

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

Application No. 195 of 2015(SZ)

IN THE MATTER OF:

M/s. Subhashri Bio Energies Private Limited
Rep. by its Managing Director Mr. S. Durairaju
67, Goundampalayam
Kumaramangalam Post
Tiruchengode - 637 205
Namakkal District.
Applicant(s)

AND

1. Government of Tamil Nadu
Rep. by its Principal Secretary to Government
Environment and Forests Department
Secretariat
Chennai - 600 009

2. Tamil Nadu State Pollution Control Board
Rep. by its Chairman
100, Anna Salai
Guindy
Chennai - 600 032.

3. The District Environmental Engineer
Tamil Nadu State Pollution Control Board
No.597, Salem Main Road
PSK Towers
Namakkal - 637 001

.... Respondent(s)

**Counsel appearing for the Applicant:
Mr. Muthumani Duraisamy
Mr. Kandhan Duraisamy**

Counsel appearing for the Respondents:

Mr. M.K. Subramanian for R-1

Mrs. Rita Chandrasekar for R-2 and R-3

ORDER

PRESENT:

HON'BLE SHRI JUSTICE M. CHOCKALINGAM, JUDICIAL MEMBER

HON'BLE P.S. RAO, EXPERT MEMBER

Dated 18th November, 2015

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 taken on file and numbered and placed before this Tribunal for admission this day. Heard the counsel for the applicant. The averments are looked into along with the materials available. The Tribunal is satisfied that there exists a substantial question connected to and concerned with environment and ecology to be decided by the Tribunal. Hence the application is admitted.

2. Mr. M.K. Subramanian, the counsel entered appearance and filed memo for the 1st respondent. Mrs. Rita Chandrasekar, the counsel entered appearance and filed memo for the respondents 2 and 3.

3. Heard the counsel for the applicant and the respondents. After hearing the counsel, the Tribunal is of the considered view that in order to avoid the avoidable delay, the application can be disposed of in the following manner:

The applicant, M/s. Subhashri Bio Energies Private Limited, aggrieved over the pendency of its representation before the Tamil Nadu State Pollution Control Board (Board), the 1st respondent, herein, has brought forth this application. The case of the applicant, in short, is that there are hundreds of poultry farms in and around the District of Namakkal which generate huge quantity of waste of about 2500 MT of poultry litter per day. The applicant took up efforts on a personal level to hygienically dispose of the waste and established a waste to Energy Bio-Power Plant. It is the pleaded the case of the applicant that the project is only a waste management effort on an individual level by a single farmer in the District, which collects waste from the poultry farms, stabilizes them and reprocess them back to the farmers in a totally 'Nothing to Waste Concept'. By treating the unit under red category, the Tamil Nadu State Pollution Control Board is charging huge consent fees every year. The Unit was declared as falling under red category as per the Board Proceedings Ms. No. 37, dated 10.3.2010. Subsequent to the same, the applicant has approached the authorities of all the concerned Departments of Central as well as State Government and got their respective approvals. A new representation dated 2.9.2015 was made and presented before the 1st respondent Board, bringing to the notice of the authorities listing all the approvals given in favour of the applicant and the industry itself is eco-friendly and hence the necessity has arisen for its removal from the red category and listing it under green category. The said representation is pending consideration before the 1st respondent, which according to the counsel for the applicant has got to be disposed of at the earliest.

4. The Tribunal heard the counsel for all the three respondents. It is not in controversy that the applicant made a representation to the Board in the month of February, 2010 even before the applicant was declared as falling under the red category in the month of March, 2010 and informed the same to the applicant on 30.3.2010. It is true that now the present representation has been given after lapse of nearly five years. But a satisfactory explanation is brought to the notice of the Tribunal by the applicant that after the applicant was declared as falling under the red category in the year 2010, he approached all the concerned authorities both at the Central as well as State Government level and got approval in his favour. After obtaining so, the present representation was submitted to the 1st respondent Board to consider his request for removal of the applicant's unit from the red category and consider it as a green project. Hence, no impediment is felt in order to avoid the avoidable delay, it would be fit and proper to issue a direction to the 1st and 2nd respondents to consider the representation dated 2.9.2015 of the applicant within a period of two months herefrom and pass suitable orders thereon in accordance with law. The application is disposed of.

No cost.

Justice M. Chockalingam
Judicial Member

P.S. Rao
Expert Member

NGT