

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 87 of 2021 (SZ)

IN THE MATTER OF

Arvind Kumar Agrawal and others

...Applicant(s)

Versus

The Chief Secretary to Government of Tamil Nadu

Pollution Control Board and Others.

...Respondent(s)

REJOINDER AFFIDAVIT FILED BY THE 1st APPLICANT & OTHERS

TO THE REPORT SUBMITTED BY 3RD RESPONDENT (TNPCCB)

SUBMITTED ON 03.03.2022

CHENNAI

DATED: 20.03.2022



1st Application & Party in Person

(ARVIND KUMAR AGRAWAL)

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Next Date: 29.03.2022

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REJOINDER AFFIDAVIT FILED BY THE 1ST APPLICANT ALONG WITH OTHER APPLICANTS TO THE REPORT SUBMITTED BY 3RD RESPONDENT (TNPCB) ON DATED 03.03.2022

I, Arvind Kumar Agrawal, S/o Sri Lakhan Lal Agrawal, aged about 43 years, 1st Applicant of this application, residing at B2-302, Provident Cosmo City Apartment, Pudupakkam, 603103, do hereby solemnly affirm and declare as under:-

- I. I am the 1st petitioner in the present Application, and I am fully conversant with the facts of the present case based on the records obtained through written correspondences with various Government departments, RTI responses, visual evidences collected from this residential site, internal communications from Cosmo City Welfare Associations.
- II. This Hon'ble National Green Tribunal (NGT), Southern Zone (SZ), Chennai, in its order dated 04.03.2022, in Original Application No. 87 of 2021, has directed the following in para 6 that:

"If the applicant wants to file any objection to the report submitted by the State Pollution Control Board on the basis of their objections raised, he is directed to file the same within two weeks by e-filing in the form of Searchable PDF / OCR Supported PDF and not in the

form of Image PDF along with necessary hardcopies to be produced as per the Rule and the parties are directed to get ready with the matter on 29.03.2022 for hearing.”

1st Applicant along with other applicants have made few observations to the counter affidavit submitted by 3RD Respondent (TNPCB) on dated 03.03.2022, which are contrary to the evidences furnished in this petition. The 1st Applicant along with other applicants is hereby filing its reply to the said counter affidavit for kind consideration to this Hon'ble Tribunal. It is respectfully submitted following:

1. That, at the outset, I deny the all the averments made in para #3 and para #4 by 3RD Respondent in its report as false and put the 3rd Respondent (TNPCB) to strict proof of the same.
2. It is respectfully submitted that, similar report was submitted by the 3rd Respondent as per the direction from Hon'ble State Human Rights Commission Tribunal against the case no. SHRC 965/2020. The copy of this report had submitted by 1st Applicant in its Rejoinder filed on 03.08.2021. In that report, many important facts were suppressed which are pointed out correctly in its report that Joint Committee submitted to this Hon'ble Tribunal submitted on 28.09.2021. Couple of one highlighted below as:
 - i. Capacity of the STP in question was assessed as 250 KLD in the report submitted to SHRC by the 3rd Respondent whereas Joint committee has found it as 650 KLD and recorded correctly in its report submitted to this Hon'ble Tribunal on 28.09.2021.
 - ii. Not consideration of additionally constructed 990 units in its report to SHRC whereas it is revealed in the report correctly that Joint Committee submitted to this Hon'ble Tribunal on 28.09.2021.

It need not to be said, how findings/observation in the reports have been prejudiced by 3rd Respondent as per their own wish and will.

3. It is respectfully submitted that, TNPCB being one of the parties here in this case and had served as Nodal agency for the committee. The report submitted here is highly beyond the truth and which will not consider our issues that is submitted in the petition. It has also not considered the documentary proof and evidences that were submitted in the petition.
4. It is respectfully submitted that, the condition of the STP in question is still not good and nearby residents have been going through this traumatic situation for past many years. In spite of the recommendation for shifting the STP in question from its original place to somewhere else within the compound in its report by the Joint Committee to this Hon'ble Tribunal on 28.09.2021, 3rd Respondent did not take any action for the same.

5. It is respectfully submitted, that 3rd Respondent had not considered the issue of low DGSet Stack height despite being raised it through many time in its petition and during the pendency of this case. During the inspection, this specific issue is also brought up to the members of the committee by the applicants to which, committee members also acknowledged the low height of DGSet violated to TNPCB norms however to our dismay, this specific observation was not recorded in its report that committee submitted to this Hon'ble Tribunal. As per the CPCB norms, the height of the DGSet is calculated as below.

In order to control emissions of particulates during operation of the DG sets, adequate control equipment will be installed and adequate stack height will be provided as per (Emission Regulation Part-IV COINDS/26/1986-87) CPCB norms.

Minimum Stack Height Requirement, $H=h+0.2\sqrt{P}$ Where

H = Height of the Stack

h = height of the building in which the DG is installed

P = the capacity of DG set in KVA

This important fact is suppressed and is marked as "no complaint received" in its report submitted by 3rd Respondent.

6. It is respectfully submitted, that 3rd Respondent had not furnished any guidelines or best practices for setting up such massive plant (STP) for sewage water management in a township of such a huge occupancy falling under the Category of B1 project of 8(b) ii in EIA notification 2006.
7. It is respectfully submitted, that Karnataka Pollution control board had issued guidelines on sitting criteria for setting up such sewage water treatment plant for waste management. The copy is annexed herewith as ANNEXURE R/1.
8. It is respectfully submitted, that, observations/findings mentioned in its reply, such as DGSet, STP, Bio waste recycler etc., are not only violated to CPCB norms but is also viewed as violation of distance requirement under Building Regulations act (NBR 2006 and NBR 2010) as well as Fire Safety Norms and considered by the Hon'ble Supreme Court in the case NO. CA 5041 of 2021. Despite that, 3rd Respondent has omitted such facts in its reply.
9. It is respectfully submitted, that the case has been under pendency of more than 12 months in this Hon'ble Tribunal. The Respondents arrayed between 2 and 4 have been holding prestigious positions thereby have been prejudiced in their findings, record submissions and suppression of facts. Respondents have been ignoring the directions/recommendations issued by Ministry for taking up action against the project proponent, vide its letter

F.No.SEIAA/TN/EC/8(a)/006/F-20/2008 dated 14.10.2013 as annexed in the objection as ANNEXURE R1 submitted by the applicant on 17.10.2021. Whereat, it is now confirmed from the report submitted by Joint Committee, that this STP in question is not given Consent to Establish and Consent to Operate and is a case of violation to PCB Norms, it is still under operation. Applicants feel fear of not getting natural justice.

Hence, it is earnest prayer that this Hon'ble Tribunal is pleased to record the statements mentioned above to the counter affidavit submitted by 3th Respondent on dated 03.03.2022 and may kindly be pleased to pass such order in the interest of justice.



1st Application & Party in Person

(ARVIND KUMAR AGRAWAL)

VERIFICATION

I, Arvind Kumar Agrawal, S/o Shri Lakhan Lal Agrawal, aged about 43 years do hereby verify that the concerns raised in paras (#1 to #9) to the said report are based on records and information are true to best of my knowledge and belief.

Hence, verified on 20th day of Mar 2022 at Chennai.

OA 87/2021 (SZ)

20.03.2022



Sd/--

1st Application & Party in Person
(..Arvind Kumar Agrawal)

IV. Location of the STP

- STP shall be located, preferably under drive way, clubhouses, play area and as far as away from apartment complexes.
- Never locate the STP in the basement of any flats of apartment towers.
- The access from the lowestbasement is not permitted for the reason of flooding of rain water, smell and sound nuisance.
- The access to the STP should be from the ground level / Upper Basement, all tanks should be open, and access shall be through well designed walkways and head room
- Mechanical Ventilation shall be provided to ensure adequate ventilation with a minimum of 25 air changes per hour shall be provided inline of para(1) along with the guidelines of NBC, in case if the STP is in the basement.
- The exhaust should be terminated at the terrace level. All ducting running inside the shaft shall be provided with acoustic insulation. This ducting and routing shall not be along with flats and shall be along the common utilities.
- STP Shall never is fully closed.
- Activated Sludge Process shall be avoided for all decentralized STPs less than 500 KLD.
- Preferably go for Sequential Batch Reactor (SBR) with Ultrafiltration Or Membrane Bio Reactor (MBR) or Moving Bed Bio Reactor (MBBR) with Ultrafiltration.