

Application No. 131 of 2016 (SZ)

B.R. Lakshmanan, M.Sc.,  
D.No.5/109, Billicombai & Post,  
The Nilgiris-643214,  
Tamilnadu, India

---- Applicant

Vs.

1. The District Collector,  
The Nilgiris, Tamil Nadu.  
& 13 others

---- Respondents

**REPLY AFFIDAVIT TO OBJECTIONS OF THE APPLICANT FILED BY THE 2<sup>ND</sup>**  
**RESPONDENT**

I, M. Balaji, son of Murugesan, aged about 41 years, working as Executive Director, Tea Development, Tea Board India and having office at Shelwood, Club Road, Coonoor-643101, do hereby solemnly affirm and sincerely state as follows:

1. I am the Executive Director of the Tea Board India and the Respondent in the above application. I am duly authorized to swear to this affidavit on behalf of the 2<sup>nd</sup> respondent. I have read the objection filed by the applicant in the above application and I deny all the averments and allegations contained therein on the basis of the relevant records perused by me, except those that are specifically admitted by me hereunder.

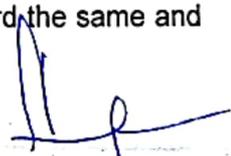
2. With regard to objections No.2 to 4 raised by the applicant, it is submitted that under the prevailing Tea Act 1953 and its relevant control orders there is no provision restricting the transportation of green tea leaves from one place to another place. Moreover, it is pertinent to mention that the green tea leaf by virtue has the tendency to desist its quality and perish over a period of time once it is plucked. It is suggested that the tea leaf once it is plucked shall be transported to the nearby tea factories as soon as possible to preserve its quality and for further processing.

  
**Dr. M. BALAJI, I.A.S.,**  
Executive Director  
Tea Board, Coonoor,  
Ministry of Commerce and Industry  
Govt. Of

3. With regard to objections No.5 raised by the applicant the small tea growers are also being advised to form self-help groups by augmenting themselves for better quality plucking and to ensure a better price realization of their produce.
4. That apart, it is pertinent to note that the report of the Joint Committee clearly shows that the Tea Act 1953 do not prohibit the transportation of green tea leaves by the small tea growers or green tea leaf suppliers from one location to another location and hence the 2<sup>nd</sup> respondent is not authorized to restrict any such activity.
5. It is also pointed out by the by the committee that the ground water is used only to preserve the freshness till it reaches the Tea Factories and also since the said practice is considered to be a Horticulture activity. Therefore, it is conclusive that the same do not fall under the commercial category and there is no violation or misuse of ground water.

It is therefore prayed that this Hon'ble Tribunal may be pleased to record the same and dismiss the application filed by the applicant and thus render justice.

Solemnly affirmed at Coonoor  
on this the 17<sup>th</sup> day of December,  
2021 and signed his name in  
my presence

  
**Dr. M. BALAJI, I.A.S.,**  
Executive Director  
Tea Board, Coonoor,  
Ministry of Commerce and Industry  
Govt. Of India  
Before me,

  
Advocate: Coonoor

**K. JAYAKUMAR, B.A., LL.B.,**  
ADVOCATE (ENROLLMENT NO. 292/82)  
5 - SOOMAR SAI BUILDINGS  
MOUNT PLEASANT ROAD  
COONOOR, THE NILGIRIS - 643 102  
☎: 0423 - 2207659

BEFORE THE NATIONAL GREEN  
TRIBUNAL SOUTHERN ZONE,  
CHENNAI

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**2<sup>ND</sup> RESPONDENT**

*M/s. Paul & Paul*  
*J Hudson Samuel & Partners*  
Roc No.7964-A/2015/F2

**COUNSEL FOR 2<sup>ND</sup> RESPONDENT**