

Item No. 10

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

Original Application No. 184/2018
(Earlier O.A. No.34/2015)(SZ)

S. Pugazhendhi & Ors

Applicant(s)

Versus

Tamil Nadu State Pollution Control Board & Ors

Respondent(s)

Date of hearing: 08.07.2019

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

For Applicant(s):

Ms. Meera Gopal, Adv

For Respondent (s):

Mr. C. Kasirajan, Adv for TNPCB

Mr. Kamalesh Kannan, Adv for R-4

Mr.D. S. Ekambaran, Adv for CPCB

ORDER

1. In this case the question has been raised with regard to pollution of water including ground water and water of the River Uppanar in the Cuddalore industrial area, State of Tamil Nadu.
2. Considering the seriousness of the matter and the report of the State PCB submitted on 03.10.2016, it was felt essential to obtain an updated status of the water quality in the area. Accordingly a joint team comprising of representatives from the CPCB and the TNPCB was constituted with the directions to;

- (i) To collect samples from bore wells and shallow aquifers, Piezo-metric wells in and around SIPCOT Industrial Complex, Cuddalore and Uppanar River.
- (ii) To ascertain the status of the functioning of the ETPs or other effluent treatment devices used by the industries.

3. There were other directions also which we need not deal with for the present.

4. In terms of the aforesaid directions the report was filed by the Joint Committee. On behalf of the applicant exception has been taken to the report on several points but we may confine ourselves only to the aforesaid aspects, that is matter pertaining to the samples taken from the bore wells and status of the functioning of the ETPs.

5. The report submitted by the Committee reveals that out of 28 samples taken from the piezo-metric wells situated within the industrial area, 09 were found exceeding the acceptable limit of TDS of 500 mg/L. The concentration of Calcium and Magnesium were found high indicating high Calcium and Magnesium hardness in water while the other parameters were found acceptable within limits of standard of drinking water.

6. As regards the status of functioning of ETPs, we do not find the report to be adequate in as much as the samples for both the inlet and outlets had not been taken and

tested and the adequacy of the pollution control devices examined.

7. The Committee has also not expressed as to whether the ground water extraction by the industry was with proper authorization obtained from the CGWA.

8. For the aforesaid reasons, we deem it necessary to refer the matter once again to the Joint Committee to do the following and submit a report;

(i) To take the samples from the inlet and outlet of all the ETPs to ascertain as to whether the effluent are within the prescribed limit;

(ii) To ascertain the source of the heavy metal pollutants like Nickel, Cadmium, Manganese, Iron and Lead, etc.

(iii) To ascertain the adequacy of the pollution control devices installed by the industry.

(iv) After such tests, to assess the environmental compensation to be paid by the individual units for the default on their part.

9. It is a matter of record that the area had been declared as a Critically Polluted Area in the year 2009 and an action plan for remediation had also been prepared. Let the Committee also report as to whether the action plan had been implemented and if so, whether there has been any improvement of the situation in the area. There is also a

need to assess the environmental damage caused to the area.

10. The applicant is also at liberty to be present during the inspection and participate in the proceedings.

11. Let the report be filed within two months.

12. List this matter on 30th September, 2019.

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 08, 2019
Original Application No. 184/2018
PU

