

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

Original Application No. 153 of 2021 (SZ)

IN THE MATTER OF:

B. SUBRAMANIAM

Plot No. 218, 4th cross street,
Vaithialingam Salai,
Neelankarai Village,
Chennai – 600 015

...Petitioner

Versus

1. TAMILNADU POLLUTION CONTROL BOARD

Rep by its Member Secretary
76, Anna Salai, Guindy Industrial Estate,
Guindy, Chennai, Tamilnadu
Email: tnpcb-chn@gov.in
Ph No: 044 22353141 & 2 Others

...Respondents

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Dated at Chennai on this the 4th day of April, 2022.



Counsel for Respondent

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2. THE COMMISSIONER OF POLICE

No. 132, Commissioner office building
EVK Sampath Road, Vepery, Priyamet, Chennai
Tamilnadu
Phone: 044 23452320
Email: copsmlchennai@gmail.com

3. SATISH DURAI

Plot# 5 & 6,
1st cross street, Vaithialingam salai,
Neelankarai Village, Chennai - 600115
Ph 8608909090

...Respondents

REPLY FILED ON BEHALF OF THE 3rd RESPONDENT

1. I, Satish Durai, aged about 47 years, son of Shri Durai, resident of Plot No. 5 & 6, 1st cross street, Vaithialingam salai, Neelankarai village, Chennai - 600115 do hereby solemnly affirm and sincerely state as follows:



2. I submit that I am the Respondent herein and I'm fully conversant with the facts and circumstances of the present case and competent to swear this Reply.
3. I hereby deny all the averments contained in the Reply Affidavit filed in support of the Original Application except which are specifically admitted herein and put the Petitioner to the strict proof of the same.
4. It is submitted that an acoustic room using soundproof and acoustic box panel has been built around the generator for minimizing the noise being emitted from the generator. The acoustic room that has been built is made of standardized materials purchased and erected from an authentic dealer dealing with such instruments. A conversation with the Technician who installed the acoustic enclosure revealed that the panel is filled with sponge/ scrap wool, an insulation material to arrest the noise and is not a simple Aluminium panel cover for the generator as alleged by the Petitioner. Copy of the images are annexed as **Annexure 1**
5. It is submitted that the above incorporation has significantly reduced the noise emissions and the now noise level is well within the Ambient Noise Level standards prescribed in the Noise Pollution (Regulations and Control) Rules, 2000 without causing any alleged noise pollution.
6. It is submitted that there has not been any frequent power cut post the installation of the acoustic enclosure and the generator has not been operated much since the installation of the acoustic enclosure. Therefore, the contention of the Petitioner that the noise level is high even post the installation of the acoustic enclosure is not true and is denied. The video recorded by the Petitioner showing excess noise level is recorded during the stage

installation of acoustic enclosure and not post its instalment. Therefore, it is submitted that the evidence placed by the Respondent has to be tested. The Pollution Control Board may be asked to inspect the premises once again to test the noise level post the installation of the acoustic enclosure for providing accurate data before this Hon'ble Tribunal.

7. It is submitted that the conversation with the Technician as recorded by the Petitioner and placing it as an evidence before this Tribunal is clearly an invasion of privacy on part of the Petitioner which shows his ulterior motive of going to any extent including snooping. Invading the right to privacy is no way tolerable and the Petitioner is liable to be condemned by this tribunal for involving in such acts. The 3rd Respondent reserves his right to pursue the appropriate legal action against the Petitioner for video recording conversations in his house. Assuming without conceding, the conversation between the 3rd Respondent and the Technician only shows that the noise cannot be arrested *in toto*. Without any findings by the Official Respondents on the Ambient Noise Level post installation of the acoustic enclosure and placing reliance upon the Petitioner's version would be highly detrimental to the cause of justice.

8. It is pertinent to mention that there are nearly 4-5 gensets in the surroundings within 100 mts of the 3rd respondent premises and is reliably understood that the genset range from 5KVA – 15KVA. There has been no complaint whatsoever with regard to alleged noise pollution from any residents in the surroundings except for this Petitioner. This leads to the irresistible conclusion that the Petitioner is hell-bent on harassing the 3rd respondent.

9. It is submitted that the Petitioner has raised an issue of absence of stack for the generator which was not the contention of the Petitioner at all at the time of filing of this Original Application. The only ground raised by the Petitioner was the noise pollution

caused by the use of the generator. Raising a new ground of Air Pollution is barred by limitation as well as doctrine of delay and laches. By raising a new ground for Air Pollution being caused by a simple 5KVA domestic generator, the Petitioner is unnecessarily dragging the case just to impose additional burden on me.

In the above circumstances it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the Original Application No. 153 of 2022 and pass any such order as this tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

Solemnly affirmed at Chennai }
this the 4th day of April 2022 }
and signed his name in my presence. }



Before me



Advocate, Chennai

ANNEXURE 1





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

O.A. NO. 153 OF 2021 (SZ)

**REPLY FILED ON
BEHALF OF THE 3rd RESPONDENT**

**R.HEMALATHA (E.No. 972/94)
S. RAJASEKAR (E.No. 1021/97)
T.MAHASREE (E.No. 2157/2016)
NAVEENKUMAAR S (E.No. 1577/2021)**

COUNSEL FOR RESPONDENT