

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN BENCH AT CHENNAI**

**Misc Appl No. 09 of 2022**

**In**

**O.A 213 of 2015 (SZ)**

**CP Senthil,**  
Flushing Meadows Villa No.4,  
Globus Garden,  
Kaikopalayam,  
Coimbatore- 641 061

...Petitioner/Applicant

v.

**Tamil Nadu State Pollution Control Board,**  
Rep by its Chairman,  
No.76, Anna Salai,  
Guindy,  
Chennai- 600 032 & 2 Ors

...Respondents/Respondents

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RESPONDENT/RESPONDENT**

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Dated at Chennai on this the \_\_\_\_\_ day of January 2024

*Josephine G*

**Counsel for the 3<sup>rd</sup> Respondent/3<sup>rd</sup> Respondent**

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**CP Senthil,**

Flushing Meadows Villa No.4,  
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Kaikopalayam,  
Coimbatore- 641 061

...Petitioner/Applicant

v.

**1. Tamil Nadu State Pollution Control Board,**

Rep by its Chairman,  
No.76, Anna Salai,  
Guindy,  
Chennai- 600 032

**2. District Environment Engineer,**

Tamil Nadu State Pollution Control Board,  
Coimbatore (North),  
266, Mettupalayam Road,  
Coimbatore- 641 043

**3. Elysium Properties Pvt Ltd,**

Rep by its Managing Director,  
B-2, Elysium Towers,  
Door No.21, ATT colony,  
Coimbatore-641 018

...Respondents

**REPLY AFFIDAVIT FILED ON BEHALF OF  
THE 3<sup>RD</sup> RESPONDENT / 3<sup>RD</sup> RESPONDENT**

I, MSR. Krishnan, Son of MRS. Nathan aged about 42 years, Managing Director of the 3<sup>rd</sup> Respondent having office at B-2, Elysium Towers, Door No.21, ATT colony, Coimbatore – 641 018 and having temporarily coming down to Chennai do hereby solemnly affirm and sincerely state as follows;

**For ELYSIUM PROPERTIES INDIA (P) LTD**



Authorised Signatory

1. I humbly submit that I am the Managing Director of the 3<sup>rd</sup> Respondent/3<sup>rd</sup> Respondent and I am well acquainted with the facts and circumstances of the case and I am further competent to file this Reply Affidavit.

2. I sincerely submit that the Petitioner/Applicant has filed this frivolous only with the sole malicious intention of thwarting the legally mandated functioning of the Sewage Treatment Plant (STP) on completely baseless grounds. This Application therefore deserves to be dismissed in limine.

3. I humbly submit that the contentions in paragraphs 3 to 6 are distorted facts to suit the Petitioner/Applicant's convenience and hence denied. It is pertinent to state that the Original Application O.A 213 of 2015 was disposed off vide order dated 13.07.2022 taking into account the Final Report of the 1<sup>st</sup> Respondent/1<sup>st</sup> Respondent which stated as follows;

***"The unit has followed the recommendations ascertained by the Joint Committee as well as the IIT recommendations and the treated water analysis report shows that the parameters are within the standards prescribed by the TNPSC Board".***

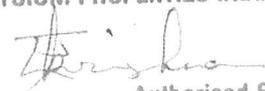
4. I sincerely submit despite stating that the functioning of the said STP is within the standards prescribed by them, the 1<sup>st</sup> Respondent/1<sup>st</sup> Respondent however proceeded to impose a huge sum of INR 2,51,80,000/- (Rupees Two Crores Fifty-One Lakhs and Eighty Thousand only) as environmental compensation vide order dated 08.12.2022 for past violations. The said sum was highly arbitrary and disproportionate to the alleged violations committed, due to which, the

3<sup>rd</sup> Respondent/3<sup>rd</sup> Respondent was constrained to file W.P No. 2712

of 2023 and W.M.P No. 2813 of 2023 before the Hon'ble High Court of Madras to obtain a stay on the said environmental compensation. The Hon'ble High Court vide order dated 03.02.2023 stayed the operation of the said order dated 08.12.2022 observing that " ***This Court is unable to find a reasonable basis for a huge sum of Rs, 2,51,80,000/- as environmental compensation by the 1<sup>st</sup> Respondent vide order dated 08.12.2022***". The matter therefore is sub-judice before the Hon'ble High Court of Madras and the contentions of the Petitioner/Applicant are therefore baseless. The order dated 03.02.2023 by the Hon'ble High Court of Madras in W.P No.2712 of 2023 and W.M.P No. 2813 of 2023 is hereby filed along with this Reply Affidavit as **Annexure I**.

5. I humbly submit that contentions in paragraphs 7 to 8 are false, baseless and hence denied. The 3<sup>rd</sup> Respondent/3<sup>rd</sup> Respondent has made several Representations to the 1<sup>st</sup> Respondent since the disposal of the Original Application for the renewal of consent to operate the said STP. It is pertinent to state that vide Representations dated 21.01.2023, 21.02.2023 and 22.07.2023, the 3<sup>rd</sup> Respondent brought to the notice of the 1<sup>st</sup> Respondent, the operation of the Interim stay on the environmental compensation and made several requests to renew the consent to operate. It is further pertinent to state that vide Representation dated 22.07.2023, the 3<sup>rd</sup> Respondent also undertook to comply with the recommendation of installation of online monitoring system within a period of six months, which was notified to the 3<sup>rd</sup> Respondent only vide Letters dated 03.01.2023 and 23.02.2023. However, the 1<sup>st</sup> Respondent failed to issue any reply to the said Representations. The Representations dated 21.01.2023, 21.02.2023 and 22.07.2023 are hereby filed along with this Reply Affidavit as **Annexure II**.

For ELYSIUM PROPERTIES INDIA (P) LTD



Authorised Signatory

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6. I sincerely submit that the 1<sup>st</sup> Respondent/1<sup>st</sup> Respondent only on the hearing of this Application on 04.01.2024, had represented that they had no objections to issue the renewal to consent to operate, however the same is affected by the ongoing Writ Petitions before the Hon'ble High Court of Madras in W.P No. 24567 of 2023 and W.P 10482 of 2018 regarding the construction of the said STP in the Open Space Reservation (OSR) land. The said Writ Petitions have been adjourned to 29.01.2024 for final disposal. In such circumstances, the present Application deserves no further consideration and is liable to be dismissed in limine.

Therefore, in view of the above said facts and circumstances, it is most humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the present Application with costs and **THUS RENDER JUSTICE.**

Solemnly affirmed at Chennai  
on this 18<sup>th</sup> day of January,  
2024 and signed his name  
in my presence.

**For ELYSIUM PROPERTIES INDIA (P) LTD**



**Authorized Signatory**  
BEFORE ME

 **M. Rajshree**  
M.S. NO. 7376/23  
ADVOCATE: CHENNAI



WMP.No.2813/2023 in WP.No.2

S.S.SUNDAR, J.,

and

A.A.NAKKIRAN, J.,

[Order of the Court was made by  
S.S.SUNDAR, J.,]

M/s.Shanmugavalli Sekar, learned Standing counsel accepts notice on behalf of respondents 1 and 2.

2.Notice to the 3<sup>rd</sup> respondent returnable in eight weeks. Private notice is also permitted.

3.This Court has considered similar issue and granted interim stay in a batch of cases.

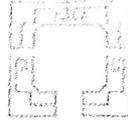
4.This Court is unable to find a reasonable basis for a huge sum of Rs.2,51,80,000/- as environmental compensation by the 1<sup>st</sup> respondent vide impugned order dated 08.12.2022.

5.Hence, there shall be an order on stay of operation of the impugned order dated 08.12.2022, passed by the Tamil Nadu Pollution Control Board/1<sup>st</sup> respondent herein, for recovery of compensation for a period of eight weeks.

6.Post after eight weeks.

[SSSRJ] [AANJ]  
03.02.2023





Elysium Properties India (P) Ltd.

21.01.2023

To,

The Chairperson,  
Tamilnadu Pollution Control Board,  
76, Anna Salai, Guindy,  
Chennai – 600032.

Dear Sir,

Ref: 1. Hon'ble NGT(SZ) Order dt 13/07/2022 in Application No. 213/2015/SZ  
2. Board Proceedings No. T3/TNPCB/F28717/CBN/Direction/2022 dt 08/12/22

We would like to invite your attention on the Hon'ble National Green Tribunal (SZ) order on the original application no 213/2015/SZ dt 13/07/22 and Board Proceedings cited above.

In accordance to the Hon'ble NGT(SZ) order and its subsequent direction we have submitted our online application for the Renewal of Consent to Operate to our STP from TNPCB and request you to issue the CTO to our STP.

As regarding the Environment Compensation, we had approached before the Hon'ble High Court, Madras and Hon'ble NGT (SZ) against imposing of huge amount of INR 2,51,80,000/- as environmental compensation.

Therefore, we kindly request you to issue the renewal of CTO to our STP and we assure that our plant will meet and comply all the stipulated conditions in the renewal of CTO, to be issued by the board.

Thanking you.

Yours truly,

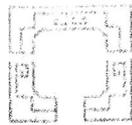
For Elysium Properties India (P) Ltd.

Authorised Signatory





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Elysium Properties India (P) Ltd. 21.02.2023

**To**

District Environmental Officer,  
Tamilnadu Pollution Control Board,  
No:5, Ramasamy Nagar,  
Kavundampalayam,  
Coimbatore-641030.

**Dear Sir,**

- Ref: 1. Hon'ble High Court Order of Interim Stay WMP.No.2813/2023 in WP.No.2 dated on 03/02/23
2. Hon'ble NGT (SZ) Order No: 213/2015 (SZ) dated on 13/07/22
3. Board Proceedings No. T3/TNPCB/ F28717/CBN/ Direction/2022 dated on 08/12/22.

We would like to submit you with copy the Hon'ble High Court Order for your kind perusal, wherein the Hon'ble High Court granted an Interim Stay against the Board Proceedings cited above for imposing INR 2,51,80,000/-

We have also been directed by the Hon'ble NGT (SZ) vide their Order dt 13/07/22, cited above, to approach TNPCB for Renewal of Consent to Operate to our STP.

Now, we are hereby to submit with a humble request to pass appropriate Orders to Renew Consent to operate to our STP, beforehand.

We also assure that our STP plant will meet and comply with all the stipulated conditions in the Order of Renewal of Consent to Operate, to be issued by the Board.

**Encloses:**

1. Hon'ble High Court Order of Interim Stay WMP.No.2813/2023 in WP.No.2 dated on 03/02/23
2. Hon'ble NGT (SZ) Order No: 213/2015 (SZ) dated on 13/07/22.

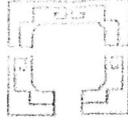
Thanking you

For Elysium Properties India (P) Ltd.

Director.



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## Elysium Properties India (P) Ltd.

22.07.2023

To

District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Coimbatore North,  
No: 5, Ramasamy Nagar,  
Kavundampalayam,  
Coimbatore -641030.

Dear Sir,

Ref:

1. Lr.No.1488/EFM/DEE/TNPCB/CBN/2022, Dt : 03.01.2023
2. Lr.No.1488/EFM/DEE/TNPCB/CBN/2022, Dt: 23.02.2023
3. President, Vellaniapatty Town Panchay's Letter dated : 08.06.2023
4. Your Letter dated : 20.06.2023
5. Our reply letter dated : 30.06.2023
6. Your Letter dated: 03.07.2023 Lr.No.1488/EFM/DEE/TNPCB/CBN/2023.

1. There was already an acoustic enclosure which was provided and only a regular maintenance activity had to be carried out and the same has been completed now.
2. The maintenance work for the diffused aeration system has been completed.
3. We have already approached the Honorable High court of Madras and obtained an interim injunction in WMP No: 2813/2023 against the environmental compensation levied by the board.
4. We further bring it to your kind notice that we have been directed by Hon'ble NGT (SZ) to approach your Board for renewal of our Consent To Operate to our STP, hence we humbly request you to renew our Consent Order at the earliest and we would remit the necessary fee by mode of DD, immediately on hearing from you.

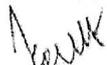


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5. We humbly submit, while considering the above development undertaken by us, give us a grace period of six months to install an online monitoring system in our STP and further request you to renew our Consent to our STP and we assure you that all the terms and conditions stipulated in the Consent Order will be followed.

Thank you in anticipation.

For ELYSIUM PROPERTIES INDIA (P) LTD

  
Authorised Signatory



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NATIONAL GREEN TRIBUNAL  
(SOUTHERN BENCH)**

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Rep by its Chairman & 2  
Ors

...Respondents

**REPLY AFFIDAVIT FILED  
BY THE 3<sup>RD</sup>  
RESPONDENT/3<sup>RD</sup>  
RESPONDENT**

**S.V.PRAVIN RATHINAM (Ms.3069/07)**  
**N.SUNDARAVADIVELU (Ms.315/83)**  
**B.A PRABHUSHANKAR (Ms.939/97)**  
**B.KARTHIKEYAN (Ms.1431/14)**  
**B.GOPINATH (Ms.1110/15)**  
**R.BALAKUMAR (Ms. 172/19)**  
**JOSEPHINESHREELA.G (Ms.2280/19)**  
**KADAMBRISURESH (Ms.2283/19)**  
**HARI KRISHNA. G (Ms. 5511/22)**  
**S. SRIVATSA (Ms. 1331/22)**  
**S.BHARATHVAAJ ( Ms. 4384/23)**

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Counsel for 3<sup>rd</sup> Respondent/3<sup>rd</sup> Respondent  
9962344105