

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTEHRN ZONE BENCH AT CHENNAI**

O.A. 4 OF 2022 (SZ)

Jaganathasamy,
S/o. Palani Goundar,
No. 959, Narasingapuram,
Krishnapuram Post,
Madathukulam Taluk, Tiruppur District,
9942359090
Email: Kritika.prabakaran@gmail.com

...Applicant

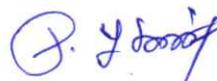
-Vs-

The Member Secretary,
The Tamilnadu Pollution Control Board,
No. 76, Mount Road, Chennai – 600 032.
Ph: 044-22353145 Email: tnpcb-chn@gov.in & 7 Ors. ...Respondents

**REJOINDER OF THE APPLICANT JAGANATHASAMY DATED
04.09.2023**

I, Jaganathasamy S/o. Palani Goundar, Residing at No. 959, Narasingapuram, Krishnapuram Post, Madathukulam Taluk, Tiruppur District, having temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:

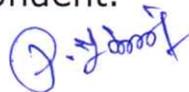
1. I submit that I am the Applicant herein and as such I am well acquainted with the facts of the above case. I submit that I have filed the above application inter alia seeking for closure of the crushing unit of the 8th Respondent herein since it is situate within the prohibited radius from the adjoining residential area as well as the national highway and further that at all times, they are exceeding the permissible crushing output of 40 tonnes per day



thereby causing severe dust and noise pollution and rendering the entire area uninhabitable.

2. I humbly submit that my earlier affidavits may be treated as part and parcel of this affidavit. I humbly submit that in the reply of the 8th Respondent dated 25.07.2023, the 8th respondent has stated at para 4 that they are not using the crusher with the specification which the Petitioner has marked from the brochure. I submit that the 8th Respondent has conveniently failed to disclose as to which crusher is being used by them and its specifications, since the entire unit is exclusively under their control and the special knowledge of the said aspect is attributable to the 8th Respondent alone, which he alone can discharge.

3. I further submit that at para 5 of the reply dated 25.07.2023, the 8th Respondent has claimed that there is a dewatering unit installed and it consumes 10 HP. I submit that the 8th Respondent has invented this submission/made this claim as an after thought to escape from the clutches of their heavy electricity bills since the 1st and 6th Respondent have inspected the 8th Respondent unit and reported on 09.02.2023 and there is no mention of the above dewatering unit in the said report. The said unit is also not available in the Consent order of the 8th Respondent.



4. I humbly submit that the 8th Respondent is put to strict proof of his submission that it is using any of the spraying/sprinklers since the entire unit is dry at all times as is visible in the photographs annexed herewith.

5. I further submit that the 8th Respondent claimed that there are no permits issued by the Government for transporting the output of their unit since the purchasers themselves receive the output using their own conveyance. I submit that the above submission of the 8th Respondent is false since, factually the output of the said unit is transported using a Taurus Lorry No. TN78 AY 4488 on which the name of the 8th Respondent is inscribed.

I, therefore, pray that this Hon'ble Tribunal may kindly take the above facts on record, allow the O.A. 4 of 2022 and pass any such order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.



Solemnly affirmed at Tiruppur

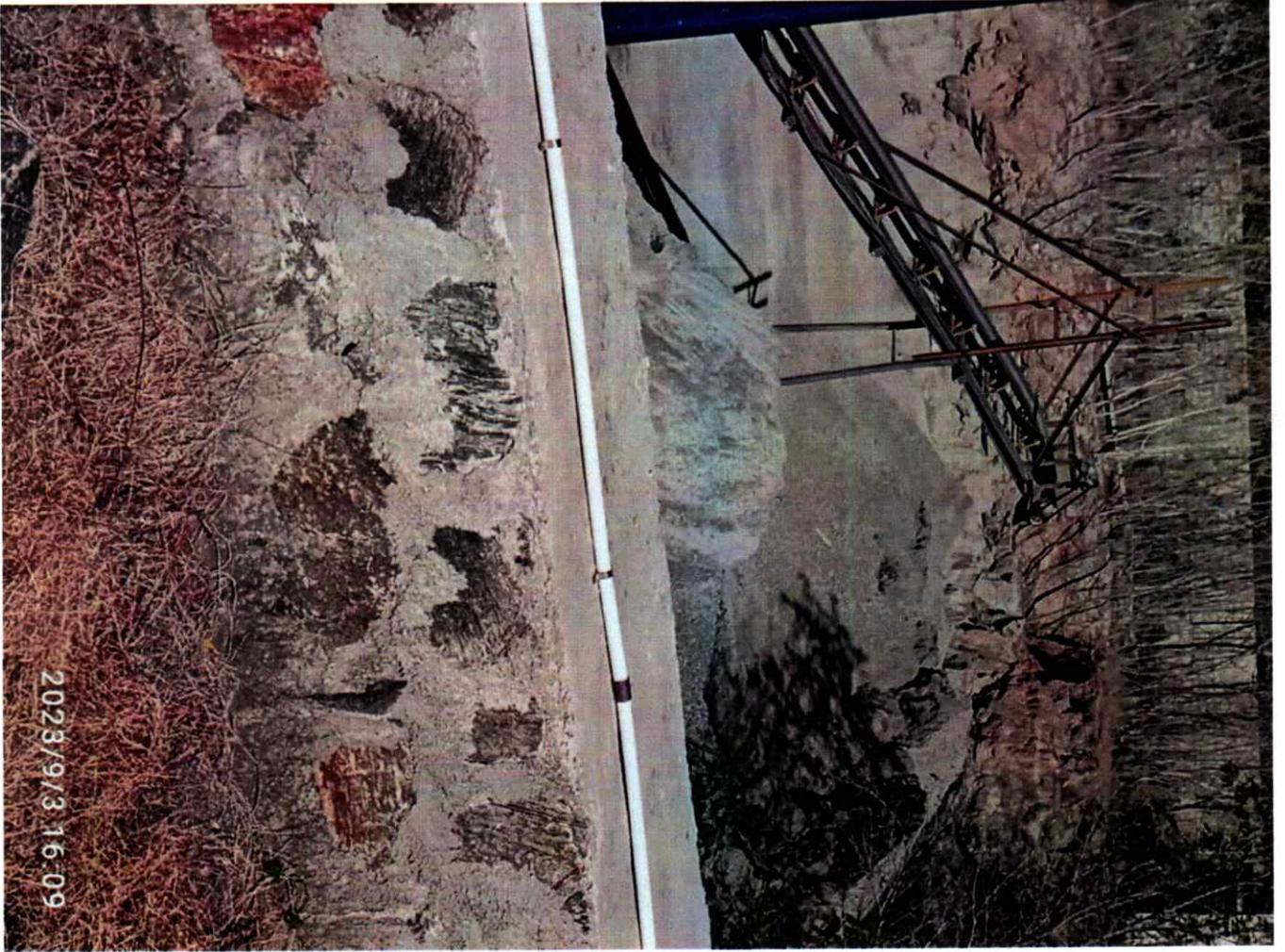
Before me

On this the 4th day of September, 2023

And signed his name in my presence

Advocate: :Chennai





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JAGANATHASAMY DATED 04.09.2023

KRITIKA KAMAL .P
M/S. 1404/2012
9940231391
COUNSEL FOR APPLICANT