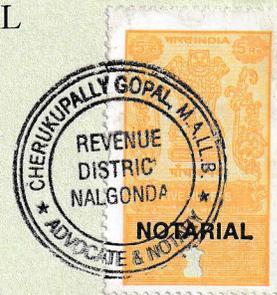


BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, AT CHENNAI

ORIGINAL APPLICATION NO.190 OF 2021 (SZ)



In the matter of:

S. Sakthivel, Salem.

...Applicant(s)

Versus

MoEF&CC,

Rep. by its Secretary to Govt.,

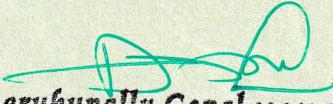
New Delhi and Ors.

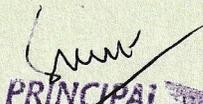
...Respondent(s)

AFFIDAVIT-IN-REPLY ON BEHALF OF THE 13TH RESPONDENT

I, Dr. Shruti Mohanty, Daughter of Rajanikanta Mohanty, Aged 58 years, working as Principal in Kamineni Institute of Medical Sciences, (13th Respondent) located at Narketpally, do hereby solemnly affirms and states as under:

1. That I am authorized signatory of the Kamineni Institute of Medical Sciences ("KIMS") i.e., the Respondent no. 13 in this present matter. I am well conversant with the facts and circumstances of the present case, and competent to swear and depose the present affidavit on behalf of KIMS. I state that the contents of the present affidavit are true and correct to my knowledge and belief, based on the records of KIMS mentioned in the ordinary course of business.
2. The present affidavit -in-reply is being filed on behalf of KIMS in response to Original Application no. 190 of 2021 (SZ) filed by the above-named Applicant, pursuant to the order dated 01.12.2021 of this Hon'ble Tribunal.

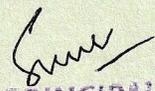

Cherukupally Gopal M.A.L.L.B
Advocate, & Notary G.O.M.S. No.385/12,
Appointed by Govt. of A.P. INDIA
H.No. 8-3-139, Peddabanda,
NALGONDA-508 001.


PRINCIPAL
KAMINENI INSTITUTE OF MEDICAL SCIENCES
MARKETPALLY-508 254. (T.S.)



3. At the outset, KIMS denies all the averments made in the application is untenable and without merit insofar as they are contrary to the submission made in the present reply. It is submitted that the contents of the application under reply are denied *in toto* and nothing therein ought to be considered admitted on behalf of the KIMS unless the same has been admitted herein below. The present short reply is being filed to bring accurate facts on record and KIMS herein fully reserves its right to plead matters of law in its oral arguments. Further, KIMS is not repeating undisputed facts already on record, including the Report dated 23.09.2021 of the 3rd Respondent and Report dated 12.10.2021 of the 4th Respondent and craves leave to rely on the records before this Hon'ble Tribunal. The 13th Respondent also craves leave of this Hon'ble Tribunal to file additional reply/affidavit, if the need so arises.
4. The 13th Respondent was established, and construction was completed much before the 2006 notification, as confirmed in para 3 of the Report of the 4th Respondent dated 12.10.2021. No EC was required at that point as per law and the 2006 notification does not retrospective effect.
5. The 13th Respondent has not undertaken any expansion thereafter.
6. The 13th Respondent has also obtained the required clearance under law, including the Consent to Operate, under the Air (Prevention and Control of Pollution) Act of 1981, Water (Prevention and Control of Pollution) Act of 1974, and the Hazardous Waste Management Rules, 2016 which is being renewed from time to time in accordance with law. Enclosed with this reply, are the copy of the consent to operate 14.06.2016, and the renewal dated 05.08.2017 valid upto 31.08.2022. Also enclosed with this reply, are the recent compliance reports dated 06.07.2021 and 06.01.2022.


Cherukupally Gopal M.A.L.L.B.
Advocate, & Notary G.O.M.S. No.385/12,
Appointed by Govt. of A.P. INDIA
H.No. 8-3-139, Peddabanda,
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7. It is submitted that the Institution was constructed and is operating legitimately without obstructing any laws. The allegation raised by the Applicant are not based on the facts and apparently the applicant had filed this Application with the *mala fide* intention having vested interests.

8. In the light of the above, it is humbly prayed that: -

- a) the application under reply to be dismissed with exemplary costs; and
- b) this Hon'ble Tribunal pass any other order as it deems fit in the interest of justice.

Solemnly sworn and signed

before me on this 10 day of

March, 2022 at

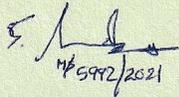
Before me Counsel

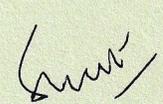
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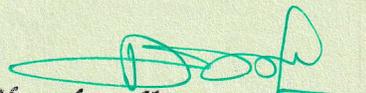
Place: Marketpally


KAR/1237/09

Advocate for 13th Respondent


MP/5972/2021


13th Respondent


Cherukupally Gopal M.A.L.L.B.
Advocate, & Notary G.O.M.S. No.385/12,
Appointed by Govt. of A.P. INDIA
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MARKETPALLY-508 254. (T.S.)

**BEFORE THE GREEN TRIBUNAL
SOUTHERN ZONE CHENNAI**

O.A.NO:190 OF 2007

Sakthivel, Salem

.... Applicant

-VS-

MOEF&CC,
Rep. By its Secretary to Govt,
New Delhi & Ors.

...Respondents

**AFFIDAVIT-IN-REPLY ON BEHALF OF
THE 13TH RESPONDENT**

Adarsh Ramanujan (KAR/1237/09)
Arvindhasamy S. (MS/5992/21)

COUNSEL FOR 13th RESPONDENTS

8428729716/9999984703