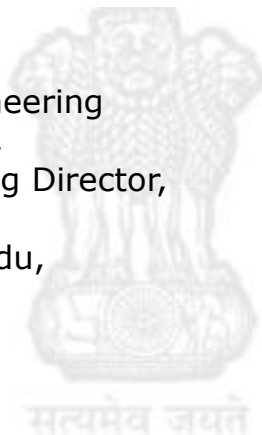


**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Application No. 37 of 2017 (SZ)

IN THE MATTER OF:

M.J.D. Construction & Engineering
Contractors Private Limited,
Represented by its Managing Director,
Mrs. Janakajabangelin,
M.J. Bhavan, Kannumamoodu,
Palukai Post,
Kanyakumari District.



... Applicant(s)

AND

1. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy, Chennai-600 032.
2. The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy, Chennai-600 032.
3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Water Tank Road,
Nagercoil.

... Respondent(s)

Counsel appearing for the Applicant:

**M/s. R. Saravana Kumar,
E. Veda Bagath Singh,
J. Raja Rao and U. Sriram**

Counsel appearing for the Respondents:

Mrs. Rita Chandrasekar for R1, R2 and R3

ORDER

PRESENT:

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

HON'BLE SHRI P.S. RAO, EXPERT MEMBER

Dated 28th February, 2017

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

The application is filed for a direction to the 3rd respondent to consider the application for renewal of Consent of the applicant unit. According to the applicant, the application for renewal of Consent was submitted on 29.01.2016.

2. Learned counsel appearing for respondent Nos. 1 to 3 admitted that the application for renewal of Consent has been submitted by the applicant. By order dated 16.02.2017, while admitting the application, the learned counsel appearing for respondent Nos.1 to 3 was directed to get instructions on whether the application for renewal is pending or disposed of and if not disposed the reason thereof.

3. Learned counsel appearing for respondent Nos.1 to 3 submitted that the application for renewal of Consent is pending and it could not be disposed of as the Ambient Air Quality (AAQ) survey was not completed and the Tamil Nadu State Pollution Control Board (TNPCB) had already addressed the laboratory to conduct the AAQ and once the test is completed, the application for renewal of Consent will be disposed of.

4. Learned counsel appearing for the applicant submitted that there is no justification for keeping the application for renewal of Consent pending.

5. Considering the fact that the application has been pending for more than one year, we find it in the interest of justice to direct the respondents to dispose of the application for renewal of Consent in accordance with law and keeping in view the guidelines issued by the TNPCB on establishment and

functioning of the Hot mix plants, within a period of one month from today. The respondents shall also pass appropriate orders in accordance with law, on the application for de-sealing the premises submitted by the applicant without unnecessary delay. It is made clear that we are not expressing any view on the question of renewal of Consent or de-sealing of the unit as it is for the TNSPCB to decide the question in accordance with law.

6. The application is disposed of accordingly, with no order as to costs.

Justice M.S. Nambiar
Judicial Member

P.S. Rao
Expert Member

NGT