

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**ORIGINAL APPLICATION NO.04 of 2022 (SZ)**

Jaganathasamy,  
s/o.Palanigounder,  
No.959, Narasingapuram,  
Krishnapuram post,  
Madathukulam Taluk,  
Tiruppur District.

...Applicant

Versus

The Member Secretary,  
Tamil Nadu Pollution Control Board,  
Chennai and others.

...Respondents

**REJOINDER OF 8<sup>th</sup> RESPONDENT TO REPLY OF THE APPLICANT FOR REPORT  
FILED BY TNPCB**

1. The 8<sup>th</sup> Respondent herein submits that all the allegations made by the reply filed by the Applicant for the report filed by TNPCB are denied to be false except those that are admitted herein.
2. The 8<sup>th</sup> Respondent submits that the Reply Statement filed by this Respondent shall also be read as a part of this Rejoinder.
3. It is submitted that as mentioned in para-3 of the reply filed by the applicant, 6<sup>th</sup> Respondent had issued a consent order during the year 1982 granting permission to the predecessor of the 8<sup>th</sup> Respondent herein for production of 24 tons of blue metal, 8 tons of chips and 8 tons of powder totalling 40 tons per day. In the year 1982, TANGEDCO had also issued 25 HP service connection to run the said unit, through which 40 tons per day was being manufactured. It is submitted that, during the year 1982, there was sufficient manpower to manufacture 40 tons per day. However, subsequently, there was only minimal labour due to which the power load had to be increased.

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4. The 8<sup>th</sup> Respondent submits that all the allegations made in para-4 of the reply of the applicant are false and concocted. As already mentioned in the reply statement of 8<sup>th</sup> Respondent, a perusal of the Proceedings of the 1<sup>st</sup> Respondent herein dated 31.07.2019 bearing B.P.No.21 (which is referred as Annexure No.1 in the Applicant's typedset of papers) would reveal that only new/proposed stone crusher should be located within 500 meters from the Highways. Thus, it is evident that the said circular is applicable only to the new or proposed stone crushers and not the existing crushers. Moreover, it emphatically denied that additional load of 61KW was effected by TANGEDCO to the 8<sup>th</sup> Respondent for running additional Jaw crusher, screen based on the consent order given by the 6<sup>th</sup> respondent. It is pertinent here to mention that the additional load of 61KW was granted to the predecessor in title of 8<sup>th</sup> Respondent during the year 2005 and the 8<sup>th</sup> Respondent came into the picture only during the year 2021. Moreover, it is humbly submitted that, in the said circular dated 31.07.2019, there is no restriction or whatsoever regarding the minimum power load to be utilized for running the crusher unit.
5. The 8<sup>th</sup> Respondent denies all the allegations made in paras 5 and 6 of the reply of the applicant and the applicant is put to strict proof of the same. The 8<sup>th</sup> Respondent submits that, as already mentioned above, during the year 1982, there was sufficient man power to break the bolder and the said power load of 25HP was enough for the crusher units. Subsequently, as the man power started diminishing, the bolder size was made big and there was no choice for this Respondent but to automate the machinery to manufacture the said permitted level of 40 tons. Thus, the additional load was obtained not to increase the production but to use the machinery for the purpose of manufacturing 40 tons.
6. The 8<sup>th</sup> Respondent denies the allegations made in para 7 of the reply of the applicant and the applicant is put to strict proof of the same. This Respondent submits that the M-Sand unit was never proposed to be used by this Respondent and it is completely false to state that the said unit was dismantled by this Respondent over night knowing that 6<sup>th</sup> Respondent was causing inspection on 27.01.2022. The 8<sup>th</sup> Respondent submits that there is no necessity for them to use the said M-Sand unit.
7. The 8<sup>th</sup> Respondent submits that the allegations made in para 8 of the reply of the applicant are false and the applicant is put to strict proof of the same. In the report filed by the 6<sup>th</sup> Respondent it has been mentioned that the unit has completed and constructed 13 feet wall on the eastern side and partially completed 10 feet on the northern side. The Respondent humbly states that all the equipments are installed 27 ft below the ground level which fact has already been mentioned in the report filed by the 6<sup>th</sup> Respondent and

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it is only above the said ground level this Respondent had constructed the rubber mud wall surrounding the unit to ensure that the unit is properly secured. It is over and above the said 27 ft, this Respondent had constructed 12 feet wall/ rubber mud wall on all the sides. Moreover, as per TNPCB norms, 15 feet is required but from the altitude of the pollution generation area, this Respondent has constructed 39 feet ups-tract which is more than double of norms. While so, it is not proper on the part of applicant to file this application alleging that the Respondent herein in violating the conditions laid down by TNPCB. With regard to the tar road, as mentioned in the reply of the applicant, there is a mud road existing in the unit and this Respondent is taking steps to lay down the roads as prescribed by the TNPCB within the unit and this Respondent humbly submits that the roads would be laid down before starting the operation of the unit. It is also pertinent here to mention that there is a government poromboke land situated adjacent to the land where this Respondent does not have any right to lay down the road. Other than that, the four boundaries of this Respondent's land is sufficiently surrounded by plants and sprinkler system is installed around the unit to reduce the pollution. This Respondent has also installed dewatering (fountain inside the unit) to keep the temperature controlled. The applicant has conveniently ignored to mention the true facts and has filed this application only to harass this respondent.

8. The 8<sup>th</sup> Respondent emphatically denies all the allegations in para – 9 of the reply filed by the applicant. This Respondent states that the unit is erected 27 feet below the ground level and the unit has been erected well within the stipulated limit with necessary permissions and there is no illegality committed by the Respondent herein as alleged by the Applicant. In the letter dated 27.07.2021, TANGEDCO has only instructed to erect the unit after leaving sufficient distance from the HT lines and there is no restriction as alleged by the applicant.

Therefore, for all the reasons stated above, it is most humbly prayed that this Hon'ble Tribunal may be pleased to dismiss this Original Application with costs.

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DATED AT CHENNAI ON THIS THE 22<sup>nd</sup> DAY OF MARCH, 2022



COUNSEL FOR THE 8<sup>th</sup> RESPONDENT

**PICTURES TO SHOW THAT THE UNIT IS SUFFICIENTLY SECURED ON ALL FOUR SIDES**





