

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

Original Application No. 122 of 2023

IN THE MATTER OF:

R. Kannappan

...Applicant

VS

The Chairman,
Tamilnadu Pollution Control Board & 6 others

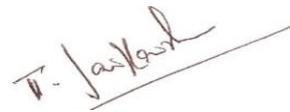
...Respondents

**INDEX TO REPLY AFFIDAVIT FILED BY THE 7TH
RESPONDENT**

S. No.	Date	Particulars	Page No.
1.	26.02.2024	Reply affidavit by the 7 th Respondent	1-8

Chennai

26.02.2024



Counsel for the 7th Respondent

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

O.A. NO. 122 OF 2023

R. Kannappan

...Applicant

Versus

The Chairman,
Tamil Nadu Pollution Control board & 6 others

...Respondents

REPLY AFFIDAVIT FILED BY THE 7TH RESPONDENT

RESPECTFULLY SHOWETH:

I, P. Mahendran, proprietor of V.B. Agro Farms, having office at: S.F. No. 139/2, Illupanatham Village, Mettupalayam Taluk, Coimbatore District., do hereby solemnly affirm and sincerely state as under:

1. That, I am the 7th Respondent in this O.A. 122 of 2023 and I am the Proprietor of "V.B. Agro Farms". I am well aware of the facts and circumstances of this case.

2. I deny all the allegations and averments contained in the O.A.No:122 of 2023 which are totally false and baseless.

3. That at the outset, it is respectfully submitted that the averments made by the Applicant that we are manufacturing button mushrooms using chemicals and composite fertilizer



violating the consent conditions of the CTE granted by the District Environmental Engineer, Coimbatore (North), Tamil Nadu Pollution Control Board are utterly false.

4. That it is humbly submitted that we have never used any chemicals or done any violation on the CTE conditions.

5. I submit that the above O.A. is a motivated litigation without any bonafides. The applicant has been creating unnecessary troubles with dishonest intentions and ulterior motives to this respondent and at his instigation certain miscreants obstructed the way to my unit by digging the earth and also threatened me and as such I had lodged a police complaint on 02/04/2023 with the Sirumugai Police Station and a F.I.R. in Cr.No:118 of 2023 was registered as against the offenders for offences under 294(b), 323 and 506(i) of IPC. Immediately thereafter I had filed a civil suit in O.S.No:99 of 2023 as against the applicant as well as the others for declaration and permanent injunction and interim orders of injunction have been granted on 28.04.2023 in I.A.No:2 of 2023 restraining the defendants from preventing the way to my unit and the said suit is pending.

6. I respectfully submit that it is thereafter, that the applicant has rushed to this Hon'ble Tribunal during August, 2023 by making absolutely false and mischievous allegations just to harass this respondent and as a counter blast to the legal measures taken by this respondent to protect his own rights by approaching the police authorities and the civil court.



7. I humbly submit that my unit is a non-polluting unit coming under the White category of units as per the categorisation by the Central Pollution Control Board and only because of the use of the Generators that the requirement for obtaining the consent from the Pollution Control Board became necessary. While so, totally false allegations are made in the O.A. without verification.

8. I humbly submit that there are no air and water pollution caused due to the mushroom manufacturing by our industry and also it is a baseless allegation made by the applicant that due to this industry the residents nearby experienced severe health issues. Our industry is surrounded with agricultural lands and there have been no complaints of any nature from any quarters on account of my unit.

9. That it is submitted that originally my vendor Mr. Rajagopal, after obtaining due approval from the concerned authority constructed A.C.C. Roof sheet building and leased it to one Vijaykumar in 2019 for preparation of compost for button mushroom. Subsequently, Vijaykumar vacated the said premises and on 07.09.2021, we entered into a lease agreement with the said Rajagopal and started preparation of compost for button mushroom there in the name of M/s. V.B. Agro Farms and it was with the due approval from the concerned authorities. Later it was again transferred to P. Sivakumar and we entered an agreement with him and thus from 07.09.2021, we are in



possession and running the industry of compost for button mushroom.

10. That it is submitted that the Pollution Board Authorities had inspected our premises and permitted us to run the business as this industry falls under White Category.

11. That it is submitted that with regard to the Proceedings dated 15.05.2023, we had contacted the Tamil Nadu Pollution Control Board in the 3rd week of May 2023 and gave full explanation with regard to the procedures followed in our unit for "Button Mushroom Compost". It is also pertinent to note that in spite of there being no mandatory rule for having "Wet Scrubber" in the compost unit, we immediately complied with the oral directions of the Tamil Nadu PCB and prior to the disconnection date (01.06.2023), itself we had placed an order for the installation of the wet scrubber in our unit.

12. That it is submitted that the water used for compost is re-used and water is not at all discharged from the unit at any point of time and there is no such violation.

13. That it is submitted that the preparation of compost for button mushroom is an organic process and the said process followed is uniform in nature across the state of Tamil Nadu. In this process of compost, the water used is re-used for the same process so necessity to discharge water from the unit does not



arise and as such there is no water pollution caused by this industry.

14. That it is submitted that after the closure order issued on 17.07.2023, the industry was not run by using power generator as alleged by the applicant. The generator was used only by the Wet Scrubber installation team for erection of wet scrubber.

15. That we applied for the Consent for Establishment with the Tamil Nadu Pollution Control Board and it was approved by letter dated 30.05.2019 and we have got consent to operate valid till 31.03.2024.

16. That the order dated 18.10.2023 passed by this Hon'ble Tribunal, also confirms that the according to the Tamil Nadu Pollution Control Board, this industry basically does not require a consent but it was granted as the activity involves use of machines. It was also stated in the order of this Hon'ble Tribunal on the same date that the unit can continue to run if all the measures are taken.

17. I submit that the procedure followed for button mushroom manufacture is as stated here. The substrate on which button mushroom grows is mainly prepared from a mixture of plant wastes (cereal straw/ sugarcane bagasse etc.), salts (urea, gypsum etc.), supplements (chicken manure, De oiled cake, cotton seed hulls) and water. Inorder to produce 220 g



of mushroom, 1 kg of dry substrate materials are required. It is recommended that each ton of compost should contain 1.8 - 2.0 % nitrogen, pH 7.5 and 60 - 65 % moisture on a dry weight basis. The ratio of C: N in a good substrate should be 25-30: 1 at the time of staking and 16-17: 1 in the case of final compost. During the first phase of compost preparation, paddy straw is placed in layers and sufficient water is added to the stack along with the prepared supplements. The whole thing is mixed thoroughly with the straw and made into a stack (almost 5 feet high, 5 feet wide and of any length can be made with the help of wooden boards). The stack is turned and again watered on the second day. On the fifth day the stack is again turned for the second time by adding gypsum and watered. The third turn is done on eighth day. The fourth / final turning is given on the twelfth day when the colour of the compost changes into dark brown and it starts emitting a strong smell of ammonia. The wet scrubber is used to suck the ammonia and it is been dissolved in water. The second phase is the pasteurization phase. The compost prepared as a result of microbe mediated fermentation process needs to be pasteurized in order to kill undesirable microbes and competitors and to convert ammonia into microbial protein. The whole process is carried out inside a steaming room where an air temperature of 60°C is maintained for 9 hours. The compost finally obtained should be granular in structure with 60% moisture content and pH 7.5. It should have a dark brown colour, sweet unobnoxious smell and free from ammonia, insects and nematodes. After the process is complete, the substrate is cooled down to 25 °C. Harvesting is done at button stage and



caps measuring 2.5 to 4 cm. across and closed are ideal for the purpose. The first crop appears about three weeks after casing. Mushrooms need to be harvested by light twisting without disturbing the casing soil. Once the harvesting is complete, the gaps in the beds should be filled with fresh sterilized casing material and then watered.

18. About 10-14 kg. fresh mushrooms per 100 kg. fresh compost can be obtained in two months crop. Short method used for preparation of compost under natural conditions gives more yield (15-20 kg. per 100 kg. compost). Harvested mushrooms are cut at the soil line and washed in a solution of 5g. KMS in 10L. of water for removing the soil particles as well as to induce whiteness. After removing excess water these are packed in perforated poly bags each containing around 250-500 g. of mushrooms. They can be stored in polythene bags at 4-50 C for a short period of 3-4 days. The mushrooms are usually packed in unlabelled simple polythene or polypropylene for retail sale. Bulk packaging does not exist. In developed countries, modified atmosphere packaging (MAP) and controlled atmosphere packaging (CAP) are in vogue.

19. That it is submitted that a recent inspection was conducted by the Tamil Nadu Pollution Control Board during September 2023 and it was found that there was no pollution or activities as falsely alleged by the applicant and that our unit is complying with the norms. While so, it is with absolute malafides and hidden agenda and ulterior intentions the above O.A. has been filed making totally reckless and baseless allegations.

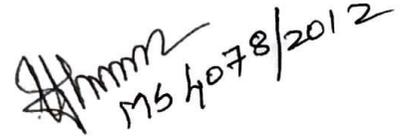


20. It is therefore most respectfully submitted that there are absolutely no merits in the above O.A. and the same deserves to be dismissed and accordingly prayed.

Solemnly affirmed at Mettupalayam
On this the 26th day of February,
2024 and signed his name
In my presence



Before Me



Advocate :: Mettupalayam