

**BEFORE THE HONOURABLE NATIONAL GREEN
TRIBUNAL AT CHENNAI SOUTHERN ZONE.**

(Original Application No.161 of 2021 (SZ))

BETWEEN

Tribunal on its motion suo-motu based
on the news item published in Deccan Chronicle newspaper
Chennai edition dated 24.06.2021, under the caption
"Penalise Company for dumping toxic waste in Kodaikanal : Activists"
And the New Indian Express newspaper Chennai Edition dated 25.06.2021
Under the caption "HUL" Begins Solid -Remediation works in
Kodaikanal"

Versus

- 1) The Chief Secretary to Govt. of Tamil Nadu,
Govt. Secretariat Forest George,
Chennai, Tamil Nadu - 600 009.
- 2) The Chairman,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
New Delhi - 11.
- 3) The Secretariat to Govt. of Tamil Nadu,
Department of Environment, Climate Change & Forests,
Govt. Secretariat, Fort George
Chennai, Tamil Nadu - 600 009.
- 4) The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu - 600 032.
- 5) Hindustan Unilever Limited (HUL),
Rep. by its Chairman & Managing Director,
Unilever House, B.D.Sawant Marg,
Chakala, Andheri (E),
Mumbai - 400 099.
- 6) The District Collector,
Dindigul District,
District Collectorate,
First Floor,
Dindigul - 624 004.

7) The Principal Chief Conservator of Forest & Head of Forest Force & Chief Wildlife Warden,
Panagal Maaligai,
No.1, Jeenis Road,
Saidapet,
Chennai - 600 015.

8) The District Forest Officer & Wildlife Sanctuary
Kodaikanal Division,
Mudaliyarpuram, Kodaikanal - 624 101.
(Suo Moto impleaded as additional respondents 7&8
As per order dated:31.08.2021)

.....Respondent

COUNTER AFFIDAVIT FILED ON BEHALF OF THE 7TH
RESPONDENT

I, P.K.Dileep , S/o. R.Kochukunju, aged about 39 years, working as District Forest Officer and Wildlife Warden, Kodaikanal Forest Division, Kodaikanal having office at, Mudaliyarpuram, Kodaikanal do hereby solemnly affirm and sincerely state as follows:-

I am filling this Counter Affidavit on my own behalf as well as on behalf of the respondent No. 7 herein.

With regards Para No.6, I respectfully submit that the felling of trees in the factory site was carried out as per the orders issued by the Chairman, Dindigul District Hill Area (Preservation of Trees) Act 1955 Committee and District Collector vide SR.66/2019/E3, Dated.18.10.2019 and District Forest Officer & Wildlife Warden, Kodaikanal Division, Kodaikanal C.No.1182/2019/T, Dt.13.12.2019. Subsequently, the trees were felled in the factory site from 13.12.2019 to 15.02.2020. After obtaining prior permission from the Principal Chief Conservator of Forests and Chief Wildlife Warden, Chennai pre-monsoon sampling regarding the detailed site assessment /

ecological risk assessment and Post- monsoon sampling regarding collection of Soil, Water and Plant samples from Pambar Shola and river was carried out by National Environmental Engineering Research Institute (NEERI) from 23.09.2020 to 03.10.2020 & 08.03.2021 to 16.03.2021 respectively and the report in this regard is awaited. Further, Credible information on adverse impact of water on wildlife is not documented. Moreover, animal deaths in and around this system owing to mercury presence were not reported in this division by any of the autopsy conducted on wild animals.

With regards Para No.7, I respectfully submit that remediation Upscaling Plan for soil remediation at the Hindustan Unilever Limited (HUL) site, located in Kodaikanal, Tamil Nadu was prepared under the guidance of the National Environmental Engineering Research Institute, Nagpur and Indian Institute of Soil and Water Conservation, Udthagamandalam. It has been clearly mentioned in the Remediation Plan **Para No.4.7 PRESERVATION OF TREES DURING EXCAVATION** that if the stability of the of trees is known to be poor and pose danger to safety, permission has been granted to remove such trees, to ensure safety. Further, Tamil Nadu Pollution Control, Board (TNPCB) and Scientific Experts Committee (SEC) recommended for removal of trees in the area requiring soil remediation after obtaining required statutory approval from the District Authorities in the meeting held on 07.02.2019. Based on the remediation plan and committee recommendation, M/S Hindustan Unilever Limited sought permission from the Chairman, Tamil Nadu Hill

Area (Preservation of Trees) Committee, Dindigul vide their Letter Dt.25.02.2019 to cut 440 trees in the excavation area which were found to be risky and poses very serious risk under Section 3(1) of the Tamil Nadu Hill Areas (Conservation of Trees) Act 1995. Subsequently, permission was granted by the Chairman, Dindigul District Hill Area (Preservation of Trees) Committee and District Collector vide SR.66/2019/E3, Dated.18.10.2019 and District Forest Officer & Wildlife Warden, Kodaikanal Division, Kodaikanal C.No.1182/2019/T, Dt.13.12.2019 to cut the trees which were non-native and silvicultural matured trees such as Wattle, Eucalyptus etc., to carry out the soil remediation work. Out of the approved quantity of 440 Nos of Trees, only 415 trees were felled. The cut tree logs are stored in the factory premises and have not been disposed yet. Hence, the felling of trees in the excavation area has been carried out as per Soil Remediation Upscaling Plan and recommendation of the Tamil Nadu Pollution Control, Board (TNPCB) and Scientific Experts Committee (SEC) and there was no violation in felling of trees.

With regards Para No.8, I respectfully submit that in compliance of the orders of the Hon'ble National Green Tribunal and the instructions of The Government vide references No. WL(A)/13028/2019 Dated 10.05.2019 the Principal Chief Conservator of Forests and Chief wild life warden, Chennai accorded permission for undertaking bio remedial measures for extracting mercury. For carrying out the remedial works, felling of trees is indispensable.

As the area in question stands notified under Tamil Nadu Hill Area (Preservation of Trees) Act 1955, the company applied to the District committee constituted under Tamil Nadu Hill Area (Preservation of Trees) Act 1955, for permission to fell the required number of trees which is pre-requisite for commencing bio remediation works. The competent authority empowered to decide on question of tree felling is the District committee duly constituted under Tamil Nadu Hill Area (Preservation of Trees) Act 1955. Similar permissions were already being given in the area by the Committee as area proposed is outside the preview of eco sensitive zone.

The trees felled area was inspected by the District Forest Officer & Wildlife Warden, Kodaikanal on 17.08.2021. Subsequently, a committee was formed vide this office C.No.5869/2021/D1, Dt.13.09.2021 to find out the violations in cutting the trees, if any. The committee inspected the factory site area from 14.09.2021 to 17.09.2021, where the trees were felled. Further, the committee's performance has also been reviewed and inspected by the Chief Conservator of Forests (i/c), Dindigul Circle, Dindigul on 16.09.2021. It is observed by the committee that M/s Hindustan Unilever Limited had felled the trees after obtaining the statutory approval from the District Committee formed under Tamil Nadu Hill Area (Preservation of Trees) Act 1955 by duly following the procedures and there was no violation of rules in execution of the works. The detailed site assessment report regarding the environmental impact in Pambar Shola Reserved Forest and river is still awaited from National Environmental Engineering Research Institute (NEERI).

With regards Para No.12, I respectfully submit that it has been clearly envisaged in the Soil Remediation Upscaling Plan that for each tree that is felled or that falls down, two native species of trees have to be planted on site. As per the Tamil Nadu Hill Areas (Preservation of Trees) Rules 1957, Rule No.9(1) (i) & (B) M/s Hindustan Unilever Limited was asked to plant two native species of trees in the felled area for effective regeneration vide this office C.No.1182/2019/T, Dt.13.12.2019. The saplings could only be planted in the felled area after completion of the soil remediation work. M/s Hindustan Unilever Limited would suitably be instructed to carry out the planting work, once the soil remediation works get completed.

Therefore, it is prayed that this Hon'ble National Green Tribunal may be pleased to dismiss this original Application No.161 of 2021 as devoid of merits and thus render justice.

Solemnly affirmed at Chennai
on this the day of September 2021
and signed his name in my presence


BEFORE ME
District Forest Officer
& Wildlife Warden,
Kodaikanal Division,
Kodaikanal-624 101.


24/9/2021