

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

I.A.No.2 and 3 of 2021

in

APPLICATION No.41 of 2019 (SZ)

IN THE MATTER OF

Srinivasan .K
(Party-in -Person)
Flat F2, No.3, Achuthan Nagar, 1st Street, Ekkatuthangal,
Guindy, Chennai-600 032.

... Applicant

Versus

Reliable Polymers
Represented by its Director/Proprietor
D.Srinivasan,
No.1, Achuthan Nagar, 1st Street,
Ekkatuthangal, Guindy, Chennai-6000002.
and 4 others.

... Respondents

COUNTER AFFIDAVIT FILED BY THE FIRST RESPONDENT

I, D. Srinivasan, Son of Late Mr.B.Devarajan aged 50 years, having office at No.1, Achuthan Nagar, 1st Street, Ekkatuthangal, Guindy, Chennai - 600 032, do hereby solemnly affirm and state as follows:-

1. I submit that I am the Proprietor of First Respondent Entity and as such I am well acquainted with the facts of the case.

2. I state that the above Interlocutory applications have been filed by the applicant herein for the following reliefs:-

"a. *Direct the 2nd and 3rd Respondents (TNPCB) to take action immediately remove the machinery of the First respondent unit and shall operate the machinery of horse power allowed as per Tamil Nadu Combined Development and Building Rules, 2019 in Residential Zone.*

x 

- b. *Direct the 1st Respondent* not to operate the plastic unit during Night time, at least during the SLEEPING Hours FROM 8.00 P.M to 6.00.P.M so that nearby public would be able to sleep peacefully during night time, pending disposal of Original Application.
3. I crave leave of this Hon'ble Tribunal to treat the Reply Statement filed by me in Application No.41 of 2019 as part and parcel of this Counter Affidavit
4. Before traversing para wise remarks, I humbly submit that the above Interlocutory applications are not maintainable at all and devoid of merits on both factual and legal aspects. The Applicant with an ulterior motive filed these Interlocutory applications and on this ground alone the above applications are liable to be dismissed.
5. At the outset, I deny all the averments contained in the above Interlocutory applications except those, which are specifically admitted herein.
6. I submit that this Respondent is engaged in manufacturing of Sun visors for car and allied products, and after the outbreak of Pandemic, the unit is manufacturing Parts for Ventilators to treat Covid 19 Patients.
7. The allegations made in Para 2 and 3 of the Interlocutory Applications are all false and denied. The allegations that First Respondent's plastic unit are interminably affected by the operation of the plastic unit during night time, which causes nuisance by odor and noise, it causes disturbance to sleep, due to incapacity of obtaining approval as per law, the 1st Respondent is using letters to claim as an Industrial Area, the noise levels exceeded the residential zone limits, the land in question is part of the Approved plan for residential zone and does not have approval for industrial purposes are all false and denied. I submit that that the Survey Numbers of the Property in which the unit functioning comes under Industrial Zone and there is no prohibition to run the unit even during night time.

x → *[Signature]*

8. The averments made in Para 4 of the Interlocutory Applications are not applicable to the First Respondent.
9. The allegations made in Para 5 of the Interlocutory Applications are all false and denied. The allegations that the First Respondent is involved in the surreptitious activities, which are likely to be economically beneficial, at the cost of environmental degradation and health hazards are all false and denied. The allegations that the 1st Respondent dubiously claimed to operate the plastic unit between 6.00.p.m and 6.00.a.m and the 1st Respondent is not allowed to operate beyond 6.p.m are false and denied. I reiterate that the Survey Numbers of the Property in which the unit functioning comes under Industrial Zone and there is no prohibition to run the unit even during night time and there is no noise Pollution as alleged by the Applicant.
10. The averments made in Para 6 of the Interlocutory Applications are not applicable to the First Respondent. I humbly submit that this Respondent has obtained necessary permissions which are required under law for the operation of the unit in question. Further, there is no damage caused to the environment by this Respondent at any point of time. The Applicant didn't state what damage was caused to the environment by the act of this Respondent. There is neither any Environmental Violation nor any statutory violation on the part of this Respondent till date. Therefore, the relief sought for by the Applicant in the present Interlocutory Applications are liable to be rejected. The allegations are vague and without Material Particulars.
11. The averments made in Para 7 of the Interlocutory Application with reference to several cases in India regarding prohibition of plastic units closer to human habitation are not applicable to the First Respondent. The averments that 1st Respondent is not adhering to all the guidelines given by the 4th respondent for operating the plastic unit during night time are all false and denied. I submit that the plastic unit of the 1st Respondent is situate in Industrial Area and there is no prohibition to operate the unit even during the night time.
12. The averments made in Para 8 of the Interlocutory Applications are false and denied. The Applicant is put to strict proof of the same.

x
A. S. S.

13. The averments made in Para 9 of the Interlocutory Application are all false and denied. I humbly submit that the First Respondent is operating a plastic unit after obtaining necessary consent from authorities required under law.

Under the above circumstances, I humbly submit that this Hon'ble Tribunal may be pleased to dismiss the above Interlocutory Applications with heavy cost and also devoid of any merits and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in circumstances of the case and thus render justice.

Solemnly affirmed at Chennai on
this the 12th day of February 2021
and signed his name in my presence



Before me

K. Senthil

Advocate

(K. SENTHIL)

MS. 2404/11

727, Pothari Salai
Annam Salai, Ch-06

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI
I.A.Nos.2 and 3 of 2021
in
APPLICATION No.41 of 2019 (SZ)**

IN THE MATTER OF

Srinivasan .K
(Party-in -Person)

... Applicant

Versus

Reliable Polymers
Represented by its
Director/Proprietor
D.Srinivasan,
and 4 others

... Respondents

COUNTER AFFIDAVIT FILED
BY THE FIRST RESPONDENT

**M/s. S. ELAMBHARATHI
(Ms.1009/1992)
A. SENTHILNATHAN
K. SUNITHA
K. RAVEENDRAN**

**COUNSEL FOR FIRST RESPONDENT
Mobile no.9840098996**