

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Application No.252 of 2014

In the matter of

K. Munusamy

Proprietor of Meenatchi & Co

Industrial Estate, Chennai – 600 037

.. Applicant

Vs

1.The District Environment Engineer
Tamil Nadu Pollution Control Board
Ambattur Industrial Estate
Chennai

2.The General Manager
District Industrial Centre
Thiruvalur

3. Mr.Chandra Mohan

4. Mr.Ramakrishnan

.. Respondents

Counsel appearing for the applicant

M/s.M. Jagatheesh, I. Devakirubai

Counsel appearing for the respondents

Smt. H. Yasmeen Ali for R1

M/s. Abdul Saleem and Vidyalakshmi for R2

M/s. Kamalesh Kannan & Sai Sathyajith for R3 & R4

O R D E R

Present

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

Hon'ble Prof. Dr. R. Nagendran, Expert Member

Dated 14th March, 2016

We have heard the learned counsel appearing for the applicant as well as the respondents.

2. The case of the applicant is that the 4th respondent is running an auto pressing industry as a tenant at the premises in No.C-21, Industrial Estate, 6th Block, Mugappair East, Chennai – 37 under the 3rd respondent/landlord and by virtue of the said fabrication activity, the applicant, who is the owner of the adjacent property at C-22,

Industrial Estate, 6th Block, Mugappair East, Chennai 600037 carrying on business in manufacturing of leather goods with 10 employees, is affected

3. The main grievance of the applicant is that the noise generated by the activity of the 4th respondent is causing disturbance to the neighbours. It is also brought to the notice of this Tribunal that the 4th respondent has been carrying on its activity without "Consent".

4. Mr. Sai Sathyajith, the learned counsel appearing for one M/s. Exon Auto Components and also for the 3rd and 4th respondents submitted that the 4th respondent who was earlier running the fabrication unit had vacated the premises on 30.9.2014 and the 3rd respondent being the landlord has let out the same premises to one M/s. Exon Auto Components who is also carrying on the same activity of fabrication. It is admitted that the said M/s. Exon Auto Components has not obtained "Consent to Operate" from the Board. However, pending this application, the said M/s. Exon Auto Components has made an application for "Consent" to the Board on 1.2.2016. According to the learned counsel the said application has not been processed by the Board because of the pendency of this application.

5. The fact remains that this Tribunal has never restrained the Board from processing the application of the said M/s. Exon Auto Components which is stated to have been made on 1.2.2016. However, the reply makes it very clear that the present incumbent of the premises viz., M/s. Exon Auto Components is carrying on the fabrication work but there is no noise pollution, as alleged by the applicant. The inspection carried out by the Board shows that the noise level of M/s. Exon Auto Components is well within the permissible limit.

6. The learned counsel appearing the said unit submits that even though "Consent" was not obtained as per the reply filed by the Board, the noise level is within the permissible limit and therefore irrespective of the absence of "Consent", the activity of the said M/s. Exon Auto Components shall be permitted till the application for "Consent" is disposed of by the Board. He has also brought to the notice of this Tribunal that even the applicant who is doing the business of manufacturing of leather products has not obtained any "Consent to Operate".

7. After hearing the learned counsel on both sides, we are of the considered view that even though it is correct that the noise level from the activity of M/s. Exon Auto Components is within the permissible limit, as far as the noise pollution is concerned, in as much as factually the said unit has not obtained "Consent" from the Board, we cannot permit the said unit to run the same unless and until the Board grants "Consent". However, taking note of the fact that the said unit is a small one which is also employing small number of employees, we direct the Board to complete the processing of application stated to have been filed by the said M/s. Exon Auto Components on 1.2.2016 and pass appropriate orders expeditiously, in any event within a period of one week from today. We also incidentally direct the Board to inspect the unit of the applicant and pass appropriate orders, including direction of closure of the unit till "Consent" is obtained from the Board.

With the above direction, the application stands closed.

We make is very clear that till "Consent to Operate" is granted to the said M/s. Exon Auto Components, the said unit shall not carry on its activity. If the applicant files an application for "Consent" it will be open to the Board to pass appropriate orders on the application, including ordering closure of the unit in the interregnum period.

Justice Dr.P. Jyothimani

Judicial Member

Prof.Dr.R. Nagendran

Expert Member