

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE AT CHENNAI

IN MATTER OF

O.A. No. 190 of 2023

A. Thirusangu,  
S/o. Appar,  
1038. Panrutti - CN Palayam Main Road,  
Cuddalore

...Applicant

The Chairman,  
TNPCE,  
Chennai and others

With

...Respondents

**COUNTER AFFIDAVIT FILED BY THE FIFTH RESPONDENT**

I, S. Jothi, S/o. Samikannu, Hindu, aged about 61 years and having place at C.N.Palayam Main Road, Sathipattu Post, Panrutti Taluk, Cuddalore District, do hereby solemnly affirms and sincerely states as follows:

1. I submit that I am the fifth respondent herein and as such I am well acquainted with the facts of the case.

2. I submit that I am the proprietor of M/s. Jothi Cashews and I am involved in the business of extraction of Cashew Nut Shell Liquid (Cashew Shell oil) from the raw material namely cashew shells. I submit that in Panrutti Taluk apart from me there are about 50 similar Cashew Nut Shell Oil extraction units and many such units are situated near to my plant. However the applicant herein had chosen to array the fourth and fifth respondent herein as party to the present Original Application, without any justifiable cause.

3. I submit that I have carefully gone through the contents of the application and I hereby deny all the allegations contained therein, particularly against myself and my unit, except that those which are specifically admitted herein. I am advised to submit that the applicant with an ulterior motive and vested interest had addressed various false complaints to the authorities complaining of pollution against the private respondents in the present original application without any justifiable cause.

S. Jothi

4. I submit that before adverting to the petition allegations, I deem it fit to place the following particulars before this Hon'ble Tribunal for better appreciation of the issues in the Original Application. I submit that from the date of commencement of my proprietary concern business, namely Cashew Nut Shell Oil extraction unit from the Cashew Shells, I had cautiously ensured that my business in no way affects the environment and the effluent in any are properly treated, before disbursal and my unit does not violate the norms prescribed by the Pollution Control Board or in any way exceed the permissible limits.

5. I submit that in order to ensure that I do not cause any form of pollution, I had purchased good machineries and further taken all precautionary methods for ensuring zero pollution. I submit that this is the only sources of income for my livelihood and for my family. I submit that the raw material for extraction of the Cashew Nut Shell Oil is from Cashew Shells. I submit that the cashew shells are moved to the Expeller Machine through Screw Elevator. I submit that to treat the cashew shells, initially heat steam is passed over the Cashew Shells. I submit that Expeller machine crushes the Cashew Nuts and the oil is thus extracted and the extracted oil is collected in a separate tank, after excluding the shell cakes.

7. I submit that the applicant himself is, into the business of extraction of cashew nut and processing unit in his house in the name of M/s. Selva Selvi Cashews and I am given to understand that the applicant himself is operating without any valid consent from the second respondent herein. On the other hand, with a vindictive motive, he had raised a series of false complaints against the fifth respondent herein, complaining violation of pollution norms.

8. I submit that the grievance of the applicant that the operation of my unit is causing pollution and the said grievance of the applicant was duly addressed by the second respondent herein, by issuing a show cause notice to me under the Water (Prevention of Control of Pollution) Act, 1974 and Air (Prevention of Control of Pollution) Act, 1981. Further an inspection was conducted in the vicinity of my unit along with unit of the fourth respondent herein after receipt of a reply on 14.07.2023.

S. Jothi

**CLAIM OF APPLICANT REGARDING POLLUTION PROVED TO BE FALSE:**

9. I submit that the inspection in the vicinity of my unit was conducted to analyse the Ambient Air Quality and Ambient Noise Level on 14.07.2023. I am given to understand that the second respondent authorities had given a report that both the Air Quality and Noise Level in my unit was within the standards prescribed by the second respondent board. I am also given to understand that a similar report was also issued to the fourth respondent unit, that the level of Air Quality and Noise level was within the Standard Levels. Therefore it is clear that the repeated complaints of the applicant that my unit is causing pollution hazards are clearly proved to be false.

10. I further submit that the applicant himself had pleaded about the fact of inspection of my unit along with the fourth respondent unit on 14.07.2023 and the fact that the authorities have given a report that the unit is operating only within the standards. On the other hand with clear ulterior motive, the applicant had come up with a pleading that his wife had suffered a respiratory issue on the night of 03.08.2023 due the functioning of the fifth respondent unit. I submit that this will clearly prove that the applicant is only making inconsistent statements.

11. I submit that I had also applied for getting Consent for operation from the second respondent herein and thereafter once again my unit was inspected on 15.09.2023. I submit that it was identified that all due precautionary measures were taken/adopted by me, to ensure environmental protections. I submit that the unit also has a septic tank and soak pit for treatment and disposal of sewage. Further Solar evaporation pan arrangements were also made for treatment and disposal of scrubbing water.

12. I submit that my unit was classified/categorized as Orange/Small with type of industry. I am advised to submit that the machinery used in my unit will not cause any excessive noise during Cashew Nut Shell Oil extraction and further the chimney is fixed at as height about 70 feet from the ground level fitted with ash filters. Therefore the same may not in any way cause pollution of in any nature.

S. Jothi

13. I submit that after due inspection and verification, the consent to operate was issued to M/s. Jothi Cashew operating in S. No. 194/2 and 194/3 of Melmampattu Village, Panruti Taluk, Cuddalore District vide the second respondent board proceedings dated 22.09.2023. I submit that the proceedings of consent from the second respondent board was issued both under section 25 of the Water (Prevention of Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention of Control of Pollution) Act, 1981. Thus as on date, M/s. Jothi Cashew is holding a consent order from the second respondent, which is valid till 31.03.2027. Therefore M/s. Jothi Cashew (fifth respondent unit) is operating with all due permissions as on date and there is absolutely no violations of any nature. Therefore the present petition is not maintainable under any heads.

14. I submit that in so far as the allegations contained in application are concerned they are hereby denied. I submit that in so far as the other Cashew Nut Oil Industry which is alleged to have been sealed, according to the applicant is only out of the action initiated by the second respondent herein. I submit that in so far as the contentions in paragraph No. 6 are concerned, I submit that M/s. Jothi Cashews is holding a valid consent from the Pollution Control Board. Further the allegation regarding the discharge of waste, Solid Waste, Liquid Waste and Air Quality are totally false and the same is also established by the inspection reports. I am also given to understand that the fourth respondent unit is also holding a valid consent for operation.

15. I submit that the allegations made by the applicant through his repeated alleged representations are totally false and far from truth, the applicant with all ulterior motives had addressed various representations with total false allegations.

16. I submit that therefore for the aforesaid reason, the relief sought for in the application is not sustainable in law. I further submit that in the event of necessity, I am prepared to also file additional counter affidavit to affirm my contention.

S. Jothi

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It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the application in OA 190 of 2023 with exemplary costs and pass any such necessary orders and thus render justice.

Solemnly affirmed at Chennai  
on this the 08<sup>th</sup> day of February  
2024 and signed his name in  
my presence.

S. Jothi

Before me

M. S. No. 1219/18

COUNSEL FOR 4<sup>th</sup> & 5<sup>th</sup> Respondent

**SIGNED BEFORE ME**

Advocate: Panrutti

C. ASOKAN, B.Sc., B.L.,  
ADVOCATE & NOTARY PUBLIC  
Reg. G.O. (M.S). No. 247

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M. S. No. 1219/18  
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**COUNTER AFFIDAVIT FILED BY THE  
FIFTH RESPONDENT**

M/s. R. RAJASEKARAN  
G.MOSES  
M.AADHITHYAN  
COUNSEL FOR FOURTH AND FIFTH  
RESPONDENTS  
9840999680



Aadhi Manivannan <aadhi.619@gmail.com>

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**COUNTER IN OA 190 of 2023, NGT-SOUTHERN ZONE**

2 messages

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**Aadhi Manivannan** <aadhi.619@gmail.com>  
To: advkavinbharathan@gmail.com

Mon, Mar 18, 2024 at 8:46 PM

Good Evening Sir

I have attached the counter herewith this mail. kindly acknowledge the same. Thank you sir

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 **Jothi Cashews NGT Cr.pdf**  
290K

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**Kavin Bharathan** <advkavinbharathan@gmail.com>  
To: Aadhi Manivannan <aadhi.619@gmail.com>

Mon, Mar 18, 2024 at 8:58 PM

Thank you Sir,  
I have received the counter.  
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