

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

Original Application.No. 22 Of 2023 (SZ)

BETWEEN

P.Kesavan,
S/o. Ponnusamy,
Nagampalli Post,
Moolapatti Via,
Aravakurichi Taluk,
Karur District.

...Applicant

And

1. The District Collector,
Karur District,
Collectorate,
Karur-639 007 and others

-Respondents.

**COUNTER AFFIDAVIT/RESPONSE FILED BY THE 7TH
RESPONDENT**

M/s. R.PRABAKAR 2330/2009
N.PALANIKUMAR

9047588331/ 9486766871
COUNSEL FOR 7TH RESPONDENT

Page No.

No. of Corrnrs:

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

Original Application.No. 22 Of 2023 (SZ)

BETWEEN

P.Kesavan,
S/o. Ponnusamy,
Nagampalli Post,
Moolapatti Via,
Aravakurichi Taluk,
Karur District.

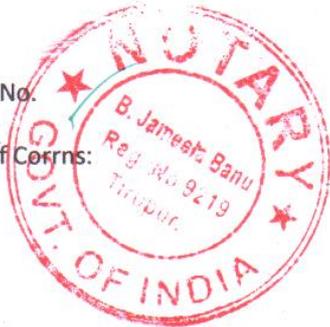
...Applicant

And

1. The District Collector,
Karur District,
Collectorate,
Karur-639 007.
Phone:04324-257511
E.Mail:collrkar@nic.in
2. The Chairman,
Tamil Nadu Pollution Control Board,
No. 76, Mount Salai,
Guindy, Chennai-600032.
3. The Member Secretary,
Tamil Nadu Pollution Control Board,
No. 76, Mount Salai,
Guindy, Chennai-600 032.
Phone: 044-22353145
E-mail:tnpcb-chn@gov.in

Page No.

No. of Corrms:



For SREE DHEIVAM BLUE METALS,

K. Chandrasekar

PARTNER.

4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
S.F.Nos. 654 Part & 655 Part,
Arivuthirukkivil Road,
L.G.B Nagar, L.N.S. Village,
Karur-639001.
Phone: 04324-2305522
Email:tnpcbkarur@gmail.com

5. The Assistant Executive Engineer,
TANGEDCO,
Chinnadharapuram,
Aravakurichi Taluk,
Karur-639 202.
Phone:043200-232785
Email;trk4432aee3@tnebnet.org

6. The Executive Engineer
Public Works Department,
Tamilaga Arasu Building Research Station,
Taramani, Chennai-600113
Phone;044-22541526
Email: Not Known.

7. M/s. Sree Dheivam Blue Metals,
Rep by its Partner K.Chandrasekar,
S.F.No. 1339/1 & S.F.No. 1339/2,
Nagampalli Village,
Aravakurichi Taluk,
Karur District.
Phone :9487048274
Email:Not Known.

...Respondents



For SREE DHEIVAM BLUE METALS,

K. Chandrasekar

PARTNER.

COUNTER AFFIDAVIT/RESPONSE FILED BY THE 7TH
RESPONDENT

I, K.Chandraseker son of C.Kittusamy Hindu aged about 45 years, Partner of M/s. Sree Dheivam Blue Metals, having address S.F.No. 1339/1 and S.F.No.1339/2, Nagampalli Village, Aravakurichi Taluk, Karur District now temporarily come down to Kodumudi do hereby solemnly and sincerely state as follows:

1. I submit that I am one of the partner of the 7th respondent M/s. Sree Dheivam Blue Metals and as such I am well acquainted with the facts and circumstances of the case. I am swearing this counter affidavit/response on behalf of the 7th respondent.

2. I submit that by virtue of Partnership Deed dated 23.12.2021, I as one of the Partner entitled to file response in this proceedings. There are 3 other partners by name T.Arunkumar, T.Kathirvel, A.M.Thangamuthu. Originally there was another partner by name Mr.Radhakrishnan, after his resignation, now there are four partners in the business.

3. I humbly submit that at the outset I am denying each and every averment made in the Application as false, frivolous, contrary to the facts and unsustainable on both law and on facts. The applicant is put to strict proof of the same to prove all the averments contained in the application except those that are specifically admitted hereunder in express terms.

Page No.

No. of Corrms:



For SREE DHEIVAM BLUE METALS,

K. Chandraseker

PARTNER.

4. I respectfully deny the averments made in Para 3 of the application that the crusher unit leads to pollution to the surrounding agricultural lands of the applicant and that of others and also cause health hazards as false. There is no violation, no environmental crime at all the allegations are false and baseless.

5. The averments in para 4 and 5 of the application are borne out of records, needs no traverse. I am denying the averments in para 6 that the unit is operating without complying with the consent conditions of TNPCB as false.

6. I deny the averments made in Para 7 that the on 03.10.2019 the 4th respondent found that the unit was in operation with violations as false. The 7th respondent has complied all the norms and has been complying the advisories/directions issued by the pollution control board time to time and have made all the improvements. I am denying the averments in para 8 of the application as false. This respondent is complying all the measures suggested by the TNPCB and other authorities time to time.

7. The averments in para 9,10,11 are admitted to be true and these are matter of records. I am denying the averments in para 12 that the 7th respondent unit is not at all operating the Air Pollution Control measures so as to achieve the standards of the special conditions as false. This respondent is complying the Air Pollution Control Measures. The 7th respondent unit has taken effective measures so as to achieve the standards prescribed in Special Condition No3.



For SREE DHEIVAM BLUE METALS,
K. Chandra Sekar

PARTNER.

8. I submit that the averments made in Para 13 of the application as false and baseless. The averments in para 14 of the application that Special condition No. 7 was not complied with are denied as false.

9. I humbly deny the averments made in Para 15,16, 17 application as to the RTI application and RTI reply as false and concocted. I deny the averments in para 18, 19, 20,21 of the application as to the allegations of non compliance of additional conditions and board proceedings are false.

10. I submit that, the 7th respondent unit has provided all the measures as per the proceedings, and still been improving and complying the conditions as per the same. I am denying the averments in para 23 of the application as to the compound wall and green belt as per the board proceedings in 2018. I am denying the averments in para 24 of the application as to the product approval certificate, the same has been made and pursued with the concerned authority. I submit that the product approval is issued by the PWD department it is about the quality of material produced it is a consumer centric guidelines and it does not lead to any environmental violation, however, the 7th respondent has taken appropriate steps and pursuing the same for getting, hence that cannot be cited as reason for stalling the unit.

11. I am denying the averments in para 25, 26 of the application with respect to the general condition of alternate power supply and display of flow diagram as false. I am denying the averments in par 27 and states the conditions are complied with. I am denying the averments in para 28 of the application as to the non compliance of the directions. I am denying

Page No.

No. of Corrnrs:



For SREE DHEIVAM BLUE METALS,

K. Chandrasekar

PARTNER.

the averments in para 29 of the application as to the inspection was not conducted are as false.

12. I am denying the averments in para 30 of the application as false and baseless. All the representations emanated only due to the partnership disputes. I am denying the averments in para 31, 32, 33 of the application is nothing but repeated false allegations on non compliance, every direction and advisory of the TNPCB has been observed. Hence there is no question of revoking the consent. The consent granted by the TNPCB has not been so far challenged by this applicant in the manner known to law. I am denying the averments in para 34 as to the not working of the water sprinklers properly. I submit that the additional sprinklers have also been provided. I am denying the averments in para 35 of the application with respect of the development of green belt as false and baseless.

13. I am denying the averments in para 36, 37, 38, 39 of the application with respect to product approval certificate, electricity connections are as false. I reiterate that, the process has been followed and pursued with the PWD department and other allegations are absolutely false and baseless. I am denying the averments in para 40, 41, 42 of the application as false and vindictive and malafide. I deny the allegations in para 43, 44 of the application that the official respondents abdicated the obligations as false. Para 45 and 46 are needs no traverse. I am denying the averments in para 47, 48, 49 of the application with respect to the repeated falsehood of non compliance. I am denying the grounds A to T in the application is false and without any substance and basis. The application is barred by law, the applicant has effective alternative remedy. The interim relief and the



For SREE DHEIVAM BLUE METALS,
K. Chandan Sekar

PARTNER.

prayer in the application is not sustainable and the application is liable to be dismissed as devoid of merits.

14. I respectfully submit that, the Applicant Mr.Kesavan had already axe to grind against us, because, his lands were negotiated for purchase during July 2021 on the ground that it was his exclusive property, seperate patta was also standing in his name. Negotiations were held and the same was finalized. On subsequent verification, the lands were found to be ancestral property and he do not have any exclusive right to alienate. On coming to know about the negotiation and attempt of alienations, applicant's one of the sister's daughter by name Mrs. Revathi issued legal notice to the applicant herein as well as the 7th respondent during last week of August 2021, claiming right over the said property, the said legal notice is very much available with the Applicant and the resigned partner of the 7th respondent by name Mr.Radhakrishnan. Hence the proposal to purchase the same was dropped, because of which bitterness developed between the applicant and the 7th respondent.

15. I respectfully submit that, adding fuel to fire, there was partnership dispute among the partners of the 7th respondent. Due to dispute among the partners one of the incumbent partner's own sister's husband one Mr. N.Radhakrishnan, erstwhile partner of the 7th respondent in partnership deed dated 02.09.2019, resigned from the Partnership business vide Partnership Release Deed dated 22.12.2021. Thereafter, another partner was inducted in the Firm. The de-facto Applicant Mr. N.Radhakrishnan utilizing the previous bitterness between the applicant Mr.Kesavan and the

Page No.

No. of Corrnrs:



For SREE DHEIVAM BLUE METALS,

K. Chandrasekar

PARTNER.

7th respondent wanted to settle his own personal dispute through him. The resigned partner who is sole cause for this litigation.

16. The applicant is proxy litigation instituted on behalf of the Mr.Radhakrishnan to settle the personal partnership dispute, the present applicant is purely motivated litigation for some extraneous reasons. The very factum of the minute particulars even from the array of parties, the involvement of the erstwhile partner is evident.

17. As per the documents furnished by the applicant the proprietor name of the Unit has been mentioned as Mr. Radhakrishnan at page No. 129 of the typed set. The said document is dated 22. 06.2022, there is no other document to suggest that it is a partnership business, however the 7th respondent name has been rightly described with the Specific Partnership particulars as Chandrasekar with another partner Mr.T.Arunkumar phone number, which would show that the applicant is not acting on his own but at the behest of the resigned partner. The said partner is try to settle the score and partnership dispute and try to come in again into the partnership business. This application is nothing but an instrument for achieving the said object.

18. I respectfully submit that, now another turmoil has been created even among the incumbent partners due to the close relationship with the erstwhile partner. The applicant has suppressed everything in the application and the applicant is liable to produce the legal notice issued by her sister's daughter Mrs. Revathi, which is not available with this respondent, which would throw light on the entire disputes. The industry



For SREE DHEIVAM BLUE METALS,
K. Chandra Sekar
PARTNER.

has been maimed and stopped due to the internal disputes, to heed the words and demands made. The false and baseless allegations throughout the application is to stall the business run in a lawful manner. Hence the application is without any bonafide reasons.

19. I submit that the applicant's every baseless representations emanated only after the partnership disputes were cropped up, still the same is going on. Both are coinciding. I submit that without prejudice to my above contentions, I respectfully submit that the 7th respondent unit is complying all the conditions and direction, still the unit is ready and willing to make improvements, measures to be suggested and directed by the TNPCB and other authorities in letter and spirit. The application is liable to be dismissed as devoid of merits.

Hence it is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss this Original Application in O.A.No. 22 of 2023(SZ) as devoid of merits with exemplary costs and thus render justice.

VERIFICATION

For SREE DHEIVAM BLUE METALS,

K. Chandraseker

PARTNER.

I, K.Chandraseker son of C.Kittusamy Partner of the 7th respondent do hereby verify that the contents of above paragraphs 1 to 18 are true and correct to the best of my knowledge, information and belief and I have not suppressed any material fact.

Verified at Chennai on this 27th day March 2023.

For 7th Respondent

Page No.

No. of Corrms:



B. Jameela Banu
27/3/23

B.JAMEELA BANU, B.A., B.L
Advocate & Notary
102, Best Complex, Kumaran Road,
TIRUPUR - 641 601, Tamilnadu
Cell No. 99420 87462

For SREE DHEIVAM BLUE METALS,

K. Chandraseker

PARTNER.