTROL BOARD**

**Advocate for Respondents:TNPCB
Thiru.C. Kasirajan,
Advocate, Chennai.**

Dated:23.03.2021.

Date of hearing on 24.03.2021.

