

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

**Application No. 171 of 2017 (SZ)**

**IN THE MATTER OF:**

S. Duraisamy,  
S/o. Sukkappa Gounder,  
President,  
Tamizhaga Starch & Sago Manufacturers  
Welfare Association,  
Ground Floor, Sindhur Pantheon Plaza,  
No.346, Pantheon Road,  
Egmore, Chennai – 600 008

... Applicant(s)

**AND**

1. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Siva Towers, Meyyanur Road,  
Salem District – 4
2. M/s. Srivalli Sago Factory,  
Rep. by its Proprietrix Mrs.S. Sangeethavalli,  
Neermullikuttai Village,  
Vazhapadi Taluk,  
Selam District.

... Respondent(s)

**Counsel appearing for the Applicant:**

**Mr. S. Patrick**

**Counsel appearing for the Respondents:**

**Mrs. H. Yasmeen Ali for R1  
Mr. Ashokan for R2**

**ORDER**

**PRESENT:**

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

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**Dated: 07<sup>th</sup> December, 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

The application is filed with a prayer to restrain respondent No.2 from operating Srivalli Sago Factory without the consent from respondent No.1.

The case of the applicant is that respondent No.2 is operating the unit without the required consent under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974.

Respondent No.1 has filed a reply that on getting complaint from the complainant the unit was examined that the unit was found not in operation. The reply also disclose that when the unit was inspected on 09.11.2016, the Effluent Treatment Plant (ETP) was not functioning properly and therefore show cause notice was issued to the unit and thereafter by letter dated 24.11.2016 the unit had applied for one month's time to renovate the ETP. The reply also disclose that when the unit was inspected on 12.09.2017, it was found that the unit was not in operation but the unit has established the ETP in the premises. Respondent No.1 has also stated that respondent No.2 informed that the unit will not be operated without getting the required consent.

Respondent No.2 has filed the counter today. In the counter respondent No.2 has specifically pleaded as follows:

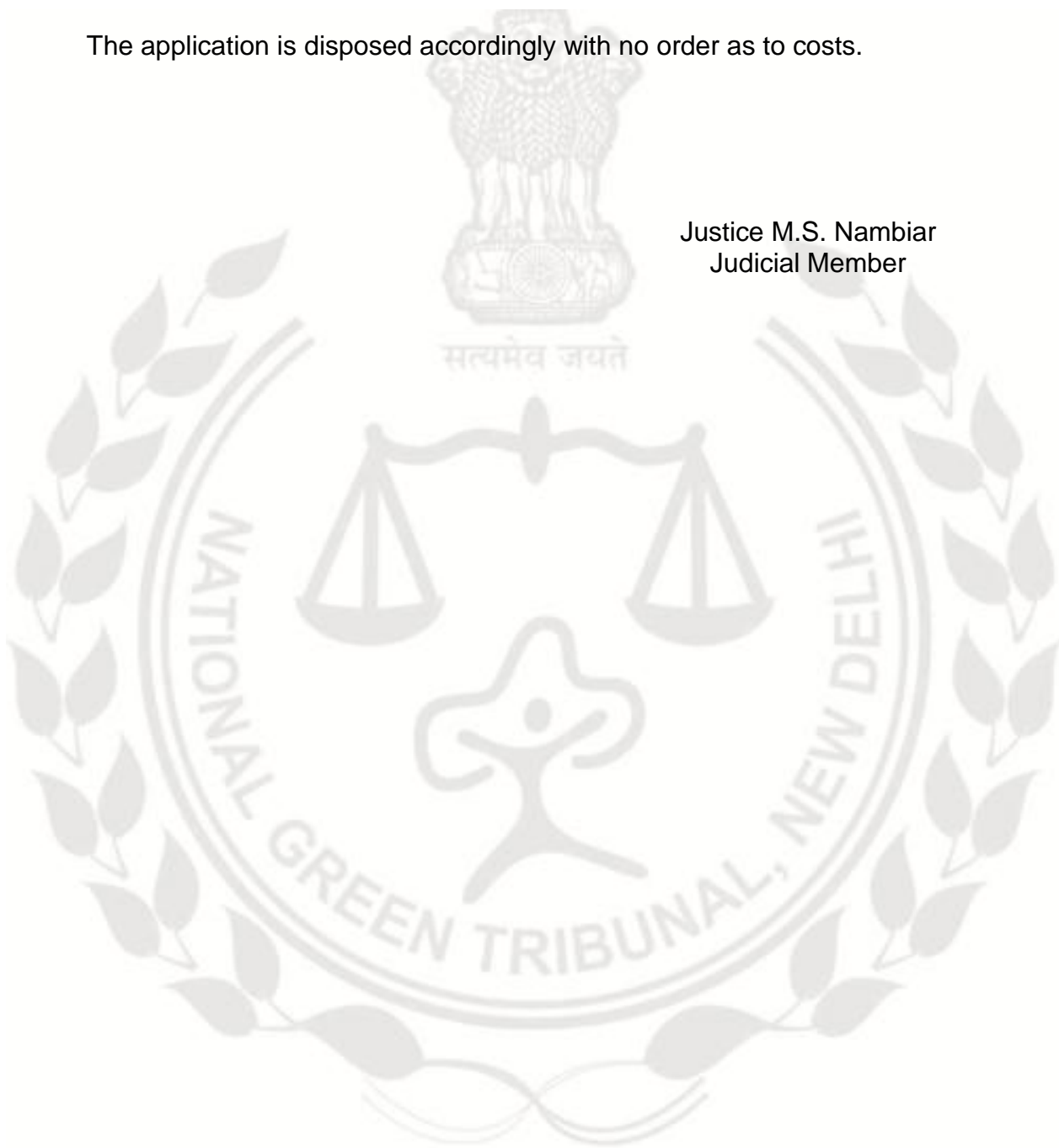
“I submit that the officials of the 1<sup>st</sup> respondent also visited the unit and instructed me to apply for consent apart from suggesting some alterations in the ETP. Only after making necessary alterations in the ETP and after obtaining the consent from the 1<sup>st</sup> respondent I will commence operation of the unit. I have no intention of commencing the operation of the unit for the time being.”

In the light of the unambiguous submission of the second respondent, the learned counsel appearing for the applicant submitted that the application be disposed of.

The application is therefore disposed directing respondent No.2 not to operate the unit without the required consent. Respondent No.1 is directed to monitor the unit and to take action if it is operating without the consent.

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

Justice M.S. Nambiar  
Judicial Member



**NGT**