

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Appeal No. 03 of 2017 (SZ)**

**IN THE MATTER OF:**

M/s. S.S. Plastic Industries,  
No.33, Thulasiram Nagar,  
Sathankadu, Thiruvottiyur,  
Chennai – 600 019,  
Rep by its Proprietor,  
Mr. T. Suresh.



... Appellant(s)

**AND**

1. The Chairman,  
Tamil Nadu Pollution Control Board,  
100, Anna Salai,  
Guindy,  
Chennai - 32.
2. The Member Secretary,  
Tamil Nadu Pollution Control Board,  
100, Anna Salai,  
Guindy,  
Chennai - 32.
3. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
77A, South Avenue Road,  
Ambattur Industrial Estate,  
Chennai – 600 058.
4. The Superintending Engineer,  
TANGEDCO,  
Chennai Electricity Distribution Circle/West,,  
Thirumangalam Complex,  
Anna Nagar,  
Chennai – 40.
5. The Assistant Engineer, (O&M)  
TANGEDCO,  
Jothi Nagar, Ernavoor,  
Tiruvalluvar Dt.

... Respondent(s)

**Counsel appearing for the Appellant:**

**M/s. L.G. Saha Devan and  
P. Velraj**

**Counsel appearing for the Respondents:**

**Mrs. H. Yasmeen Ali for R1 to R3  
Mr. P. Gnanasekaran for R4 and R5**

**ORDER**

**PRESENT:**

**HON'BLE JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER**

**HON'BLE SHRI DR. NAGIN NANDA, EXPERT MEMBER**

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**Dated 21<sup>st</sup> March, 2017**

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Whether the Judgement is allowed to be published on the Internet – Yes/No  
Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

This is an appeal filed by S.S. Plastic Industries challenging the order passed by respondent No.1 dated 16.12.2016, under Section 33-A of Water (Prevention and Control Pollution) Act, 1974 directing closure of the unit of the appellant.

2. The appellant is manufacturing of LDPE Plastic granules. Admittedly, the appellant had not taken the Consent either under Water (Prevention and Control Pollution) Act, 1974 or Air (Prevention and Control Pollution) Act, 1981 and has been operating illegally without an order of Consent.

3. By the impugned order, closure was directed as the appellant has not obtained Consent under either Water (Prevention and Control Pollution)

Act, 1974 or Air (Prevention and Control Pollution) Act, 1981. Though it was contended that no personal hearing was conducted, admittedly no explanation or reply was offered by the appellant, even though a show cause notice was admittedly served and opportunity was granted to submit explanation / reply.

4. When the appeal was admitted, the learned counsel appearing for the Tamil Nadu State Pollution Control Board (TNPCCB) was directed to get instructions. The learned counsel submitted that subsequent to the impugned order, the appellant filed an application for Consent under Water (Prevention and Control Pollution) Act, 1974 and Air (Prevention and Control Pollution) Act, 1981 which was rejected by the TNPCCB on 30.01.2017. The remedy is therefore to challenge that order.

5. In view of the admitted facts, we find no merit in the appeal and it is dismissed with no order as to costs.

Justice M.S. Nambiar  
Judicial Member

Shri Dr. Nagin Nanda  
Expert Member