

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL(SZ)**  
**IA. No. 14 of 2024**  
**In**  
**OA No. 12 OF 2024**

**1. M/s. Ashok Blue Metal,**  
**Rep. by its Managing Partner,**  
Mr. S. Prakasam,  
No.18-B, Markabandhu Street,  
Perumanur, Salem- 636 007.

**...Interlocutory Applicant**

**-Vs-**

**1. E V. Sampath,**  
**S/o. Varadhan,**  
No. 1/113, Bajanakoil Street,  
Erumaiyur, Chennai- 600 044.  
Email: [yogehswaranadv@gmail.com](mailto:yogehswaranadv@gmail.com)  
Ph. No. 9566254546

**1<sup>st</sup> Respondent/Applicant**

**2. Tamil Nadu Pollution Control Board,**  
**Rep. by its Member Secretary,**  
76, Mount Salai,  
Guindy, Chennai- 600 032.

**....2<sup>nd</sup> Respondent/ 1<sup>st</sup> Respondent**

**REPLY FILED BY M/S ASHOK BLUE METAL**  
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**Certified that the above documents are true copies of their respective originals.**

**Dated at Chennai on this the 6<sup>th</sup> day of March, 2024.**

*M.A. Abdul Wahab*

**COUNSEL FOR PROPOSED RESPONDENT**

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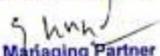
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**REPLY FILED BY M/S ASHOK BLUE METAL**

I, Prakasam, S/o. Mr. Subbaraya Gounder, aged about 64 years, Managing Partner of M/s. Ashok Blue metal, having office at No.18-B, Markabandhu Street, Perumanur, Salem- 636 007., temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:

1. I am the Managing Partner of M/s. Ashok Blue Metal (hereinafter referred to as 'Respondent Unit') and as such I am authorized to file the present reply.
2. I had filed an Interlocutory Application in IA. No. 23 of 2024, to implead myself in the present Original Application.
3. I am filing this reply to the present Original Application filed by the Original Applicant (hereinafter referred as Applicant).

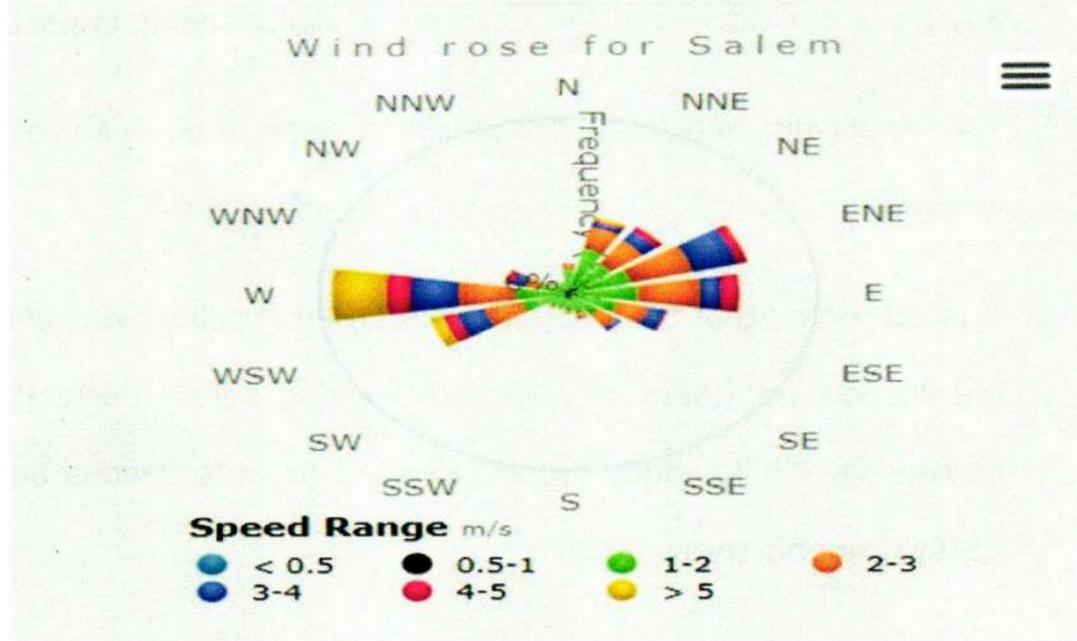
For ASHOK BLUE METAL  
  
Managing Partner

4. It submitted that Applicant lacks bonafide and do not have any locus standi to bring the factum of relevant activities and also did not provide any proof of evidence for his agricultural land is being impacted.
5. The Applicant had filed the present application with a malafide intention.
6. It is submitted that the impugned Board Proceedings was enforced by the Respondent Board only after conducting detailed scientific study, namely the NEERI study report, which is an autonomous body under CSIR, Government of India.
7. It is submitted that the impugned Board Proceedings are regulatory mechanism and as such it only allows an industry to be established only when all the pollution control measures are satisfied. The allegation of pollution will not arise as the present Respondent industry is having state of the art technology to minimize pollution. Accordingly, the needful APC measures and physical barrier such as wind breaking walls to reduce the downward wind direction to 90% of the wind speed, water sprinklers for all the hotspots of lorry movement, rotary screen and jaw crusher are installed.
8. The Respondent Unit has the following wind direction and Wind rose and wind speed furnish as meteorological summary:

For ASHOK BLUE META

  
Managing Partn

The *annual wind rose* below showing how wind speed and direction are typically distributed in Salem.



	Min	Max	Average
Wind Speed	-	8.5	2.5
Humidity	21.9%	97.3%	67.8%

The wind breaking structure is provided with G.I sheets suitable structural stability to withstand any wind pressure and provided at 20 feet's in all direction structure as specified by National protective council (NPC) and NEERI so as to meet out 90% reduction in wind speed. The site is surrounded by hillock in East, West, North which are natural barriers to address the protection of wind speed NE to SW, SW to NE seasonal wind directions. Hence the applicant statement did not have any scientific basis to comment on the NEERI, NPC guideline-based APC measures taken by our unit.

For ASHOK BLUE METAL.

*[Signature]*  
Managing Partner

9. The applicant is not an expert body nor has any idea about the Geographical location of the Crushers which are mostly located in the close vicinity of the quarries to mine leased by them and far away from agricultural lands, residential area.
10. It is submitted that this Respondent unit had obtained Consent to Establishment vide Board proceeding No.F.2043/SLM/OS/DEE/TNPCB /SLM/W&A/2019 date 29.8.2019, only after satisfying the site location norms provided by the B.P. MS.NO.21 dated. 31.7.2019. This Respondent unit has invested huge sum of money in machinery, land etc., and had also obtaining loans The Board's B.P No. 21 dated 31.7.2019 was stayed vide Hon'ble High Court order dated 06.09.2019 in the WMP NO. 26175 of 2019 and W.P. No.26786 of dated 06.09.2019. The applicant has already obtained CTE before stay proceeding, hence the applicant is legally eligible to get consent to operate.
11. The Applicant has misinterpreted the provisions of Sec - 21 of the Air (Prevention and Control Pollutions) Act 1981 which empowers the Statutory enforcement to State Pollution control board and thereby to frame rules namely Tamil nadu Air (Prevention and Control of Pollution) Rules, 1983 to monitor the industries with the standards of the Ambient air quality as prescribed by CPCB during 2009. The Respondent Board also have the Consultative process before issuing Consent order duty observing are strengthened by Land use classification for the site

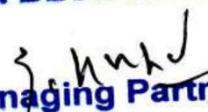
For ASHOK BLUE METAL

  
Managing Partner

suitability to confirm all the statutory Provisions for Act 1981 are satisfied.

12. It is further submitted that Board Proceedings No. 21 dated 31.07.2019 was enacted only after legal and thorough the science-based study by NEERI and NPC which are placed in the Board meeting represented by all statutory authorities and members and hence the Applicant cannot ask to quash it.
13. It is further submitted that the TNPCB vide resolution No 292-2-2 dated 10.10.2023 solved on 16.10.23, the ambiguity that are unnecessary for site location criteria and to address the needful Pollution control measures and suggest measures such as wind breaking structure of 20ft height around the periphery of the unit scientific water spray, hygiene and safety measures for workers, and did not have any motivation as there are specific stringent ambient air quality standards prescribed by CPCB during the year 2009 to follow. At this stage the distance specific is null and void after the Scientific study by NEERI, NPC and TNPCB proceedings.
14. This Respondent unit has provided suitable Workers Camp with state of art buildings with safe drinking water unit at the rate of 500 liters/hour and sanitation by providing septic tank & soak pit. Also, this Respondent unit has provided the livelihood to support for local employment to address the Poverty (which is No. 1 of the Sustainable

**For ASHOK BLUE METAL.**

  
**Managing Partner**

Development Goals 17 framed during 2015). The Unit has provided food security for the workers with clean fuel as LPG for Cooking instead of fire wood and provided drinking water and sanitation as observed.

15. We have complied with all the conditions imposed in CTE, guidelines of NEERI, and NPC. We are a small registered MSME in orange category which always a legally obeying unit and has significant resource efficiency, pollution control management, community health & safety, labour welfare and wellbeing.

For the reasons stated above, it is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the present Original Application and direct the Respondent Board to issue consent to operate, or pass such other further orders as this Hon'ble Tribunal may deem fit and necessary and thus render justice.

**For ASHOK BLUE METAL**  
  
Managing Partner

Solemnly affirmed on this the \_\_\_\_\_ :

BEFORE ME

6<sup>th</sup> day of March, 2024 at Chennai:

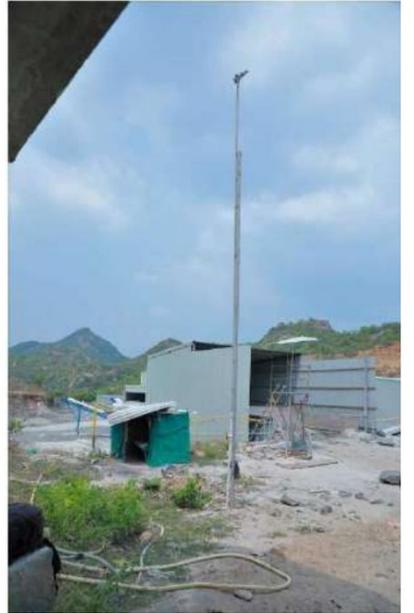
And signed his name in my presence.: (ADVOCATE : CHENNAI )

# 8 Annexure 1

## CTE Compliance Conditions of M/s Ashok Blue Metal

<b>CONSENT ORDER NO. 1901127862811 DATED: 29/08/2019.</b> <b>PROCEEDINGS NO.F.2043SLM/OS/DEE/TNPCB/SLM/W/2019 DATED: 29/08/2019.</b> <b>WATER ACT:</b>		
S.No	Conditions	Compliance
	<b>Additional Conditions:</b>	
1	The unit shall provide the septic tank followed by soak pit arrangement for the treatment and disposal of sewage generated from the unit as proposed.	 Septic tank constructed
2	The unit shall provide the Effluent Treatment Plant to treat the trade effluent generated from the washing section so as to meet the standards prescribed by the Board as proposed.	 ETP was installed at the site
3	The unit shall ensure that the treated effluent shall be completely recycled in the unit's process itself after satisfying the standards prescribed by the Board.	Ensured to Comply with
4	The unit shall provide rainwater harvesting facility within the premises for the recharge of ground water.	Ensured
5	The unit shall obtain other permissions from the competent authorities whatever it is necessary for establishment/operation of the unit.	Complied
6	The issue of this consent is not construed as consent to operate to the unit and the unit shall obtain Consent to operate before commencing the operation of the unit.	Ensured to Comply with

7	The unit shall provide water sprinkler arrangements as proposed to suppress the dust emission.	 <p>7 Nos sprinklers installed</p>
8	The unit shall strictly adhere with provisions in the B.P.Ms.No. 4 dated 02.07.2004 & B.P. Ms No 21, dated 31.07.2019	Ensured
9	The unit shall develop adequate green belt along with the periphery of the unit so as to attenuate Air and Noise Pollution.	 <p>Adequate green belt development provided in the site.</p>
10	The unit's activity shall not invite any complaints.	Ensured to Comply with
11	The unit shall not use "use and throw away plastics" such as plastic sheets used for food wrapping, spreading on dining table etc., plastic plates, plastic coated teacups, plastic tumbler, water pouches and packets, plastic straw, plastic carry bag and plastic flags irrespective of thickness, within the industry premises. Instead, the unit shall encourage use of eco-friendly alternative such banana leaf, arecaunut palm plate, stainless steel, glass, porcelain plates / cups, cloth bag, jute bag etc.,	Ensured to Comply with

<b>General Conditions:</b>		
1	This consent to establish cannot be construed as consent to operate and the unit shall not commence the operation without obtaining the Consent to operate.	Ensured to Comply with
2	The applicant shall make a request for grant of consent to operate at least thirty days, before the commissioning of trial production.	Application submitted on 12/07/2022
3	Any Change in the details furnished in the conditions has to be brought to the notice of the Board and got approved by the Board, before obtaining consent to operate under the said Act.	Ensured to Comply with
4	The unit has to comply with the provisions of Public Liability Insurance Act, 1991 to provide immediate relief in the event of any hazard to human beings, other living creatures/plants and properties while handling and storage of hazardous substances (wherever applicable).	Ensured to Comply with
5	Consent to operate will not be issued unless the unit complies with the conditions of consent to establish.	Complied with all the conditions prescribed
6	The unit shall provide adequate water sprinklers for the control of dust emission during the loading and unloading of construction material so as to minimize the dust emission.	 <p>7 nos sprinklers installed</p>

<p>7</p>	<p>The unit shall provide water sprinklers along the temporary roads inside the premises to avoid fugitive dust emission during the vehicle movements.</p>	 <p>7 Nos sprinklers installed</p>
<p>8</p>	<p>The unit shall develop a green belt of adequate width around the premises.</p>	 <p>Adequate green belt development provided in the site.</p>
<p>9</p>	<p>In case there is any change in the management, the unit shall inform the change with relevant documents immediately.</p>	<p>Ensured to Comply with</p>

<b>CONSENT ORDER NO. 1901227862811 DATED: 29/08/2019.</b> <b>PROCEEDINGS NO.F.2043 SLM/OS/DEE/TNPCB/SLM/A/2019 DATED: 29/08/2019.</b> <b>AIR ACT</b>		
S.No	Conditions	Compliance
	<b>Additional Conditions:</b>	
1	The unit shall provide the Air Pollution Control Measures such as metal (G.I) sheet cover with water sprinkling system for the Jaw Crusher, Cone Crusher, Vertical Shaft impactor, Vibrating screen, Conveyors with telescopic chute so as to satisfy the NAAQ standards prescribed by the Board.	complied
2	The unit shall develop adequate green belt along with the periphery of the unit to attenuate Air and Noise Pollution.	complied
3	The unit shall adhere to Ambient Air quality/Stack Emission/ Ambient Noise Level standards prescribed by the Board.	Ensured to Comply with
4	The unit shall strictly adhere with provisions in the B.P.Ms.No. 4 dated 02.07.2004 & B.P.Ms No 21, dated 31.07.2019.	Ensured to Comply with
5	The unit shall provide compound wall / wind net arrester around the unit to attenuate the dust Emission.	complied
6	The unit shall provide dust containment systems comprise of building enclosures over the major dust emission sources so as to contain the dust within the housing.	complied
7	Telescopic chutes are to be provided at product unloading conveyor to prevent dust release into the atmosphere during free fall off material from height. These chutes can be adjusted in length according to size of the heap.	complied
8	The unit shall not use "use and throw away plastics" such as plastic sheets used for food wrapping, spreading on dining table etc., plastic plates, plastic coated tea cups, plastic tumbler, water pouches and packets, plastic straw, plastic carry bag and plastic flags irrespective of thickness, within the industry premises. Instead, the unit shall encourage use of eco-friendly alternative such banana leaf, arecaunut palm plate, stainless steel, glass, porcelain plates / cups, cloth bag, jute bag etc.,	Ensured to Comply with

	<b>General Conditions:</b>	
1	This consent to establish cannot be construed as consent to operate and the unit shall not commence the operation without obtaining the Consent to operate.	Ensured to Comply with
2	The applicant shall make a request for grant of consent to operate at least thirty days, before the commissioning of trial production.	Submitted our application for concern on 12/07/2022
3	Any Change in the details furnished in the conditions has to be brought to the notice of the Board and got approved by the Board, before obtaining consent to operate under the said Act.	complied
4	4. The unit has to comply with the provisions of Public Liability Insurance Act, 1991 to provide immediate relief in the event of any hazard to human beings, other living creatures/plants and properties while handling and storage of hazardous substances (wherever applicable).	Ensured to Comply with
5	Consent to operate will not be issued unless the unit complies with the conditions of consent to establish.	Ensured to Comply with
6	The unit shall provide adequate water sprinklers for the control of dust emission during the loading and unloading of construction material so as to minimize the dust emission.	 <p>7 Nos sprinklers installed. tower sprinklers and sprinklers to all conveyors.</p>

<p>7</p>	<p>The unit shall provide water sprinklers along the temporary roads inside the premises to avoid fugitive dust emission during the vehicle movements.</p>	 <p>7 Nos sprinklers installed</p>
<p>8</p>	<p>The unit shall develop green belt of adequate width around the premises.</p>	  <p>Adequate green belt development provided in the site</p>
<p>9</p>	<p>In case there is any change in the management, the unit shall inform the change with relevant documents immediately.</p>	<p>Ensured to Comply with</p>



Another view of Air Pollution Control measures provided for the Jaw Crusher, Cone Crusher, Vertical shaft impactor, Vibrating screens and conveyor belts



Labour Camp for 80 workers with clean fuel, Hygiene toilets with Septic Tank and dispersion trench



Over all view of the Crusher Air Pollution Control measures for Jaw Crusher, Cone Crusher, Vertical shaft Impactor, Vibrating Screens and Conveyor Belts



Green Belt development for the Labour Camp as measures for the Labour Health



Green Belt development provided by the unit M/S Ashok Blue Metal



Another View of Green Belt development provided for the unit M/s Ashok Blue Metal



Air Control Control measures during Loading of the Producer  
The Wet M Sand, Plastering Sand and Wet mix are loaded in Wet  
condition which do not cause any Air Pollution



Water (Prevention and Control of Pollution) Act,1974 to comply the conditions.  
Sediment tanks provided for the trade effluent generated from the unit  
Size (5\*4\*3.66) of 4 No. of Sediment and Settling Tanks Units.