

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

Application No. 26 of 2016 (SZ)

Disha-A-Life School and
P.K.D College of Education,
Rep., by its Secretary,
Kullkapalayam Pirivu,
Kurimbalayam Village, Anchipatti Post,
Pollachi – 642 002

...Applicant

Vs.

State of Tamil Nadu,
Rep, by its Director,
Department of Environment,
Fort St. George, Chennai & 4 others

...Respondents

**COMMON ADDITIONAL OBJECTIONS FILED BY THE 4TH & 5TH
RESPONDENTS TO THE REPORT DATED 28.08.2020 OF THE TNPCB**

| SN | DATE | DESCRIPTION OF DOCUMENTS |
|-----------|-------------|--|
| 1 | 05.11.2020 | Common Additional Objections filed by the 4 th & 5 th Respondents to the report dated 28.08.2020 of the TNPCB |
| 2 | 19.08.2020 | Annexure-I – Common explanation submitted to the District Environmental Engineer, TNPCB by the 4 th & 5 th Respondents |
| 3 | 06.04.2011 | Annexure-II - Letter sent by the District Environmental Engineer, TNPCB to the Deputy Director of Town and Country Planning, Coimbatore along with clean copy |
| 4 | ##.07.1992 | Annexure-III - Copy of the proceedings of the Assistant Commissioner of Commercial Tax, Pollachi together with the deferral Scheme Agreement |
| 5 | 11.07.2020 | Annexure-IV - Copy of Certificate issued by the Tahsildar, Pollachi Taluk, certifying that the 4 th Respondent Unit is dumping the waste sand in their own vacant land |

It is certified that the above mentioned documents are true copy of the original documents.

Dated at Chennai on this the 5th day of November, 2020

Sd/- R. Bharath Kumar (05.11.2020)

Counsel for 4th & 5th Respondent

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI**Application No. 26 of 2016 (SZ)**

1. Dish-A Life School and
P.K.D.College of Education,
Rep. by its Correspondent,
Kullapalayam Pirivu,
Kurumbalayam Village,
Achipatti Post,
Pollachi-642 002.
2. Dr.D.Muthu Kumaraswamy,
S/o.Dharmalinga Gounder,
Farmer,
Kullapalayam Pirivu,
Kurumbalayam Village,
Achipatti Post,
Pollachi-642 002.
3. Mr.M.Mylsamy Gounder,
S/o.Kandasamy Gounder,
Farmer,
Kullapalayam Pirivu,
Kurumbalayam Village,
Achipatti Post,
Pollachi-642 002.
4. Mr.K.Balasubramaniam,
S/o.Kandasamy Gounder,
Farmer,
Kullapalayam Pirivu,
Kurumbalayam Village,
Achipatti Post,
Pollachi-642 002.
5. Mr.A.Gopal,
S/o.Angamuthu Gounder,
Farmer,
Kullapalayam Post,
Pollachi-642 002.

For Unicast Alloys (P) Ltd.,
N. N. W. D. A. A.

Authorised Signatory.

For Hi Tech Diecast (P) Ltd.,
N. N. W. D. A. A.

Authorised Signatory.

6. Mr.R.Velusamy Gounder,
S/o.Rangasamy Gounder,
Farmer,
Kurumbalayam Post,
Pollachi-642 002.

7. Mr.A.Mahendran,
S/o.Angamuthu Mudaliyar,
Farmer,
Kurumbalayam Post,
Pollachi-642 002.

... Applicants

Vs.

1. The State of Tamil Nadu,
Rep. by its Director,
Department of Environment & Forest,
Fort St. George,
Chennai.

2. The Tamil Nadu Pollution Control Board,
Represented by its Member-Secretary,
Anna Salai,
Chennai.

3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
266, J.Kapila Towers, 3rd Floor,
Mettupalayam Road,
Coimbatore.

4. M/s.Unicast Alloy Pvt. Ltd.,
Rep. by its Director,
Kullakkapalayam Pirivu,
Kurumbapalayam Village,
Achipatti Post,
Pollachi-642 002.

5. M/s.Hitech Die Cast (P) Ltd.,
Rep. by its Director,
S.F.No.77/1 and 2, 101 part, K
Kurumbapalayam Village,
Pollachi-642 002.

... Respondents

For Unicast Alloys (P) Ltd.,
N. N. D. S. S.

Authorised Signatory.

For Hi Tech Diecast (P) Ltd.,
N. N. D. S. S.

Authorised Signatory.

COMMON ADDITIONAL OBJECTIONS FILED ON BEHALF OF 4TH AND 5TH RESPONDENTS

1. It is submitted that pursuant to the Report dated 28.08.2020 filed by the 3rd Respondent, this Hon'ble Tribunal, vide its order dated 27.10.2020 was pleased to direct the Applicant and the 4th & 5th Respondents to file their objections. Accordingly the following objections are being field. It is further submitted that the common objections filed on 28.08.2020 may also be read as part and parcel to this objections.
2. It is submitted that for the Recommendations of 3rd Respondent made in the Report dated NIL, the 4th and 5th Respondents have submitted their explanation dated 19.08.2020, the copy of which is filed herewith as **Annexure – I**. Without considering the said explanation in letter and spirit, the 3rd Respondent filed a further report pointing out that recommendations in SI.No.1,2,3,4(a),5,6 & 7 have not been complied with by the 4th Respondent Unit and similarly, the recommendations in SI.No.2,3,4 & 5 have not been complied with by the 5th Respondent Unit.
3. It is respectfully submitted that the Report of 3rd Respondent are very clear that the 4th and 5th Respondents Unit strictly maintain Ambient Air Quality/Ambient Noise Level well within the limits/ standards prescribed by the Board. Further, the test results of analysis of the water samples are within the limits prescribed. More particularly, from the Reports it is very clear that the operations of the Units do not cause any fugitive emissions and no damages were caused to the environment, warranting imposition of compensation. Despite, the 3rd Respondent has made some unnecessary recommendations for compliance without any basis or materials. Hence, the following objections are raised.

NON COMPLIANCE OF RECOMMENDATIONS FOR 4TH RESPONDENT M/S.UNICAST ALLOYS PVT LTD.,

SI.NOS. 1,2 & 4 a – RELOCATION/STOPPAGE OF THE SHOT BLASTING AND FETTLING SECTION

For Unicast Alloys (P) Ltd.,

N. N. W. D. A. V.

Authorised Signatory.

For Hi Tech Diecast (P) Ltd.,

N. N. W. D. A. V.

Authorised Signatory.

It is submitted that the 4th and 5th Respondents Units were established in the year 1990 and 1991 respectively, in the backward area, for which the Government of Tamil Nadu had given concession/subsidies under Sales Tax Deferral Scheme. Whereas, the Applicant School was established in the year 2011, i.e., after 20 years. Infact, when the Applicant School through their parent institution PKD College of Education sought for environmental clearance for construction of Additional Building adjacent to the 4th and 5th Respondents Unit, the 3rd Respondent/The District Environmental Engineer (TNPCB) advised the Applicant School to locate the proposed school building away from the Industry's compound wall to the maximum extent possible and to provide adequate width of buffer zone between the Industry's compound wall and the proposed Building for planting tree saplings so as to develop thick green belt cover. But in complete disregard of the advice, the Applicant constructed a building adjacent to the Units and started making complaints against the Units with a view to circumvent their lapses. The copy of letter dated 06.04.2011 sent by the District Environmental Engineer, TNPCB to the Deputy Director of Town and Country Planning, Coimbatore is filed as **Annexure – II**. The copy of the proceedings of Assistant Commissioner of Commercial Tax, Pollachi together with the deferral Scheme Agreement dated 07.1992 is filed herewith as **Annexure - III**.

4. On physical Inspection of the Units as well as the Applicant's school on 27.08.2020, the District Environmental Engineer/ 3rd Respondent found that no exceedance was observed due to the operations of Units and no dust deposition was observed on the leaves and plants in the school. A report along with photographs was filed by TNPCB to that effect. From the above material evidences, it is very clear that the Units of Respondents 4 & 5 do not cause any Air/Noise/Water Pollution and there is no gaseous / fugitive emissions occur from the Units, on account of present shot blasting and fettling operation. Therefore, the recommendation regarding relocation of shot blasting and fettling section either outside the premises or on the eastern side within the premises, is not all required and the 4th Respondent Unit is not required to follow the said recommendation including stopping of shot blasting and fettling operations. Moreover, either relocating or stopping the shot blasting and fettling operations would amount to create a new infrastructure and it is not at all required.

For Unicast Alloys (P) Ltd.,

N. N. N. D. A. A.

Authorised Signatory.

For Hi Tech Diecast (P) Ltd.,

N. N. N. D. A. A.

Authorised Signatory.

SI.NO. 3 – DISPOSAL OF WASTE MOULD SAND BY UNITS OF 4TH & 5TH RESPONDENTS

The Units have covered the storage location with Red sand and developed green belt in-between the Applicant School and 4th Respondent. The copy of certificate dated 11.07.2020 issued by the Tahsildar, Pollachi Taluk, certifying that the 4th Respondent Unit is dumping the waste sand in their own vacant land is filed herewith as **Annexure – IV**. Further, the suggestion that disposal of the sand through Reclamation Unit M/s. Ammarun Enviro Guard Industries is not feasible as the said industry is not recycling the sand.

SI.NO.5 (UNICAST) AND 2 (HITECH) – REPORT REGARDING AMBIENT AIR QUALITY (AAQ)/AMBIENT NOISE LEVEL / STACK MONITORING EVERY MONTH.

TNPCB has been conducting AAQ/Ambient Noise Level for the past 30 years and no violation has been found till date. However, the 4th & 5th Respondents Unit are ready to comply with the said recommendation once in every six months that too sharing of costs between the Applicant and the Respondents Units equally. Moreover, TNPCB is monitoring Ambient Air Quality (AAQ)/Ambient Noise Level on daily basis through online and the reports are being submitted to them regularly and the limits/standards are well within the prescribed norms. Therefore, the said recommendation is not sustainable and unnecessary.

SI.NO.6 & 7 UNICAST AND 4 & 5 (HITECH) – CONVERSION OF VENTURI WET SCRUBBER SYSTEM WITH ADVANCE TECHNOLOGY

The Units have installed a well improved system with latest technology with huge cost and it is functioning satisfactorily till date. The emissions are in controlled level and the same is being monitored by TNPCB periodically. Therefore, the said recommendation is absolutely not required. Further on the instructions of TNPCB adequate Air/Noise Pollution control measures have been taken with huge cost and there is no complaint of fugitive/gaseous emissions. In the metal pouring bay the

For Unicast Alloys (P) Ltd.,
N. N. D. A. S.

For Hi Tech Diecast (P) Ltd., Authorised Signatory.
N. N. D. A. S.

Authorised Signatory.

moisture is being evaporated from the sand moulded in the process and dissipates in few seconds, which causes no pollution. While so, the present functioning of proven system can be continued.

5. It is submitted that by an Order dated 27.10.2020, this Hon'ble Tribunal was pleased to observe from the report that most of the recommendations were not complied with by the Units and they have also assessed the environmental compensation and there is no mention about the steps taken to impose the compensation on the Units and recovery of the same. It is respectfully submitted that TNPCB has mentioned only about the method of levying environmental compensation in the cases of violations and the failure to comply with the defects by the Units. Further, the Respondents Units never asked for any time to comply with the recommendations citing financial crisis and also the pandemic situation as the recommendations are not at all required. Even if the said Recommendations are not followed, absolutely no pollution would be caused and no damage would occur. Infact, if any damage is caused on account of any violation by the Units, the levy of Environmental compensation would arise. But the reports of TNPCB are very clear that the Ambient Air Quality (AAQ)/Ambient Noise Level / Water Quality are well within the limits/standard prescribed by TNPCB. Therefore, the question of compliance of the above recommendations would not arise at all.

Therefore, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to record this objections of the 4th and the 5th Respondents to the report submitted by the 3rd Respondent and thus render justice.

Dated at Chennai on this the 5th day of November, 2020

Sd/- R. Bharath Kumar

COUNSEL FOR 4TH & 5TH RESPONDENTS

4TH & 5TH RESPONDENTS
For Unicast Alloys (P) Ltd.,
N. N. Dhanu
Authorised Signatory.

For Hi Tech Diecast (P) Ltd.,
N. N. Dhanu
Authorised Signatory.

ANNEXURE

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JNICAST ALLOYS PRIVATE LIMITED

ANNEXURE - I

1

Registered Office & Factory
Achpatti P.O. Pollachi - 642 002
Coimbatore Dist. Tamil Nadu, India
Phone : 91 4259 259308
98423 21583

To

Date : 19.08.2020

Er. P. Manimaran, M.E., M.B.A,
District Environmental Engineer,
Tamilnadu Pollution Control Board,
Coimbatore South Plot No. E -55 A, Sidco Industrial Estate,
Pollachi Main road, Kurichi, Coimbatore - 641 021

Sir

Subject: TNPCB - Coimbatore (South) - Hon'ble NGT order dated 20/07/2020 in O.A No 26 of 2016.

Ref: Your letter ref no. DEE/TNPCB/CBS/O/L/F.CBS0026/2020 dated 28.07.2020 .

With reference to your above letter we submit the following for your kind perusal.

Recommendations cited / our reply:

1) Shifting of existing shot blasting machine and Fettling department to some other locations or outside the factory.

As you aware all over the years we are maintaining all the parameters of AAQ well within the limits prescribed by the board.

Now TNPCB's suggestion to shift the shot blasting and fettling departments will be very difficult due to the following reasons.

As per sequence of operation and plant layout it cannot be moved away, otherwise entire factory layout to be changed which means we have to close the factory for two years to create new infrastructure and financial implications will lead to permanent closure of the foundries leaving more than 600 direct and indirect employees jobless.

The Industry is running with cut throat competition and recession. Under these circumstances closing the business for two years will make the industry sick permanently.

Corporate Office : Flat 104, C-Block, Pioneer Apartments, 1075, Avinashi Road,
Coimbatore - 641 018. Phone : 4216881

e-mail : uc@unitedgroupcompanies.com

GSTIN : 33AAACU2426P1Z8

CIN : U27101TZ1990PTC002813



AST ALLOYS PRIVATE LIMITED

Registered Office & Factory
Achipatti P.o. Pollachi - 642 002
Coimbatore Dist. Tamil Nadu, India
Phone : 91 4259 259306
98423 21583

Both domestic and exports orders will be lost during the course of time and revival of the business will be very difficult. There will be a huge loss to the Government also, due to tax revenue loss when we are not running business.

More over there would be foreign exchange revenue loss if we close the export business.

Also in the shot blasting machine we have provided exhaust system and bag filters to absorb whatever emission come out of it as proved in AAQ reports provided by TNPCB.

Also in the fettling department we have provided suction blowers connected with bag filters and stack.

This ensures complete absorption of micro dust as proved in AAQ reports.

And also we have completely closed the shot blasting and fettling departments with Zinc sheets to completely arrest the micro dust moving towards school compound.

All the above were carried out at the suggestion of your good selves last year incurring huge financial cost.

Photographs are enclosed for your kind reference.

So we request you to allow us to continue the operations as per the existing system.

2) The unit shall reuse the dumped waste mould sand in the premises itself or dispose it to Ammarun Enviro Guard Industries

➤ Already we are using the sand in our own land and developed green belt on it.

The waste sand generation is below 2% which is very negligible and we have vast land area of our own to develop green belt in our premises.

Moreover Ammarun Enviro Guard Industries are not recycling the green mould sand

Also as you aware the central pollution control board has certified the green sand used in the foundries is of non-hazardous.

Corporate Office : Flat 104, C-Block, Pioneer Apartments, 1075, Avinashi Road,
Coimbatore - 641 018. Phone : 4216681

e-mail : uc@unitedgroupcompanies.com

GSTIN : 33AAACU2426P1Z8 CIN : U27101TZ1990PTC002813



3

UNICAST ALLOYS PRIVATE LIMITED

Registered Office & Factory
Achpatti P.O. Pollachi - 64
Coimbatore Dist. Tamil Nadu
Phone : 91 4259 25930
98423 2158

- 3) The unit shall stop shot blasting and grinding activities till it is shifted somewhere else.
 - Already explained in the point number - 1.
- 4) The 4th respondent unit shall forthwith stop storing fresh sand adjacent to school boundary.
 - Already we have done it (Photo attached).
- 5) The unit shall raise the compound wall facing school premises with steel cladding.
 - We have already provided (Photo attached).
- 6) Internal roads of the factory shall be wetted repeatedly to mitigate fugitive emissions.
 - We are doing it regularly as per DE/TNPCB advice.
- 7) The unit shall ensure that the mist spray arrangements to suppress fugitive emissions.
 - We have spray arrangements in operation.
- 8) The units shall conduct the AAQ / Ambient noise level / Stack monitoring etc., every month.
 - We are already having online monitoring systems, and we maintain the norms well within the parameters as prescribed by TNPCB all over the years since inception.

Also kindly note as per the AAQ / Stack monitoring tests conducted by your good selves in all the directions in and around the factory and also in the school campus the tests were conducted on 30/01/2020 and found everything satisfying the norms.

Even though being a wind prone area the AAQ readings were found to be perfect all over the years.

So we request you to allow us to conduct the above tests once in a year as being carried out at present.
- 9) The unit shall convert the venturi wet scrubber system with stack arrangement for induction furnace.
 - Already all the improved systems provided by us is functioning satisfactorily. Hence we may be allowed to continue with the present proven system.

CAST ALLOYS PRIVATE LIMITED

Registered Office & Factory
Achipatti P.o. Pollachi - 642 002
Coimbatore Dist. Tamil Nadu, India
Phone : 91 4269 259309
98423 21563

The unit shall provide the adequate air pollution measures for the metal pouring bay on further improvement.

All the emissions are controlled as per TNPCB norms, and we request you to allow us to continue with the present proven systems.

As suggested by your good selves we have made heavy investments during the period 2018 to 2019 and made lot of technical improvements providing new equipments.

Also all over the years we are maintaining the pollution norms well within the TNPCB's parameters.

The trend chart of online monitor provided by us in both the units suggests well controlled norms.

For your kind reference we have enclosed the Photographs of improvements as per suggestions made by you.

We suffered business loss to the extent of 50 % during 2019-20 due to Auto recession which has resulted in a huge financial setback. In the current year we continue lose further due to the COVID -19 pandemic.

It is an unpredictable scenario causing huge financial constraints.

As such we are virtually struggling for the sustainability of our industry.

Thanking You

Your's sincerely,
For Unicast Alloys (P) Limited,

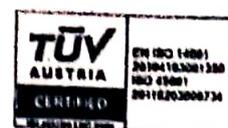


V. Sivakumar,
Director

Corporate Office : Flat 104, C-Block, Pioneer Apartments, 1075, Avinashi Road,
Coimbatore - 641 018. Phone : 4216881

e-mail : uc@unitedgroupcompanies.com

GSTIN : 33AAACU2428P1Z8 CIN : U27101TZ1990PTC002813



A. H. Aratchan / SR

Tamilnadu Pollution Control Board

From

K. Kamaraj, M.E.
District Environmental Engineer,
Tamilnadu Pollution Control Board,
J. Kapila Towers, IIIrd Floor,
266, Mettupalayam Road,
Coimbatore - 641 043

To

The Deputy Director,
Town and Country Planning,
Corporation Commercial complex,
Dr. Nanjappa Road,
Coimbatore 641018.

Lr No. DEE/CBE/E 433/AFS dated 06.04.2011

Sir,

Sub: TNPC Board- PKD College, Kurumbapalayam Village, Pollachi Taluk, Coimbatore District-Construction of additional building, clarification furnished-regd.
Ref: P. No. 586/11 Coimbat. dated 02.03.11

With reference to your letter cited above, I am to inform that as the said college owned by M/s PKD Trust at Kurumbapalayam Village, Pollachi Taluk, Coimbatore District is located in the adjacent premises of M/s. Unicast Alloys (P) Ltd., and M/s. Hi-tech die cast (P) Ltd., (both are foundry units functioning since 1993) and is making frequent complaints against the air pollution caused by their operations. However, these units have provided adequate air pollution control measures to contain their emissions within the limits prescribed by the TNPC Board and are being closely monitored by TNPCB regularly.

TNPC Board is not having any norms for the distance criteria between the foundry and Educational Institutions. However, it is advisable to provide adequate width of buffer zone between the said unit's compound wall and the proposed building. Moreover it is advisable to locate the proposed building away from the industry's compound wall to the maximum extent possible.

In the said buffer zone the said institution may be advised to plant tree saplings so as to develop thick green belt cover in-between the unit's compound and the college building to attenuate the air and noise pollution if any.

District Environmental Engineer,
Tamilnadu Pollution Control Board,
Coimbatore

குறிப்பு Disa school கட்டிடம் Unicast Alloys உருக்கு ஆலைக்கு மிக அருகாமையில் கட்டியுள்ளார்கள். ஆனால் மேலை சொன்ன விதமுறைகள் படி மிக அதிகமான இடைவெளியிட்டு பள்ளி கட்டிடம் கட்டியிருக்க வேண்டும். ஏற்கனவே கட்டியுள்ள கல்லூரி கட்டிடத்தில் இருந்து பின்புறம் பள்ளிக் கட்டிடம் கட்டியிருக்க வேண்டும்.

Tamil Nadu Pollution Control Board

From,
K.Kamaraj,M.E,
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Kapila Towers, 111rd Floor,
266, Mettupalayam Road,
Coimbatore – 641 043

To
The Deputy Director,
Town and Country Planning,
Corporation Commercial Complex,
Dr.Nanjappa Road,
Coimbatore - 641018

Lr.No.DEE/CEB/E.433/AEE dated 06.04.2011

Sir,

Sub: TNPC Board PKD College, Kurumbapalayam Village, Pollachi Taluk,
Coimbatore District Construction of additional building furnished: Reg.

Ref: ந .க .எண் .586/11 கோட்டா நாள் 02.03.11

With reference to your letter cited above, i am to inform that as the said college owned by M/s.PKD Trust at Kurumbapalayam Village, Pollachi Taluk,Coimbatore District is located in the adjacent premises of M/s. Unicast Alloys (P) Ltd, and M/s . Hi-tach die cast (P) Ltd, (both are foundry units functioning since 1993) and is making frequent complaints against the Air pollution caused by their operations. However, these units have provided adequate air pollution control measures to contain their emissions within the limits prescribed by the TNPC Board and are being closely monitored by TNPCB regularly .

TNPC Board is not having any norms for the distance criteria between the foundry and Educational Institutions, However it is advisable to provide adequate width of buffer zone between the said unit's compound wall and the proposed building. Moreover it is advisable to locate the proposed building away from the industry's compound wall to the maximum extent possible.

In the said buffer zone the said institution may be advised to plant tree saplings so as to develop thick green belt cover in between the unit's compound and the college building to attenuate the air and noise pollution if any.

District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore.

PROCEEDINGS OF THE ASSISTANT COMMISSIONER (CT), POLLACHI

Present: Thiru K. Munisamy

Ref. 4599 /92/A2

Dated - 7-9-92



Sub: SALES TAX - Deferral Payment of Sales Tax -
Tvl. Unicast Alloys (P) Ltd., S.F.98/1
D.100 & 101, Kurumbapalayam, Achipatti(P.O),
Pollachi-642 002,
Orders - Issue of - Regarding.

- Ref:
1. G.O.Ms.No.349/CT&RE Dept. dt:1.6.90.
 2. G.O.Ms.No.500/Industries Dept./M.I.G./dt. 14.5.90.
 3. G.O.Ms.No.905/SIC-2/Industries Dept. dt. 26.7.88.
 4. Eligibility Certificate No. 4056/A3/IFST/Def. 92-93/dated 30.4.92 issued by the General Manager, District Industries Centre, Coimbatore.

ORDER:

ooOoo

Tvl. Unicast Alloys (P) Ltd., S.F.98/1, D.No.100 & 101, Kurumbapalayam, Achipatti (P.O), Pollachi-642 001 are doing business in the above address. They have applied for the concessions granted by the Government in respect of interest free Sales Tax deferral scheme for the medium and major industries which has been newly set up in Tamil Nadu as per G.O.Ms.500/M.I.G.II/Industries Department, dated 14.5.90.

2. The General Manager, District Industries Centre, Coimbatore has issued the eligibility Certificate in the ref. 4th cited after verification. According to the Certificate, this industry is eligible for I.P.S.T. deferral scheme for a sum not exceeding Rs. 37,77,666/- lakhs for NINE years from 1991-92 (1.1.92) to 1999-2000.

3. As per the G.O.'s cited and subject to the conditions stipulated in the eligibility Certificate read above, Tvl. Unicast Alloys (P) Ltd., S.F.98/1 D.No.100 & 101, Kurumbapalayam, Achipatti, Pollachi are hereby ordered to defer the Sales Tax, Surcharge, A.S.T., A.S.C., CST etc. for a period of NINE years from 1991-92 (1.1.92) to 1999-2000 for a sum not exceeding Rs. 37,77,666/- (Rupees thirty seven lakhs, seventy seven thousand, six hundred and sixty six only) under I.P.S.T. Scheme as detailed below:

| <u>Deferral Period</u> | <u>Financial year of Repayment</u> |
|------------------------|------------------------------------|
| 1. | 2. |
| 1991-92 to 1999-2000. | 2000-2001 to 2008-2009 |

9

The total amount of T.T. deferred for the years mentioned in Col.(1) above is payable along with the tax due for the years mentioned in Col. (2) above.

4. A penal interest of 19.5% (Nineteen and half percent) per annum will be charged for any default in repayment of instalments. This permission is granted as per the provisions of Section 17A of the TNGST ACT '59.

5. The eligibility of this scheme will cover only the taxes under TNGST Act namely tax, surcharge, A.S.C. and the taxes under CST Act '56 of the sales of manufactured goods by the unit.

6. It will preclude any penalty due under TNGST & CST Act. The recovery of the taxes and other dues will be made as stipulated under Sec. 24, 26 & 27 of the TNGST ACT '59. As specified under Sec. 24, 2) except for the claim mentioned the dues to the Department will have priority over all claims against earned or acquired in future till the arrears covered under the scheme are realized.

7. They shall enter into an agreement with the undersigned as per the terms and conditions to be stipulated.

8. The authority reserved all rights to change, alter, modify and to cancel the proceedings, if circumstances warrant to do so in future at any time before the expiry of the period mentioned supra.

REGISTRAR COMMISSIONER (CT),
POLLACHI.

To
Tvl. Unicast Alloys (P) Ltd., S.F.98/1,
D.No. 100 & 101 Kurumbapalayam,
Achipatti (P.O),
Pollachi-642 002, with a copy of the executed agreement deed.

Copy submitted to the Deputy Commissioner (CT), Coimbatore-18.

Copy to the Deputy Commercial Tax Officer, Pollachi (Rural).

Spares-2.

DEFERRAL OF SALES TAX

DEED OF AGREEMENT

fourteenth This deed of agreement is made at Pellachi on the day of
 May, One thousand nine hundred and ninety two between the
 Government of Tamil Nadu represented by the ASSISTANT COMMISSIONER
 OF COMMERCIAL TAXES, Palghat Road, Pellachi of the one party and
 M/s. Unicast Alloys Private Limited having its Registered Office
 at 9, Manian Velappa Gounder Street, K.K. Pudur, Coimbatore - 38
 represented by its Directors Sri. S.B. Hussain (S/o. B.S. Supther
 Hussain) and Smt. G. Lalitha (W/o. Sri. B. Govindarajan) party
 of the Second part; both parties herein shall include their
 respective Successors/legal heirs, Legal representatives,
 Executors, Administrators and Nominees and Assigns.

- 1. ASSISTANT COMMISSIONER
 (COMMERCIAL TAXES,
 PELLACHI.
- 2.
 (A) S. M. M.
 (B) G. Lalitha2

Whereas M/s. Unicast Alloys (P) Ltd., have established a new industrial unit at S.F.No. 98/1D, 100 A 101 of Marumpapalayam Village, Pollachi Taluk of Coimbatore District and have commenced production of their products at this new unit.

Whereas the Government have, by their order No. MS.500, Industries (MIO.II) Department dated 14.5.90 directed that the new industrial units to be started in the 75 backward taluks and in the Industrial Estates developed by any of the Government Agencies including MPTI/MIDA, the total amount of Tax/Surcharge/Additional Surcharge/Additional Tax/ Central Sales Tax due, will be deferred for a period of nine years; that the deferred shall be within the overall ceiling for which the Eligibility Certificate is issued by the authority; that the deferred instalments shall be payable after the completion of the period of deferral together with the sales tax for the current year without any interest.

Whereas M/s. Unicast Alloys (P) Ltd., have applied for deferral of Sales Tax/Surcharge/Additional Surcharge/Additional Tax/Central Sales Tax to the party of the First part and have also produced the Eligibility Certificate issued by the General Manager, District Industries Centre, Coimbatore.

NOW IT IS AGREED BETWEEN THE PARTIES AS UNDER:-

1. The Tax/Surcharge/Additional Surcharge/Additional Tax/Central Sales Tax to be deferred shall relate to the tax on the sale of the products manufactured by the new units in Tamil Nadu on or after the 1st January 1992.
2. The total amount of Tax/Surcharge/Additional Surcharge/Additional Tax/Central Sales Tax to be deferred shall not exceed the total investment made in fixed assets

ASSISTANT COMMISSIONER
(COMMERCIAL TAXES,
POLLACHI.

1.

2.

(A) S. N. M

(B) G. Lalitha

3. The party of the Second part agrees to repay the deferred amount of Sales Tax, etc., in nine instalments viz., the first year's due in the 10th year; the second year's due in the 11th year and so on as per G.O. dated 14.5.1990. In case of default in payment of deferred tax etc., the party of Second part undertakes that in the case of proprietry firm, the movable and immovable properties of the company shall be liable to be attached, proceeded towards the realization of defaulted tax instalments. The term movable shall include cash/shares/debunters/bank balance
4. The party of the Second part shall not alienate/dispose/encumber the said fixed assets, nor shall it remove the fixed assets from the unit's premises until the deferred tax is fully repaid.
5. The party of the Second part shall insure the fixed assets at a value not less than the value certified by the General Manager, District Industries Centre and keep the Insurance policies alive by renewing it every year until the deferred tax is fully repaid. The Insurance Policy/Renewed Policy shall be produced for inspection of the party of the First part before 30th June of every year.
6. The party of the Second part shall maintain the fixed assets in good condition so that the market value of the assets is maintained from time to time.
7. The party of the Second part shall obtain the permission of the party of the First part before the sale of the fixed assets.
8. The party of the Second part shall furnish to the party of the First part the Audited Balance Sheet and Profit and Loss Account certified by the Chartered Accountant within six months of the close of the financial year.
9. The party of the First part reserves the right to cancel or modify any of the above conditions at any time till the deferred tax is fully repaid.

ASSISTANT COMMISSIONER
(COMMERCIAL TAXES,
POLLACHI).

1.

2.

(A) S. M. M

(B) G. Lalitha4

IN WITNESS WHEREOF THE GOVERNMENT OF TAMIL NADU

Represents Thiru K. MUNISAMY, Assistant Commissioner of Commercial Taxes, C.T. Buildings, Palghat Road, Pollachi and Thiru S.D. Imselian and Smt. G. Lalitha Directors of M/s. Unicast Alloys (P) Ltd., S.F.No. 98/1D, 100 & 101 of Kurumpapalayam Village, Pollachi Taluk of Coimbatore Dt. have set their hands on the day, month and year first above written.

In witness whereof the company has caused its common seal to be affixed hereunto on the day, month and year first above written.

The common seal of the company is, pursuant to a resolution of the Board of Directors of the company for and in that behalf passed on 7-5-92 and affixed hereunto in the presence of Sri. S.B. Imselian and Smt. G. Lalitha.

ASSISTANT COMMISSIONER
(COMMERCIAL TAXES),
POLLACHI.
Party of the first part



for M/s. UNICAST ALLOYS (P) LTD.,

1. S. M. M

2. G. Lalitha

1. S. M. M

2. G. Lalitha

Directors.

Party of the Second part.

Witness

1. [Signature]
[P. Thirumoorthy]

2. [Signature]
[K. Mohamed Karim]

1) Om Sakthi Vinayagar Therasi
TNGST. NO. 248429 Permit No: 31
CST. No. 301758/11-4-86
P. THIRUMURTHI,
OLD IRON MERCHANT,
11, GANDHI MARKET,
POLLACHI - 642 081.

2) PHONE: 5521 P.P.
TNGST. NO 241173 CST. NO 301961/24-5-89
IQBAL TRADERS,
Old Iron Merchant,
Prop: K. Muhamadu Kasiim,
57, GANDHI MARKET, POLLACHI.

புறமுகம் 1847/2020/அ

திகதி 11.07.2020

சான்று

கோயம்புத்தூர் மாவட்டம், பொள்ளாச்சி வட்டம், குதம்பாளையம் கிராம பட்டா எண் 381 நெ காலைக்கு கட்டுமானம், புல எண் 100 நெ காலைவில், புஞ்சை ஹெக்டேர் 1.34.50 விஸ்தீரணமுள்ள பூமியும், புல எண் 78/1A நெ காலைவில் புஞ்சை ஹெக்டேர் 0.71.50 விஸ்தீரணமுள்ள பூமியும், புல எண் 78/3A நெ காலைவில், புஞ்சை ஹெக்டேர் 0.55.00 விஸ்தீரணமுள்ள பூமியும், புல எண் 98/1D நெ காலைவில், புஞ்சை ஹெக்டேர் 0.68.00 விஸ்தீரணமுள்ள பூமியும், புல எண் 98/3A நெ காலைவில், புஞ்சை ஹெக்டேர் 0.20.50 விஸ்தீரணமுள்ள பூமியும், ஆக மொத்தம் 3.49.50 விஸ்தீரணமுள்ள பூமியானது, கிராம ஆவணங்கள் எப்படியும், பொள்ளாச்சி சார்பதிவாளர் அலுவலக ஆவண எண். 2549/1990, 1608/2009 மற்றும் 4278/2016-ன்படியும், M/s Unicost Alloys private Limited (யுனிகாஸ்ட் அலாய் பிரைவேட் லிமிடெட்) என்ற நிறுவனத்தின் பெயரில் தனியாக பாத்தியப்பட்டுள்ளது மேற்படி பூமியில் புல எண். 78/1A நெ காலைவில், புஞ்சை ஹெக்டேர் 0.71.50 விஸ்தீரணமுள்ள பூமியும், புல எண். 78/3A நெ காலைவில், புஞ்சை ஹெக்டேர் 0.55.00 விஸ்தீரணமுள்ள பூமியிலும், தி/வா யுனிகாஸ்ட் அலாய் பிரைவேட் லிமிடெட் நிறுவனத்தின் உற்பத்தி பிரிவு செயல்பட்டு வருகிறது. மேற்படி உற்பத்தி செய்யப்படும் பொருட்களிலிருந்து பிரிக்கப்படும் கழிவு மண்ணினை இந்நிறுவனத்திற்கு பாத்தியப்பட்ட புல எண் 98/3A நெ காலைவில், புஞ்சை ஹெக்டேர் 0.20.50 விஸ்தீரணமுள்ள பூமியில் கொட்டப்படுகிறது. பொள்ளாச்சி வட்டத்திற்குட்பட்ட பகுதியில் கழிவுப்பொருட்கள் வேறு எங்கும் கொட்டப்படுவதில்லை என சான்று வழங்கப்படுகிறது.

11/07/2020
விருவாய் வட்டாட்சியர்
பொள்ளாச்சி.

பெறுநர்
தி/வா யுனிகாஸ்ட் அலாய் பிரைவேட் லிமிடெட்,
குதம்பாளையம் கிராமம்
பொள்ளாச்சி வட்டம்

11/07/2020

**BEFORE THE NATIONAL GREEN
TRIBUNAL (SZ) CHENNAI**

Application No. 26 of 2016 (SZ)

**COMMON ADDITIONAL OBJECTIONS
FILED BY THE 4TH & 5TH RESPONDENTS
TO THE REPORT DATED 28.08.2020
OF THE TNPCB**

**M/s.R. BHARATH KUMAR (Ms.1232/1993)
V.AYYAPPARAJA (Ms.412/2001)
S.VENKATESH (Ms.737/2008)**

Counsel for 4TH & 5th Respondent