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W.P.No.2699 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 07.02.2024**

CORAM :

**THE HONOURABLE MR. JUSTICE S.S. SUNDAR**

**AND**

**THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR**

**W.P.No.2699 of 2024**

**and**

**W.M.P.Nos.2981 & 2982 of 2024**

Perundurai Common Effluent Treatment Plant,  
Represented by its Director,  
N.Chandrasekaran,  
P.No.R-22, 6<sup>th</sup> Cross Road,  
SIPCOT Industrial Growth Centre,  
Perundurai – 638 052.

... Petitioner

Vs.

- 1.The Member Secretary,  
Tamil Nadu Pollution Control Board,  
100, Anna Salai,  
Guindy, Chennai – 600 032.
- 2.The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Plot No.J2(W), SIPCOT Industrial Growth Centre,  
Near SIPCOT Project Office,  
Perundurai – 638 502.



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3. The Managing Director,  
State Industries Promotion  
Corporation of Tamil Nadu Limited (SIPCOT)  
19-A, Rukmani Lakshmipathi Road,  
Egmore,  
Chennai – 600 008.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the communication bearing Proc.No.F.PND0238/RL/DEE/TNPCB/PND/W/2024 dated 30.01.2024 on the file of the 2<sup>nd</sup> respondent and quash the same.

|                |   |                                                             |
|----------------|---|-------------------------------------------------------------|
| For Petitioner | : | Mr.K.S.Viswanathan<br>Senior Counsel<br>for M/s.T.Hemalatha |
| For R1 and R2  | : | Mrs.Shanmugavalli Sekar<br>Standing Counsel                 |
| For R3         | : | Mr.Abishek Murthy<br>Standing Counsel                       |



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## **ORDER**

(Order of the Court was made by **S.S. SUNDAR, J.**)

The petitioner has filed this writ petition challenging the Show Cause Notice issued to the petitioner by the 2<sup>nd</sup> respondent as to why penal action for offences punishable under Section 44 read with Section 45A of the Water (Prevention and Control of Pollution) Act, 1974, should not be initiated. The petitioner is also facing a threat of closure.

2.The petitioner has established a Common Effluent Treatment Plant to treat the waste water released from the Textile industries in SIPCOT Industrial Growth Centre, Perundurai. The case of the petitioner is that the petitioner had installed Reverse Osmosis Plant and had also installed Zero Liquid Discharge System for treating the trade effluent that was collected from several other industries. It appears that the respondents herein have inspected the unit and have found that the treated effluent is not in adherence to the standards prescribed by the Tamil Nadu Pollution Control Board. It is in the said circumstances, a Show Cause Notice was issued to



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the petitioner which is impugned in this writ petition.

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3.The grievance of the petitioner is that the impugned Show Cause Notice has been issued to the petitioner giving the petitioner only three days time to respond to the same. Learned Senior Counsel appearing for the petitioner states that, as per the Rules, 15 days notice is mandatory and that the petitioner is unable to give a reply within a short date.

4.Considering the fact that the 2<sup>nd</sup> respondent is required to give 15 days time, this Court finds that it will not be in accordance with law if the respondents are permitted to pass final orders without giving an adequate opportunity to the petitioner to put forth its case in response to the impugned Show Cause Notice. Having regard to the factual circumstances, this writ petition is disposed of in the following lines :

- i. The petitioner is permitted to give reply to the impugned Show Cause Notice within a period of 15 days from today.
- ii. If the petitioner gives its explanation as directed by this order, the respondents shall consider the explanation and proceed to hold



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enquiry and pass final orders thereafter.

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- iii. Till such time the petitioner's reply/explanation is considered on merits and in accordance with law, the respondents shall not take any coercive action against the petitioner.
- iv. It is needless to state that, in compliance of the statutory requirements, opportunity of personal hearing may also be given to the petitioner. The respondents shall also hear the 3<sup>rd</sup> respondent.
- v. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (N.S., J.)  
07.02.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

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**S.S. SUNDAR, J.**



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**and**  
**N. SENTHILKUMAR, J.**

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