

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

**Appeal 11 of 2020**

K.Saravanan,

.... Appellant

Vs.

1. The Tamilnadu Polymer Industries Park Ltd  
rep by its Managing Director  
and Another

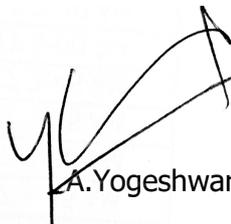
...Respondents

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//Certified to be true copies of the originals//

Dated at Chennai on this the 17<sup>th</sup> day of January, 2021



A. Yogeshwaran  
Counsel for Appellant

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**Additional affidavit of K.Saravanan dated 17.01.2022**

I, K.Saravanan, Son of Kasinathan, Aged about 37 years, residing at No. 30, Urur Kuppam, Besant Nagar, Chennai - 90 do hereby solemnly affirm and sincerely state as follows:

1. I am the Appellant herein and I am aware of the facts and circumstances of the case. I have filed an application under Section 26 of the NGT Act, 2010 aggrieved by the failure of the 1<sup>st</sup> Respondent to comply with the order of this Hon'ble Tribunal dated 10.12.2021 ordering the maintenance of status quo.
2. The Hon'ble Tribunal allowed the application filed by me to reopen proceedings and directed the respondents to maintain status quo on 01.12.2021. Thereafter on 10.12.2021, status quo was directed to be maintained till disposal of the appeal.
3. It is submitted that a notice was issued by my counsel to the 1<sup>st</sup> Respondent on 11.01.2022 after it came to light that the order of status quo issued by this Hon'ble Tribunal was being blatantly violated by the 1<sup>st</sup> Respondent and there was landfilling and construction activity going on in the project site. A reply notice dated 12.01.2022 was sent by email by the counsel of the 1<sup>st</sup> Respondent on 15.01.2022 and the same is being produced herewith as Annexure 1.
4. I state that a perusal of the reply notice makes it abundantly clear that the 1<sup>st</sup> Respondent is carrying on work at the project site in violation of the status quo



order and in fact "the project site activities are nearing its completion". The 1<sup>st</sup> Respondent also falsely claims that the status quo order only pertains to a specific area in the project site where there was water stagnation and does not pertain to the entire project area. The same is without basis and the status quo order dated 10.12.2021 is not restricted to a specific area and does not make any such distinction between areas with water stagnation and without. The case of the appellant (also supported by the 1<sup>st</sup> Respondent's own EIA report) inter alia is that the entire project site is a tidally influenced waterbody.

5. It is further submitted that my application to re-open the main appeal was allowed on 01.12.2021 and all documents filed by me before this Hon'ble Tribunal was also duly served on the Respondent by my counsel. The contention of the 1<sup>st</sup> Respondent that the status quo order was passed owing to paucity of time has no basis. I am advised to submit that in fact, the Hon'ble Tribunal specifically put a question to the respondent's counsel as to whether any activity was going on at the site and the Hon'ble Tribunal was assured that work was not progressing at the site. I apologise for not noticing earlier that the project proponent was proceeding with the work – we were under the bonafide belief that the respondent would comply with the orders of this Hon'ble Court and were shocked to notice that work was progressing. It is submitted that the respondent project proponent repeatedly self certifies itself as a prestigious project and as a Government project – however, its conduct is not becoming of its self-avowed prestige. No party can violate an order of this Hon'ble Court, irrespective of its alleged prestige or lack thereof.
6. It is therefore prayed that this hon'ble Tribunal may take this additional affidavit on record and pass necessary orders and render justice.

Solemnly affirmed on this the     ]  
 17<sup>th</sup> day of January, 2022 and     ]  
 signed his name in my presence    ]



Before me,



Advocate, Chennai

M-1, vadhula, No.18,  
 brindavan Street,  
 Mylapre, Chennai-04

Tamil Nadu State  
Agricultural  
Marketing Board

**Ramesh Venkatachalapathy** ADVOCATE  
M.A., L.L.M. (Chicago Kent College of Law)  
Panel Advocate :  
State Industries Promotion Corporation of Tamil Nadu (SIPCOT)  
Standing Counsel :  
Tamil Nadu State Agricultural Marketing Board [TNSAMB]



Off:103, (Old #54) Santhome High Road,  
Foreshore Estate, Chennai - 600 028.  
Ph. : 2464 2872, 2461 0221, 4206 7090  
Mobile : 98400 26172  
E-mail: rameshv23@gmail.com

To  
Mr. Yogeshwaran,  
Advocate,  
M-1, Vadhula, No. 18, Brindavan St.,  
Mylapore, Chennai 600 004.

Dated: 12.1.2022

Dear Sir,

Your notice dated. 10.01.2021 (received by my client on 11.1.2022) issued on behalf of your client Mr. Saravanan, addressed to my client Managing Director of Tamilnadu Polymer Industries Park Limited has been placed into my hands with suitable instructions to send the following by way of reply:-

My client is a State-owned Corporation registered under the Companies Act and I state that i do not admit any of the averments raised in your contempt notice. The entire averments raised by you are all contrary to facts and strongly denied by my client.

I state that the averments raised in para 1 & 2 are factual in nature. The averments raised in para 3 are partially denied.

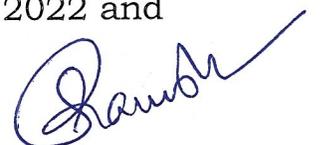
I state that during the hearing on 22.12.2021, it was specifically brought to the notice of the Tribunal that the status quo order was obtained by showing some unauthenticated video files without serving copies to the counsel for the respondents and the Tribunal assured that they are not going to take cognizance on the video file. I have also filed a counter to the Interlocutory Application filed by your client seeking for reopening the proceedings in Appeal 11 of 2020. In the counter statement i have taken strong objections on the manner in which the counsel for the Appellant induced the Tribunal in submission of video files without any supporting documents. When

the application is pending adjudication, the contempt notice dated 10.1.2022 is totally unwarranted.

I state that averments in para 4, 5 & 6 are strongly denied. My client further states that a perusal of averments raised in the Interlocutory Application relates only to the northern most corner of the project site where there was water stagnation during the unprecedented rain in the month of November 2021. My client states that they had obtained Environmental Clearance from State Environmental Impact Assessment Authority and "Consent to Establish" from the Tamilnadu Pollution Control Board for a total extent of 239.82 acres of project site and there is no prohibitory order from the Tribunal as alleged in the Contempt Notice prohibiting my client from operating in the entire project site.

Your statement that the Tribunal has ordered status-quo for the entire project is misinterpreted as prohibitory order and contrary to the facts that the project has been ongoing since Feb 2020 based on the Environmental clearance dated 11.12.2019 and as on to date the project site activities are nearing its completion. As such my client is maintaining the status-quo of the area where there was water stagnation as represented by you before the Hon'ble Tribunal from 01.12.2021, as per the NGT Order dated 1.12.2021.

We state that basis of the Contempt Notice dated 10.1.2021 (received by my client on 11.1.2022) a newspaper article was published on 12.1.2022 New Indian Express stating that my client has never replied to the averments. It is brought to the notice that the representatives of Indian Express Paper has sent an email to my client seeking response to the averments at 5 pm on 11.1.2022 and





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Off:103, (Old #54) Santhome High Road,  
Foreshore Estate, Chennai - 600 028.  
Ph. : 2464 2872, 2461 0221, 4206 7090  
Mobile : 98400 26172  
E-mail: rameshv23@gmail.com

My Clients were shocked to see the article published on the very next day without giving sufficient time for my client's reply. I am to state that the entire article is contrary to facts and same has been published only based on unauthenticated information derived from your contempt notice.

I state that you have induced the paper New Indian Express to publish articles which are contrary to the facts. My client reserves the right to clarify the same with the newspaper New Indian Express. Since the matter is sub-judice before the Hon'ble Tribunal the act done by your client is nothing but slander and spreading of false information with malicious intention to influence the Tribunal which are all offences punishable under the Indian Penal Code.

I state that during the pendency of the Appeal right from the year 2020 there was no prohibitory orders passed by the Tribunal and due to the paucity of time the Tribunal passed the status-quo order without hearing my objections and listed the matter on 11.1.2022 since the expert member of the Tribunal was not sitting the same is posted on 18.1.2022 for hearing.

I state that this project is a prestigious project for the welfare of the State and all safeguards relating to environmental issues have been considered by the State Environmental Impact Assessment Authority (SIEAA) and are granted permission for the project and Appeal No. 11/2020 filed by your client is pending adjudication and kindly instruct your client to refrain from adapting unethical methods in staling the projects of State importance in the guise of environmental protection.

*Ramesh*

I further state that all acts done by my client in the project site are done as per the guidance of SEIAA and Tamil Nadu Pollution Control Board and being arm of the state the duty to protect the environment and to have a balanced growth for economic upliftment of the State is also thrust upon my client and my client has not violated any undertaking given to the Tribunal.

I state that kindly instruct your client not to indulge in such activities including unauthorized/trespassing into my client's property. I further state that without any consent from my client to enter the project site is itself an offence. I state that you use your good office to instruct your client to withdraw the contempt notice failing which my client would be constrained to initiate appropriate legal proceedings and also defend any proceedings initiated by your client based on false information.

Your's

