

BEFORE THE NATIONAL GREEN TRIBUNAL AT CHENNAI

Application No.154 of 2023

T.R. Dhamodara Perumal,
M/40 years,
S/o. T. Radha,
No.97, Bharathiyar Street,
Madhavaram,
Chennai – 600 060

...Applicant

-Vs-

M/s. Bafna Pharmaceuticals Ltd.,
No.13, SundaraVinayakar Koil Street,
Madhavaram,
Chennai – 600 060 and 6 others

...Respondents

**COUNTER AFFIDAVIT FILED ON BEHALF OF THE 1ST
RESPONDENT**

I, Mahaveer Bajna son of Bansilal Bajna Hindu, aged about 60 years and having office at Mahaveer Chand Bajna, Bajna Pharmaceuticals Ltd, No 299, Trambu Chetty Street, Chennai - 600-001. do hereby solemnly affirm and sincerely state as follows:-

1.I am the Director of the 1st Respondent Company and I am well acquainted with the case and I am authorized to file the counter affidavit on behalf of the Company.



2. I have gone through the averments and allegations contained in the application and I deny the same, save those which are specifically admitted hereunder and puts the Applicant to strict proof of the same. Before traversing the various allegations contained in the application, few facts are stated hereunder for appreciation of the case on hand. I state that M/s. Bafna Pharmaceuticals was initially formed as a Proprietorship concern in the year 1984. During the year 1995, the Proprietorship concern was converted as a Limited Company. This respondent is engaged in the business of manufacturing of capsules, liquid orals and tablets. It had obtained all the requisite licenses including the drug license from the Drugs Control Department. It had also obtained consent to operate from the Tamil Nadu Pollution Control Board, both under Water and Air Act. This Respondent had also obtained factory license from the Inspector of Factories, Fire Services Department, GST Certificate and MSME certificate. I state that 100 products of various kinds of medicines are manufactured in the company. Air and water pollution control measures are in place and in that behalf this Respondent had installed Effluent Treatment Plant, Reverse Osmosis Plant and chimney at a height of 40 feet. In



view of air pollution control measures, any emission spreading in air is remote.

3. I respectfully state that the Applicant has filed the instant application making frivolous allegations against this Respondent. The allegations made therein are vague and are not supported by any material evidence. Excepting my making The Applicant had sent letters to various authorities making false allegations against this Respondent. I state that at the time when the Proprietorship concern was established, building approval and planning approval was obtained from the Madhavaram Municipality as would be evident from the information furnished by the Public Information Officer and Executive Engineer, Greater Chennai Corporation, Madhavaram, Chennai vide communication dated 14.11.2022. The fact that this Respondent had obtained all the requisite permission/approval would be evident from the information furnished to the Applicant vide communication dated 25.10.2022.

4. I respectfully state that the allegations made by the Applicant in the application filed before this Hon'ble Tribunal and in the application filed under the Right to Information Act, 2005 are wholly incorrect,



baseless and misleading. The Applicant had alleged that there has been disturbance to the general public living in the neighbourhood, that there is lot of noise, affectation of ground water and air pollution causing respiratory problems to the children and elderly persons are wholly incorrect and misconceived. That apart, In this regard, I respectfully state that there has been no complaint against the Company for the past so many years complaining about respiratory problems caused to the children and elderly persons. Further, there had been no complaint whatsoever from any of the residents of the locality complaining about the functioning of the Unit till now and the Unit is functioning by strictly adhering to the pollution control norms.

5. I state that the flow diagram for processing and packing of capsule, Liquid orals and tablet are annexed to in the typed set of papers filed along with the instant counter affidavit and I crave leave of this Hon'ble Tribunal to treat and read the same as part and parcel of the counter affidavit. I respectfully state that during the manufacturing of the medicines, it is ensured that the pollution control norms are strictly followed and adhered to.



6. With regard to the allegation contained in Para 7 of the application, I respectfully state that there is no massive air pollution caused by this Respondent as alleged or at all. The same is baseless and misleading and the Applicant is put to strict proof of the same. There has been no instances of breathing trouble to the kids, elders, senior citizens as alleged by the Applicant. The further allegation that kith and kin are suffering loads from the issue, high level of fluctuation in electricity supply is a fiction of imagination. The company having separate transformer for electrical supply. There had been no fluctuation in the electricity supply owing to the manufacturing activities of this Respondent and there is no basis whatsoever for making such wild and bald allegations and the same is aimed to harass this Respondent for reasons best known. I state and submit that every year the employees of the company are subjected to medical checkup and there has no history of any health issues including the skin related issues as alleged by the Applicant. The allegation to the contra is devoid of merits.

7. I state that in the application filed before this Hon'ble Tribunal, the Applicant had averred that that this Respondent had not obtained



trade license from the 6th Respondent. In this regard, I respectfully state that the Applicant is wanting this Hon'ble Tribunal to embark upon the issue relating to the trade license which he cannot do so. I state that this Hon'ble Tribunal would take upon the issue relating to the environment and see whether this Respondent is carrying on its manufacturing activities by adhering to the pollution control norms and test the allegations made by the Applicant with regard to the alleged sufferings of the residents of the locality. As already stated, there has been complaint whatsoever from the residents of the locality complaining about the functioning of this Respondent. This Respondent had obtained all the necessary permissions/approval from the competent authorities and had been carrying on its manufacturing activities without causing harm to the residents of the locality or to the environment. I further state that non-obtaining of the trade license cannot be a ground to close down the operations of the Company more particularly when this Respondent had been carrying on the manufacturing activity by scrupulously following the norms. That apart, the Tamil Nadu Pollution Control Board upon satisfied that this Respondent had been complying with the norms had renewed the consent upto March 2026.



8. The Applicant had also alleged that water aquifer is polluted due to pharmaceutical wastage has been stagnated on the ground surface. The allegation is wholly incorrect, baseless besides being misleading. In this regard, I state that this Respondent has installed a Reverse Osmosis Plant wherein the raw water from the borewell will be pumped to an overhead tank which is closed with sodium hypochlorite solution for disinfection. The chlorinated raw water from the overhead tank will be further pumped through a pressure and sand filter for filtration and activated carbon filter for dechlorination. The filtered water will get stored in a HDPE tank. The filtered water before entering the HDPE tank will be doused with SMBS, pH correction chemical and RO antiscalent for removing the trace of free chlorine. The antiscalent dosed water from the HDPE tank will be pumped using SS pump through micron filter for the final filtration and then to a two pass RO system. The 2 pass RO treated is stored in a SS tank and then further pumped through mixed bed demineralizer to get the pure water treated. There is no basis whatsoever as to the allegations made by the Applicant which is self serving and not supported by any materials. The same is vague, baseless and misconceived.



9. It is also pertinent to bring to the notice of this Hon'ble Tribunal that the water sample is taken for testing by the Tamil Nadu Pollution Control Board periodically and the same was found to be within the parameters. On 17.09.2022, the water sample was taken from the Unit by the Board for testing and report was given to the effect that the parameters are within the prescribed norms. The copy of the said report is annexed to in the typed set of papers filed along with this counter affidavit and I crave leave of this Hon'ble Court to treat and read the same as part and parcel of this affidavit. On 30.12.2022, the water sample was collected from aeration tank and the ETP sump and upon testing, the TDS level was found to be within the norms. Further, upon being satisfied that the Company had strictly adhered to the pollution norms, the Tamil Nadu Pollution Control Board had renewed the consent periodically and the last of such renewal was given till March 2026.

10. That apart, this Respondent has engaged an agency by name, M/s. S.V. Enviro which conducts inspection periodically and collects the water sample for testing and results are recorded. The water samples are also tested in the Company's laboratory and analysis report is



submitted. The water sample in the ETP is analyzed every fortnight and no untreated effluent is found and let out from the ETP. The above said facts would go to show that this Respondent strictly adheres and comply with the pollution norms to ensure that no water pollution is caused.

11. I state that apart from installing the Reverse Osmosis Plant, this Respondent had installed Effluent Treatment Plant where the effluent from the production will be stored in the collection tank and sent to equalization tank. The effluent processed water is transferred to the primary clarifier tank and then to the aeration tank, where the effluent is mixed with the aid of blower by which the sludge water gets separated. The effluent water treated has multi grade filters like sand filters and carbon fitters. The water so treated is used for gardening purposes.

12. The allegations contained in Para 8 of the application is false, incorrect and misleading and the Applicant is put to strict proof of the same. This Respondent had been carrying on the activities by obtaining necessary approvals from the competent authorities. The Company had also obtained the requisite license/approval from the



Inspector of Factories. Had not this Respondent obtained the necessary permissions, it would not have been permitted to carry on its activities. The allegation that functioning of the Company caused infectious dropsy to all the residents in the locality is wholly incorrect, false and misconceived. There had no such incidents in the past and at present as well. The allegation are fiction of imagination of the Applicant not supported by any materials and no credence be attached to such baseless and bald allegations.

13. With regard to allegations contained in Para 9 of the application, as already stated, the Company had obtained necessary approval/permission from the competent authorities and it had obtained building and plan approval from the erstwhile Madhavaram Municipality which fact was made to known to the Applicant by the Corporation of Chennai in its reply to the information sought under the Right to Information Act, 2005. This Respondent had also obtained the factory licenses from the Inspector of Factories. As already stated, without according the requisite approvals, the authorities would not have allowed the Company to carry on its manufacturing activities.



14. The allegations contained in Para 10 of the application is repetitive in nature. As already stated, this Respondent is not functioning 24/7 as alleged and at the risk of repetition, I state that the working hours of the Company is 09.00 am to 5.30 pm. It is pertinent to point out here that Bio-metric system is in place recording the attendance of the employees working in the general shift. Apart from the above said timing, there is no other shift/s and hence the question of this Respondent functioning 24/7 does not arise. The allegation that many diseases are caused to the residences is vague besides being self serving. The allegation that the kids in the area and the children in the School are suffering and that the children are unable to read in the School is false and imaginary story unfolded by the Applicant. The allegation to the contrary are bald vague and self serving.

15. In Para 11 of the application, the Applicant is again referring to non-obtaining of proper approval from the 6th Respondent. The Appellant had also averred that the Company is situated in the residence area. In this regard, the property in S.No.950/2 belonging to the Respondent has been classified as a Mixed Residential Zone as per the Master Plan submitted by the Chennai Metropolitan Development



Authority. At the risk of repetition, I state that at the time when the company was established, there were hardly any residences and there was mushroom growth of houses and residences long after the establishment of the Respondent Company.

16. With regard to allegations contained in Para 12 of the application, the closure of the Company would arise only in the event of this Respondent not adhering to the pollution control norms. The Tamil Nadu Pollution Control Board which is the competent had conducted periodical inspection and had also renewed the consent valid upto March 2026. There is no justification on the part of the Applicant seeking closure of the Company. In Para 12 the Appellant had again alleged that the unit is functioning 24/7 with heavy pollution causing many skin diseases to the residences. The same is factually incorrect. At the risk of repetition, I state that the Unit functions from 09.00 am to 5.30 pm for 6 days in a week. No pollution whatsoever is caused owing to the running of the unit and there had been no instances of skin diseases owing to the functioning of the Unit.

17. With regard to the allegations contained in Para 13 of the application, I state that the Company had obtained valid consent from



the Tamil Nadu Pollution Control Board and the last of such renewal was granted upto March 2026. If the Board is not satisfied with the functioning of the Company, it would not have renewed the consent. Fact that the consent was renewed upto March 2026, goes to prove that the Company had been strictly adhering to the pollution control norms.

18. The allegations contained in Para 14 (a), (c) and (d) of the Application had already been controverted in Para

19. With regard to allegations contained in Para 14 (b) of the application, I state that at the when the Company was established, there was hardly any residences. After some time, there had been mushroom growth of residences in the locality and it is classified as a Mixed Residential Zone. The Applicant cannot be heard to say that the Company is functioning in a residential zone and it has been notified as Mixed Residential Zone as would be evident from the Master Plan of the Chennai Metropolitan Development Authority relating to Madhavaram Village. The property in S.No.950/2 belonging to this Respondent forms part of Mixed Residential Zone and cannot be labeled as a residential zone.



20. With regard to allegation contained in Para 14 (f), I state that fluctuation in the electricity supply in the area is not attributable to this Respondent. The allegation that this Respondent receives high electricity power supply while is functioning 24/7 is false, baseless and malicious. At the risk of repetition, I state that the Company is not functioning 24/7 as alleged or at all and there is only one general shift from 09.00 am to 5.30 pm.

21. The allegation contained in Para 14(g) had already been controverted in Para 8 of this counter affidavit.

22. With regard to allegation contained in Para 14(h), as already stated there had no been instances of skin allergy, bacterial fungal itches and rashes to the children and the elderly persons as alleged. No complaints that behalf were never received from the residents of the locality. No material has been placed before this Hon'ble Tribunal to substantiate the same. The allegation that the stench of the Company causes difficulty in breathing and that many elders are suffering from Ashtma, wheezing are all wholly incorrect and baseless. The allegations are per se malicious and misconceived and the same is



hereby emphatically denied and the Applicant is put to strict proof of the same.

23. I respectfully state and submit that there is no substance whatsoever in the application filed by the Applicant and the same is misconceived besides being vexatious. The Respondent had been strictly adhering to all the pollution norms and had also obtained the requisite permission/approvals from the competent authorities for carrying on the manufacturing activities. This Respondent had also installed Reverse Osmosis Plant for treating the water used in the manufacturing process and had also set up an Effluent Treatment Plant, the functioning of it had been elaborately stated in the present counter affidavit.

24. I state that the residents of the locality had not any complaints against the running of the Company in the past as well as in the present, barring the Applicant. The allegations made in the Applicant are vague and self serving and not supported by any materials. The application has been filed with a view to harass this Respondent for reasons best known to the Applicant. I respectfully state that there are no merits in the Application and the same is liable to be dismissed. I

A handwritten signature in black ink, appearing to be the initials 'JSC' followed by a stylized flourish.

further state that the manufacturing process is carried in accordance with the procedure contemplated therefor. The packaging of capsules, tablets and oral liquids are done by following the Standard Operating Procedure prescribed by the Drugs Control Department in accordance with Drugs and Cosmetics Act. The Application is devoid of merits and the same is liable to be dismissed.

25. I further state that the name of M/s. Bafna Pharmaceuticals Pvt. Ltd., has since been changed as M/s. Navron Pharma Pvt. Ltd., with effect from 14.04.2022 and Certificate of Incorporation to that effect has been issued by the Registrar of Companies, Chennai. The renewal consent has also been issued by the Tamil Nadu Pollution Control Board in the name of M/s. Navron Pharma Pvt. Ltd.,

For all the foregoing reasons, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the Application No.154 of 2023 and thus render justice.



Solemnly affirmed at Chennai
this the 16th day of January 2024
and signed his name in my
presence

BEFORE ME,

3887/23
24, Law Chamber, Madras
High Court, Chennai-104
Advocate, Chennai


COUNSEL FOR 1st RESPONDENT

**BEFORE THE NATIONAL GREEN
TRIBUNAL AT CHENNAI**

Application No. 154 of 2023

T.R. Dhamodara Perumal

...Applicant

Vs

M/s. Bafna Pharmaceuticals Ltd

...Respondents

**COUNTER AFFIDAVIT FILED ON BEHALF
OF THE 1ST RESPONDENT**

MRS. RITA CHANDRASEKAR

EMAIL - RITACHANDRASEKAR@GMAIL.COM

PHONE No. 8433773492