

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

**M.A.No.66 of 2016
in
Application No.10 of 2016 (SZ)**

In the matter of

1. Kumbeswaran,
No.38, 3rd Floor,
Venkatakrishna Road
Mandaveli, Chennai



.....Applicant

1. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy, Chennai
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
539/3, Bazar Street, Balaji Complex,
Padappai, Sriperumbudur
3. N.Narayana Rao,
2/202, Bajanai Koil Street,
Mettur, Somangalam Town Panchayat,
Kundrathur Panchayat Union,
Sriperumbudur Taluk, Kancheepuram District
4. N.Punna Rao,
2/145, Somangalam Town Panchayat,
Kundrathur Panchayat Union,
Sriperumbudur Taluk, Kancheepuram District

.. Respondents

Counsel appearing for the applicant:

M.Chandrasekaran

Counsel appearing for the Respondents:

Mrs.Yasmeen Ali for R1 & R2

ORDER

Present

Hon'ble Shri Justice Dr.P. Jyothimani, Judicial Member

Hon'ble Shri P.S.Rao, Expert Member

11th May, 2016

M.A.No.66 of 2016:

In our order passed in application No.10 of 2016 on 17.02.2016, we have directed the following 7 hot mix plants to be closed immediately by the respondent Board and ensure that they do not carry on any activity.

- 1) M/s.Sampath Asphalt hot mix plant
- 2) M/s.Sri Ganesh Enterprises
- 3) M/s.Sam Construction
- 4) M/s.Shanmathi Constructions
- 5) M/s.MRN Arul Construction
- 6) M/s.Sri Renugambal Constructions
- 7) M/s.Krishna hot mix plant

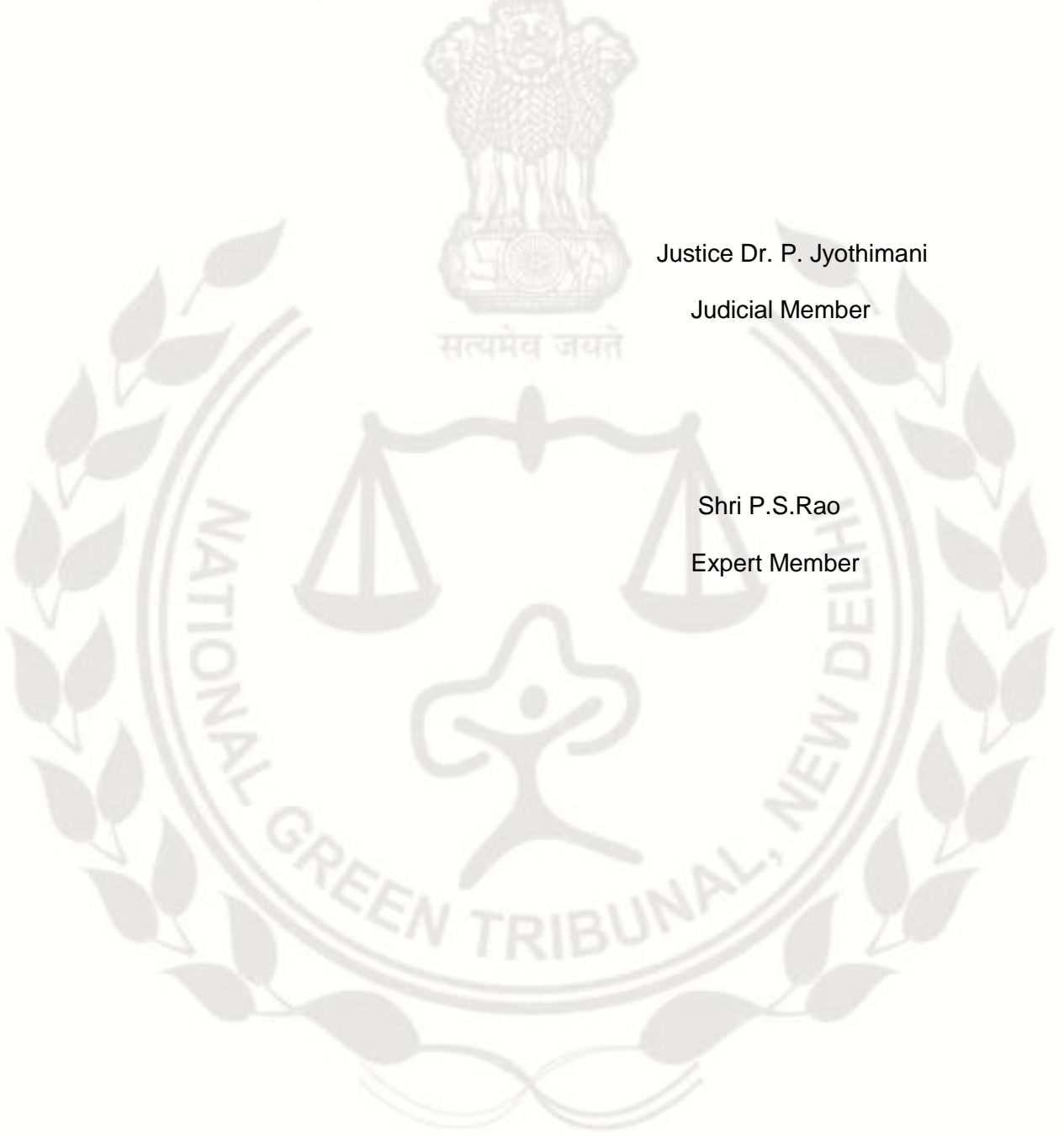
We have also directed the Board to frame necessary guidelines imposing various conditions regarding functioning of the hot mix plants, taking note of the fact that such guidelines have not yet been framed by the Board. Alleging that inspite of closure order, the aforesaid 7 units are functioning during night time by using Diesel Generator, the present application is filed under Section 26 of the National Green Tribunal Act, 2010 to punish the offenders for disobedience of the order.

In the reply filed by the Board, it is stated that the 7 units were actually closed and electricity supply has been disconnected. In so far as it relates to framing of guidelines, the same is in progress and it will be completed within 2 weeks from today. The Board will be conducting Aerial Survey during May 2016 and immediately after 10 days, the process of framing the guidelines will be completed.

The learned counsel would submit that while it is true that even after disconnecting the electricity supply, the 7 units are clandestinely doing the activities during night hours by using Diesel Generator Sets. Even though the learned counsel appearing for the Board denies the same, we are of the considered view that the Board should take all necessary steps for the purpose of sealing the premises of the 7 units, including the seizure of the Diesel Generator Set from the 7 units. We also make it clear that the Board shall monitor the functioning of these units during day and night time.

Framing of the guidelines, as directed by this Tribunal in the original application, shall be completed within 10 days after the proposed aerial survey is completed in the 3rd week of May, 2016.

With the above direction, the M.A.No.66 of 2016 stands closed.



Justice Dr. P. Jyothimani

Judicial Member

Shri P.S.Rao

Expert Member

NGT