



The Tamil Nadu Dr. Ambedkar Law University
தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
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19TH PRO BONO ENVIRO NATIONAL MOOT COURT COMPETITION

(MOOT COURT PROPOSITION)

20th, 21st SEPTEMBER and 11th OCTOBER, 2025.



MOOT PROPOSITION

1. The Union of Navalandheyam is a peninsula rich in natural resources and blessed with fertile lands. It has many perennial rivers, mountains, dense forests, marshlands, wetlands and is rich in bio-diversity. Ever since its independence 77 years ago, the country has fast paced its industrial growth and is a very bustling economy today. The ambitious nation is competing the developed countries with pride and zeal.
2. However, environmental experts point out that the development of the nation has come at a heavy cost of the environment and pollution by industries is rampant today. There are numerous industries of many categories letting out all sorts of pollutants and effluents into air, ground and water bodies directly affecting the very lifeline of the nation. The Union Government is accused of diluting laws and regulatory framework which does not take a tough stand against industrial pollution.
3. In this background, during the year 2010, the National Green Tribunal Act was enacted by the Parliament to constitute a specialised Tribunal to address the issues related to the Environment. Over the course of time, the NGT has been very actively dealing with environmental issues and sculpted a working mechanism to address industrial pollution and municipal/governmental issues of sewage, solid waste etc.,
4. During the year 2017, while dealing with industrial and municipal pollution issues in rivers and water bodies, the Hon'ble Supreme Court of Navalandheyam in the case of Paryavarana Suraksha Samiti vs Union of India issued elaborate directions and transferred the case to the NGT renumbered as Original Application No. 593 of 2017. The said original application is continuous and the NGT has been issuing many directions in the case.

5. Accordingly, by series of orders during 2019 in the above O.A.No. 593 of 2017, the NGT referred to reports prepared by the Central Pollution Control Board for setting up of treatment plants to combat the pollution issues and also methodology for assessing environmental compensation for discharge of pollutants in water bodies. The NGT directed the Central and State Governments, the Central and State Pollution Control Boards to accordingly take action as per the reports and ensure that pollution control norms are followed by all States. Further the NGT directed the Pollution Control Boards to assess, impose and recover environmental compensation as per the methodology provided in the reports against any violators, private or government, as an interim measure.
6. As per the above orders, the State Pollution Control Boards have also been assessing, imposing and recovering Environmental Compensation from erring industries and local bodies ever since, by passing orders under Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974, Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981 as well as under Section 5 of the Environmental Protection Act, 1986 wherein the powers of Section 5 of the Act were delegated to the State Pollution Control Boards.

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7. Tholliya Nadu is the southern most state in the country which seats the Southern Zonal Bench of the National Green Tribunal. River Porunai is an ancient flowing river in the state which caters to hundreds of hectares of agriculture and also is an important source of ground water and drinking water in many parts it flows through.
8. Over the years, there have been many industries setup around the river and there have been increasing complaints of the industries letting out sewage and also effluents into the river in an untreated manner which is polluting the same.

9. Among the most polluted was the Keeladi district which suffers the brunt of industrial pollution situated downstream along river Porunai. Keeladi also battles the issue of municipal sewage outfalls into the river. The district administration assured prompt action to set up treatment facilities for domestic sewage and bring back the glory days of Keeladi as the first ancient civilised district.
10. The Keeladi Pride and Glory Restoration Foundation (KGF) was a registered non governmental organisation working to restore the ancient pride of the region. The organisation was also continuously raising voice against the pollution in the district by innumerable industries and letting out of sewage and effluents into the portion of River Porunai in the district.
11. KGF filed an original application for the aforesaid issues before the NGT (Southern Bench) in O.A. No. 7 of 2021. The Hon'ble Tribunal upon hearing the nature of the complaint formed a joint technical committee comprising of experts from the Central Pollution Control Board, the State Pollution Control Board, an expert from Sangam University and the District Collector to identify the causes and reasons for pollution and also to propose remedial measures and legal actions to be taken against the violators.
12. The joint technical committee conducted inspections throughout the river stretch in Keeladi district and submitted a report dated May 2021. The report suggested that there is evidence of both sewage and industrial effluents mixing in the river based on the water analysis reports at various points. The committee identified the district administration as responsible majorly for sewage pollution since some households were still not connected to sewerage pipeline systems and there was not adequate capacity sewage treatment plant for the quantity of sewage generated by the population.

13. The committee also listed about a total of 234 units of small, medium and large scale industries situated along the river to have contributed to the industrial pollution since the inspections revealed that the units did not have valid consent orders / renewals and they were in operation of the plant without a properly functioning treatment system/ pollution control measure.
14. The Hon'ble NGT on receipt of the report disposed the case by directing the State Pollution Control Board to initiate appropriate action against the erring units including fixing and recovering environmental compensation from them. The NGT further directed the District Administration to forthwith connect sewerage of all households, plug the outfalls into the river and also immediately commission Sewage Treatment Plant of adequate capacity. The NGT directed the TNPCB to file periodical action taken reports once in every six months with regards to this issue before the NGT.
15. The Tholliya Nadu Pollution Control Board (TNPCB) issued show cause notices dated 18.06.2021 on all 234 units under Section 33-A of the Water Act and Section 31-A of the Air Act as to why action should not be taken for closure of the units for failing to obtain consent / renewal and also for non-operation of pollution control measures.
16. The TNPCB further issued notice in the same manner dated 18.06.2021 under Section 5 of the EP Act to the District Administration as well, imposing environmental compensation of Rs. 25 Crores as per the methodology of the CPCB.
17. The 234 units replied to the notices as Keeladi Industrial Units Association (KIA) by denying the allegations in the show cause notice. They submitted that the units are (i) not letting out any sewage or trade effluents into the river

(ii) have been operating with all licences and permissions from all other governmental bodies and are always ready and willing to obtain necessary Consent and/or renewals from TNPCB (iii) they have never caused any pollution in any manner (iv) some of the pollution control machinery were undergoing repairs and upgradations during inspections and would be remedied and made fully operational (v) they were under financial duress due to Covid pandemic and had only just recovered and many of the member plants were even yet to get back to production/operation.

18. Accordingly, as requested by the units, six months time was granted for the units to rectify the defects pointed out and also to obtain necessary Consent and renewal of Consent order if they intend to continue operations or else to close down the unit. The period was continuously extended as requested by the units for undertaking the repair works or upgradation of the machinery in order to meet the pollution control norms. The TNPCB also filed periodical reports before the NGT updating the progress in the units to improve the pollution control measures and revamping to meet the effluent discharge standards. In parallel, the Consent and renewal applications of the units were also being processed.
19. Finally during the end of the year 2024, KIA made full compliance before the TNPCB and the same was reported to the NGT by the periodical report during December 2024. However the NGT questioned as to why the TNPCB had not taken any action on imposition and recovery of Environmental Compensation from the erring units for the past violations which could be utilised for the further development of the ecology in the affected areas.
20. The TNPCB issued fresh show cause notices under Section 5 of the Environmental Protection Act dated 01.01.2025 on all the 234 units for imposition of Environmental Compensation calculating the period of violation from the date of inspection of the joint committee of the NGT in O.A.No. 07 of 2021 till the date of reporting compliance by the KIA in 2024.

The notice stated that even though the 234 units have remedied their defects in machinery for pollution control and also obtained Consent / renewals presently, they are liable for the past period of violation which was calculated as per the CPCB methodology.

21. Each of the units were separately given a table as per the CPCB methodology to arrive at the Environmental compensation for them and the total of all the 234 units was a sum of Rs.50 Crores including for repeat offences.
22. KIA filed a reply to the above show cause notice requesting time to seek legal advice and to verify records and file a detailed reply.

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23. Vadakku Pradesh is the largest state in the country. As per the directions of the NGT (North Zone) Bench in a Suo-motto case, the Vadakku Pradesh Pollution Control Board (VPPCB) issued order imposing Environmental Compensation of Rs. 40 Crores under Section 33A of the Water Act and Section 31A of the Air Act against one M/s Bhakthi Corporation, a conglomerate, for running industrial units without consent order/renewal and also for improper maintenance of pollution control measures.
24. M/s. Bhakthi Corporation challenged the order of the VPPCB before the NGT (North Zone) on the ground that there is no power for the Pollution Control Board to levy and recover Environmental Compensation under the statute. The NGT held that such power was available as per Section 17, 18 and Section 33-A of the Water Act and the similar provisions of the Air Act and that the State Pollution Control Board was a quasi-judicial body and directed the VPPCB to take immediate action to recover the Environmental Compensation

25. The Hon'ble High Court admitted the case and by its final judgment, agreed with the contention and declared that the State Pollution Control Board has no power to impose environmental compensation and quashed the order made by the Vadakku Pradesh Pollution Control Board. The Hon'ble High Court also declared that the NGT had no power to direct the State Pollution Control Board to impose and recover Environmental Compensation when such power was not conferred on the Board by law.
26. The VPPCB has filed an appeal against the said judgement of the High Court before the Supreme Court of Navalandheyam in Civil Appeal No 133 of 2025.

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27. KIA filed a detailed reply to the TNPCB by contending that (i) as per the Judgement of the Vadakku Pradesh High Court, the TNPCB has no power to levy Environmental Compensation as it is applicable throughout the country under Article 226(2) of the Constitution and the judgement of the Hon'ble Supreme Court in Kusum Ingots case (ii) the TNPCB has no power to issue Environmental Compensation under Section 5 of the EP Act (iii) the basis of the liability against the units is outcome of proceedings in O.A.No 7 of 2021 where the units were not parties and no copies of the joint committee report was furnished and (iv) there are no material to prove the offence of pollution directly against the units.
28. The TNPCB processed the reply of the KIA and rejected the plea of the KIA and issued a final direction under Section 5 of the Environmental Protection Act imposing an Environmental Compensation of Rs.50 crores in total against the units by individual breakup. The TNPCB relied on material records for periods of not having obtained Consent / renewal and also the report of the KIA submitting compliance of pollution control machinery proving that they were not fully compliant on pollution control norms prior to the same.

29. The KIA filed an appeal against the orders before the Hon'ble NGT (SZ). The same was allowed by the NGT(SZ) and the order of the TNPCB was set-aside by holding that the Judgement of the Vadakku Pradesh High Court declaring that the State Pollution Control Board has no power to impose Environmental Compensation is applicable. However the NGT(SZ) expressed in its order that the units were violating the law by not obtaining Consent/renewals and caused pollution by not having proper treatment systems in place and it was open to the TNPCB to pursue its remedy as per law.
30. The TNPCB however has preferred an appeal against the above judgement of the NGT(SZ) before the Hon'ble Supreme Court in Civil Appeal No 1330 of 2025.

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31. Since the issues in both the appeals are common, the cases have been listed together and posted for final hearing before a specially constituted five Judge Bench of the Hon'ble Supreme Court. The pleadings are complete. The following questions of law have been framed :-

ISSUE 1

Whether the Judgement of the Vadakku Pradesh High Court is applicable beyond its jurisdictional territory as per Article 226(2) of the Constitution and as per the judgement in the Kusum Ingots case? And Whether any Judgement passed by one High Court on the Water Act, Air Act and Environmental Protection Act or any Central environmental notifications /OM/Circular etc., be applicable throughout the country?

ISSUE 2

Whether the Central / State Pollution Control Boards have the power to levy and recover Environmental Compensation under Section 33-A of the Water Act , Section 31-A of the Air Act and Section 5 of the Environmental Protection Act?

ISSUE 3

If so, Whether the imposition of Environmental Compensation by the Pollution Control Boards can be based on the methodology of the CPCB in view of Section 15 of the NGT Act, 2010 and the Jan Vishwas Act, 2023?

ISSUE 4

Whether the units of M/s. Bhakthi Corporation and KIA are liable to pay Environmental Compensation in the absence of direct proof of pollution being caused by them and whether the orders of both the State Pollution Control Boards are correct? And Whether the orders of the Vadakku Pradesh High Court and the NGT (SZ) Bench are liable to be set-aside?

32. The Vadakku Pradesh Pollution Control Board and the Tholliya Nadu Pollution Control Board are the common appellants. The unit of M/s. Bhakthi Corporation and the KIA are the common respondents.
33. For the sake of convenience, the Counsel for the State Pollution Control Boards are deemed to also have instructions to represent their respective State Departments to assist the Hon'ble Supreme Court on related queries.

34. The laws are pari materia with the laws in India.

NOTE TO THE MOOTERS

This proposition is drafted by Adv. S Sai Sathya Jith, Standing Counsel for the Tamil Nadu Pollution Control Board. Participants are not allowed to contact the problem drafter directly/ indirectly for any clarification/ queries. The event and the characters depicted in the moot problems are purely a work of fiction and hypothetical. Any similarity to actual person, living or dead is purely coincidental.