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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.1624/2020 and 22160 and 22165 of 2021 and WMP.Nos.1902,
1905/2020 and 21906, 23395 and 23399/2021

W.P.No.1624 of 2020 :

Nubiola India Private Limited,
70/1A, Mevalurkappam Village,
Thandalam P.O., Sriperumpudur Taluk,
Kancheepuram District-602 105,
Tamil Nadu, India.

... Petitioner in all the W.Ps.

-vs-

1. Tamil Nadu Pollution Control Board
through Chairman,
76, Mount Salai,
Guindy, Chennai-600 032.

2. District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot No.CP-58, SIPCOT Industrial
Growth Centre Vandalur,
Oragadam, Sriperumbudur Taluk,
Kanchipuram, Tamil Nadu-602 105.

... Respondents in all W.Ps.

Writ Petition in W.P.No.1624/2020 filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondents in relation to the impugned order bearing reference Proceedings No.T4/TNPCB/F.0131SPR/RL/W&A/2019 dated 20.12.2019 issued by the 1st respondent and the consequent letter bearing reference No.DEE/TNPCB/SPR/F-0025/EC/SPR/RL/2019 dated 20.12.2019 issued by the 2nd respondent and quashing the same as being illegal and arbitrary and directing the 1st respondent to renew the consent to operate granted to the petitioner, under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 25 of the Water (Prevention and Control of Pollution) Act, 1974.



Writ Petition in W.P.No.22160/2021 filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 1st respondent to process the Applications dated 01.03.2019 and 22.12.2020 filed by the petitioner and renew the consent to operate the petitioner's Unit issued under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 for the year 2020 to 2021 by permitting the petitioner to commission the new Effluent Treatment Plant (ETP) System (i.e. the Mechanical Vapour Recompression Crystallization Technology based Zero Liquid Discharge System), in its Unit/Plant at 70/1A Mevalurkuppam Village, Thandalam Post, Sriperumbudur Taluk, Sriperumbudur, Kancheepuram, Tamil Nadu-602 105.

Writ Petition in W.P.No.22165/2021 filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 1st respondent to process the CTE application filed in June, 2018 by the petitioner.

In all W.Ps.

For Petitioner : Mr.P.S.Raman,
Senior Counsel
for Mr.R.Parthasarathy

For Respondents : Mr.R.Shanmugasundaram,
Advocate General
Assisted by
Mr.Shunmugavalli Sekar,
Standing Counsel for TNPC-Board

COMMON ORDER

(Order of the Court was made by T.RAJA, J.)

The Writ Petition in W.P.No.1624/2020 has been filed seeking for issuance of a Writ of Certiorarified Mandamus, challenging the impugned order bearing reference Proceedings No.T4/TNPCB/F.0131SPR/RL/W&A/2019 dated 20.12.2019 issued by the 1st respondent and the consequent letter bearing reference No.DEE/TNPCB/SPR/F-0025/EC/SPR/RL/2019 dated 20.12.2019 issued by the 2nd respondent and for quashing the same as being illegal and arbitrary with a consequential direction, directing the 1st respondent to renew the consent to operate, granted to the petitioner, under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 25 of the Water (Prevention and Control of Pollution) Act, 1974.

2. The Writ Petition in W.P.No.22160/2021 has been filed seeking for issuance of a Writ of Mandamus, directing the 1st



respondent to process the Applications dated 01.03.2019 and 22.12.2020 filed by the petitioner and renew the consent to operate the petitioner's Unit issued under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 for the year 2020 to 2021 by permitting the petitioner to commission the new Effluent Treatment Plant (ETP) System (i.e. the Mechanical Vapour Recompression Crystallization Technology based Zero Liquid Discharge System), in its Unit/Plant at 70/1A Mevalurkuppam Village, Thandalam Post, Sriperumbudur Taluk, Sriperumbudur, Kancheepuram, Tamil Nadu-602 105.

3. The Writ Petition in W.P.No.22165/2021 has been filed seeking for issuance of a Writ of Mandamus, directing the 1st respondent to process the CTE application filed in June, 2018 by the petitioner.

4. Mr.P.S.Raman, learned Senior Counsel for Mr.R.Parthasarathy, learned Counsel for the petitioner submitted that the petitioner is carrying on the business of producing Ultra Marine Blue Pigment and obtained a consent from the Tamil Nadu Pollution Control Board, the 1st respondent herein under Section 25 of the Water Act and Section 21 of the Air Act dated 27.09.1991 to establish a manufacturing Unit. Thereafter, the petitioner made an application for renewal of the consent to operate in a routine manner for continuous operation of the Unit/plant in accordance with the Section 25 of the Water Act and Section 21 of the Air Act and the same was also granted by the 1st respondent periodically and the last renewal was granted on 24.04.2018 subject to certain conditions. Thereafter, when the petitioner applied for a fresh CTE to increase the production capacity of the Unit/Plant in June 2018, the same was not considered by the 1st respondent herein. In the meanwhile, a Show Cause Notice was issued in the year 2019 charging that the petitioner Unit/Plant have committed certain violations and also levied environmental compensation of Rs.72,00,000/- without recording any reasons for such levy. Aggrieved thereby, the petitioner filed W.P.No.1624/2019 before this Court. This Court also considering the case of the petitioner has granted an order of stay by an order dated 29.01.2020 in that Writ Petition.

5. Learned Senior Counsel for the petitioner further submitted that although the petitioner has obtained an interim order of injunction from paying a sum of Rs.72,00,000/-, now he has got written instructions from his client not to press for continuance of the interim injunction and the same can be vacated and the said amount of Rs.72,00,000/- can be utilised as a part of the environmental fund by the 1st respondent. In the meanwhile, the 1st respondent herein, the Tamil Nadu Pollution Control Board has proceeded to carry out comprehensive



inspections on 17.2.2022 and filed a detailed status report dated 18.2.2022. Even prior to the receipt of the status report, the petitioner issued a detailed communication dated 17.2.2022 setting out in detail its reply to each of the aspects. A perusal of the same would demonstrate that the petitioner is in compliance of all the terms and conditions. In view of the Status Report dated 18.02.2022, the petitioner has also made an Application No.43597710 before the 1st respondent on 20.02.2022 by making the requisite fees therefor. Therefore, now the grievance of the petitioner is that the said application has to be considered, he pleaded.

6. Recording the statement made by the learned Senior Counsel for the petitioner, we direct that Rs.72,00,000/- can be utilized as a part of environmental fund by the 1st respondent.

7. Mr.R.Shanmuga Sundaram, learned Advocate General appearing for the respondents also submitted that since the Status Report dated 18.02.2022 has been filed and pursuant thereto, the petitioner has also filed an application on 20.02.2022 before the 1st respondent, the same would be considered on merits within a time stipulated by this Court.

8. Recording the said submission of the learned Advocate General appearing for the respondents, the 1st respondent herein, namely, the Chairman, Tamil Nadu Pollution Control Board, 76 Mount Salai, Guindy, Chennai-600 032, is directed to consider and dispose of the application No.43597710 of the petitioner dated 20.02.2022 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Order.

9. With the above direction, all these three Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Pollution Control Board
76, Mount Salai,
Guindy, Chennai-600 032.



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2. District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot No.CP-58, SIPCOT Industrial
Growth Centre Vandalur,
Oragadam, Sriperumbudur Taluk,
Kanchipuram, Tamil Nadu-602 105.

+3cc to Mr.R.Parthasarathy, Advocate, S.R.No.27382, 27381, 27383
+1cc to Mr.Shunmugavalli Sekar for TNPCB, Advocate, S.R.No.27190

W.P.Nos.1624/2020 and 22160
and 22165 of 2021

SMI (CO)
SB(29/06/2022)