

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

O.A.NO.188 of 2021(SZ)

S. Sakthivel
Environmental Protection & Anti – Pollution Group

Applicant

Vs.

Ministry of Environment, Forest & Climate
Change (MOEF&CC) & 16 Ors.

Respondents

REPLY STATEMENT FILED BY THE 16TH RESPONDENT

1. The 16th Respondent states as follows:

2. The address for service of all notices and processes on the 16th Respondent is that of their Counsel **M/s. SARVABHAUMAN ASSOCIATES, KRISHNA PRASAD. R., H. SHABEER ALI, SURYANARAYANAN R & V DURAI PRASAD** Advocates at No.47, 3rd Floor, Oriental Building, Armenian Street, Chennai – 600 001

3. At the outset, this Respondent denies the entire allegations contained in the application as false, baseless and misleading in material particulars except those that are specifically admitted herein and Applicant is put to strict proof of the same. The Applicant who is residing in Salem has filed this application against this Respondent College situated in Kannur without even issuing prior notice and on the said aspect itself the Application is liable to be dismissed.



Shan Jiddique
VICE PRINCIPAL
KANNUR MEDICAL COLLEGE
ANJARAKANDY POST
KANNUR - 670 612

4. This Respondent submits that they have established their Medical College in the year of 2006 after obtaining requisite approvals from appropriate authorities including Central Government, Medical Council of India, Government of Kerala and Kerala University of Health Sciences. This Respondent submits that they have obtained Consent to operate from the authorities in the year 2015 onwards. This Respondent had periodically renewed its licences and registrations and other standard requirements as stipulated by Medical Council of India and functioning the College as mandated under the Acts and Rules. This Respondent submits that total built up area of the Medical college hospital is only 1800Sq. Meters in the landed area of 50 acres and as per notification in S.O.No.3252(E) dated 22.12.2014 issued by the Ministry of Environment, Forests and Climate Change, the Schools, Colleges and hostel for educational institution are exempted from obtaining prior approval for environmental clearance if they have a build-up area less than 20,000 Sq.meter. Environmental clearance is necessary only construction of building for running a hospital with a medical college built up area more than 20,000 sqm. It requires prior environmental clearance as stipulated in the notification 2006, which is categorized under schedule 8A of the said notification.

5. This Respondent submits that they had applied for the Consent for Managing & Monitoring systems through online on 09.05.2022 before the Ministry of Environment, Forests and Climate Change the same is still pending which would indeed substantiate the fact that this Respondent is functioning after following rules and regulations.

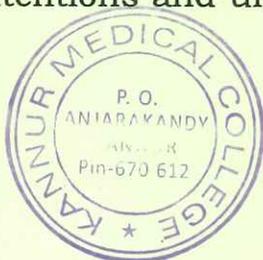


dr. Anwar H. Siddique
 VICE PRINCIPAL
 KANNUR MEDICAL COLLEGE
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6. This Respondent submits that we had installed sewage treatment plant with Ultra Filtration with a capacity of 175 KLD in our campus which is sufficient to treat the waste water generated in the College and we are properly maintaining the same and we are using the treated water in consonance with the Environmental laws. Further our application for renewal for consent to operate is still pending with the authorities and this Respondent is taking necessary steps to process the same at the earliest.

7. This Respondent further states that the Report dated 21.01.2022 filed by the 4th Respondent would prove the fact that this Respondent is running the Medical College as per the guidelines and complying with relevant laws and therefore the allegation that this Respondent is operating the College in violation of Air and Water Act is not maintainable in the eye of the law.

8. The Applicant herein have approached this Hon'ble forum with an assumption based on the RTI applied by him and had further suppressed our Consent to operate license dated 07.04.2007 and pending application which would prove the fact that the Applicant has approached this tribunal with unclean hands based on mere assumption with an intention to tarnish the reputation of this Respondent and therefore this Application is liable to be dismissed. Further the grounds raised in Para A to E are does not have merits and the same is stated without adducing proper proof and evidence and hence the Application is liable to be dismissed. It is submitted that this application is a clear abuse of process of law filed with intentions and ulterior motives and therefore ought to be dismissed



Sham A. Siddique
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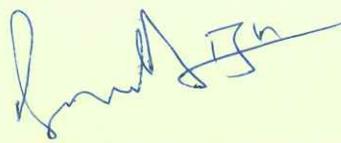
with costs. It is therefore most respectfully prayed that the above original application be dismissed for the reasons stated above with costs and pass such further order or orders as this Hon'ble Tribunal deems fit and proper in the circumstances and thus render justice.

VERIFICATION

I, DR. ADNAN SIDDIQUE, Vice Principal of 16th Respondent, Kannur Medical College located at Anjarakandy Integrated Campus, Anjarakandy, Kannur, Kerala, India - 67061, do hereby verify and affirm that the contents of this reply in paras I to 9 are true to the best of my knowledge belief and information.

Verified at Kerala on 12th this day of November 2022


16TH RESPONDENT
VICE PRINCIPAL
KANNUR MEDICAL COLLEGE
ANJARAKANDY POST
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COUNSEL FOR 16TH RESPONDENT

