

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.04.2018

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THE HON'BLE MR.JUSTICE R.SUBBIAH
and
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.8204 of 2018

M/s.Prashanth Fertility Research Centre Pvt Ltd.,
rep. By the Managing Director,
Dr.G.Gopalaswamy,
No.76 & 77, Harrington Road,
Chetpet, Chennai-600 031. Petitioner

Vs.

- 1.The Secretary to Government,
Ministry of Environment and Forest,
Secretariate, Chennai-9.
- 2.The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-3.
- 3.The District Environmental Engineer,
Poonamalle High Road,
Arumbakkam, Chennai-600 106. Respondents

Writ Petition has been filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the 3rd respondent to dispose of the application dated 19.04.2017 for the renewal of consent to operate under AIR Act to renew for the period of five years.

For Petitioner : Mr.C.Sangamithirai

For Respondents : Mr.R.Balaramesh, Spl GP (Forest) for R1
M/s.Yosmin Ali, for R2
Mr.S.N.Parthasarathy, GA for R3

* * * * *

ORDER

(Order of the Court was delivered by R.SUBBIAH, J.,)

The Writ Petition has been filed by the petitioner praying for issuance of a writ of mandamus directing the 3rd respondent

to dispose of the petitioner's application dated 19.04.2017 for the renewal of consent to operate under AIR Act to renew for the period of five years.

2.It is stated that the petitioner had applied before the Tamil Nadu Pollution Control Board for new operation of the unit under Section 21 of the AIR (Prevention and Control of Pollution) Act, 1981 as amended on 09.12.2013, Consent Order No.22992, Proceedings No.TNPCB/BMWM/41298/CHN/RL/A/2014 at S.F.No.218/2, T.S.No.31, Block 69, Velachery Village, Mambalam-Guindy Taluk, Chennai District. Further, the petitioner had applied vide application No.CC17754 to the respondents on 02.09.2013 and subsequently also, the IR No.F.CNH2005/RL/DEE/CHN/2013 dated 12.11.2013. The petitioner had applied for the Minutes of the TSC vide item No.91-5 to the respondent on 05.03.2014. The Tamil Nadu Pollution Control Board has granted the consent under Section 21 of the AIR (Prevention and Control of Pollution) Act, 1981, authorizing that the unit can be operated in the Air Pollution Control Area as notified by the government to continue to make existing discharge of emission from the stacks/chimneys. This consent is valid for a period which ought to be ending on 31st March 2015, which is subject to the provisions of the Acts and the Rules. The petitioner submitted an application on 19.04.2017 with necessary enclosures through online for grant of BMW authorization. Subsequently, the application for CTO renewal was submitted on 22.04.2017. The petitioner Unit has gone for expansion activity and the application for CTO expansion was submitted on 15.05.2017 vide Ref.No.9044030. The petitioner has also paid necessary fee of Rs.7,19,827, for the period from 2015-2019, for consent to operate the unit. Since the petitioner's application dated 19.04.2017 was not considered by the 3rd respondent, the petitioner has come forward with the present writ petition.

3.Today, when the matter is taken up, the learned counsel for the respondents 2 & 3 have filed a joint counter affidavit, in which they have stated in Para 8 as follows_

"The application filed by the petitioner is scrutinized and kept ready to be placed before the Consent Clearance Committee meeting of the Board. It is proposed to have consent clearance committee meeting within a week and the application filed by the petitioner for the issue of consent to operate for expansion will be disposed in the Consent Clearance Committee meeting in accordance with law."

4.In view of the above statement in the counter affidavit filed by the respondents 2 & 3, this Court directs the respondents to consider the petitioner's application dated

19.04.2017 for renewal of consent to operate under AIR Act, and to pass appropriate orders on or before 31.05.2018 in accordance with law.

With the above directions, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssv

To,

1.The Secretary to Government,
Ministry of Environment and Forest,
Secretariate, Chennai-9.

2.The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-3.

3.The District Environmental Engineer,
Poonamalle High Road,
Arumbakkam, Chennai-600 106.

+1cc to Mr.C.Sangamithirai, Advocate, S.R.No.29793

+1cc to Mr.H.Yasmeen Ali, Advocate, S.R.No.29916

+1cc to the Government Pleader, S.R.No.30049

W.P.No.8204 of 2018

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RRK (14/05/2018)

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