

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

**APPEAL NO. 33 OF 2022**

**IN THE MATTER OF:**

MEENAVA THANTHAI K.R. SELVARAJ KUMAR  
MEENAVAR NALA SANGAM  
Represented by its President,

..APPELLANT

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

**COMMON REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.5**

I, Joy, aged about 52 years, Factory Manager of M/s Sun Pharmaceutical Industries Ltd, having its factory at survey no. 90/2, 90/3, 90/4, 99/1, 99/2, 99/3, 99/4, 99/5, 100/2A, 100/2B, 100/3, Sathammai Village, Karunkuzhi Po, Madhuranthagam TK, Chengalpattu Dist., do hereby solemnly affirm and sincerely state as follows:

1. I am the Factory Manager of the 5<sup>th</sup> Respondent Company and as such I am well acquainted with the facts and circumstances of the case, and I am authorised to swear to this affidavit.

For SUN PHARMACEUTICAL INDUSTRIES LTD  
  
M.A. JOY  
Sr.General Manager Operations

2. I have read the response to the reports submitted by Principal Chief Conservator of Forest, Tamil Nadu and Ministry of Environment, Forest and Climate Change, the answering respondent submits as under:

I. It is humbly submitted that it is factually incorrect to say that the G.O.Ms. No. 199, dated 03.07.1998 says that in Vedanthangal Bird Sanctuary, any activity can be taken up except that of Pharmaceuticals. As there are several other pharmaceutical and other industries in and around our Factory to name a few:-

S. No	Name of the Industry	Type of industry	Industry category as per TNPCB
1	M/s Ordain Health Care Global Private Limited.	Formulation	Orange Large
2	M/s Arrihant Intermediates (Madras) Private Limited.	Bulk drug intermediates	Red Small
3	M/s Sun Pharmaceutical Industries Ltd.	Bulk drug	Red Large
4	M/s Royal Welding Wires Pvt Ltd.	Welding wires	Red Small
5	M/s IM gears	Engineering	Orange Large
6	M/s PARK Felts Private Ltd	Engineering	
7	M/s PARK industries Private Ltd.	Engineering	
8	M/s Total Energies Marketing India Private Ltd.	LPG bottling plant	Red Large
9	M/s Arrow Coach Builders.	Automobile	
10	M/s Sie Chem Technologies Pvt Ltd	Industry is closed	NA
11	M/s Concorde factory.	Textile	Red Large
12	M/s British Agro Products India Pvt Ltd	Mushroom Cultivation	Green Small
13	M/s SNJ Breweries Private Ltd	Breweries	Red Large
14	M/s IOCL LPG Bottling Plant	LPG Bottling	Red Large
15	M/s SNJ Distilleries	Distillery	Orange Small
16	M/s Balmer Lawrie-Van Leer Limited	HDPE drum manufacturing	Green Large
17	M/s TNBMWML, Pudur	Hazardous Waste Processing	Red Small
18	M/s Zeta Formulation Pvt Ltd	Formulation	
19	M/s Triton Healthcare Pvt Ltd	Formulation	Orange Small
20	M/s Anuj Tiles Factory	Tiles factory	
21	M/s Sunglow Life science Pvt Ltd	Formulation	

A few of the above mentioned industries were given permission to establish after the Vedanthangal Bird sanctuary was notified in 1998.

- II. It is humbly submitted that in the present report of MOEF, it has been stated that NBWL clearance for the project is necessary if it is located within 10 kilometres of the *National Park/Wildlife Sanctuary* and in the very next para 25, they have mentioned applicability of para 4(iii) of OM dated 8/8/2019. Para 4(iii) reproduced below mandates simultaneous application for EC and NBWL clearances, where ESZ notification is not notified or ESZ notification is in draft stage:

*” Proposals involving developmental activity/project located within 10 km of National Park/Wildlife Sanctuary wherein final ESZ notifications not notified (or) ESZ notification is in draft stage, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) is mandatory. In such cases, the project proponent shall submit the application simultaneously for grant of Terms of Reference/environmental clearance as well as wildlife clearance.”*

The Ministry of Environment & Forests had issued ESZ guidelines dated 9th February 2011, requiring an ESZ surrounding all notified sanctuaries/ national parks. The area of the ESZ can be up to 10 kms or less, depending upon the requirement. All the states were asked to submit the details of proposed ESZ around the sanctuaries in their respective states. To the best knowledge of this respondent, the State of Tamil Nadu never responded to this requirement of ESZ, for the Vedanthangal Bird Sanctuary and we understand that on 23.01.2020 a proposal was mooted by the State Forest Department to have 03 Kms maximum radius instead of 05 Kms surrounding the Vedanthangal Lake/sanctuary as ESZ.

For SUN PHARMACEUTICAL INDUSTRIES LTD  
  
 M.A. JOY  
 Sr. General Manager Operations

- III. We humbly deny that our Plant is located within the Vedanthangal Bird Sanctuary, and we rely upon the facts submitted in our reply filed to this original appeal. Further till date the survey no's which come under the purview of the notified sanctuary has not been spelled out or notified by the department.
- IV. It is humbly submitted that it is without any material substantiation to show that there is any notified Eco Sensitive Zone (ESZ) around the Karikili Bird Sanctuary to our knowledge. Even the draft notification are not available on the Government Portals. Moreover the reply doesn't state what are the survey no's which come under the Karikili bird sanctuary.
- V. It is humbly submitted that that even according to the Principal Chief Conservator of Forests that the proposal dated 26.12.2020 submitted on PARIVESH Web Portal is still under examination by Wild Life Warden, Chennai and has not been rejected or refused.
- VI. The Ministry of Environment, Forest and Climate Change at Para26 of 33 of 2022 the reply affidavit dated 11.08.2022 has submitted that;
- “for the projects located inside the wildlife sanctuaries notified under the Wildlife (Protection) Act, 1972 or located in the notified Eco-Sensitive Zone (hereinafter referred to as ESZ) around the wildlife sanctuary or within 10 km of wildlife sanctuary (if ESZ is not notified), require clearance from the Standing Committee of National Board for Wildlife (hereinafter referred to as SCNBWL). The Eco-Sensitive Zone around the Vedanthangal lake Bird Sanctuary is yet to be notified.”***

For SUN PHARMACEUTICAL INDUSTRIES LTD



M.A. JOY  
Sr. General Manager Operations

**The above details are part of Ministry of Environment, Forest and Climate Change at Para 5 of OM dated 17.05.2022.**

VII. In subsequent Para 27, the Ministry of Environment, Forest and Climate Change has stated forming a procedure for considering of projects, vide Office Memorandum no. F.No. 22-43/201/-IA.III, dated 08.08.2019, as reproduced below:

*“4 (iii) Proposals involving developmental activity/project located within 10 km of National Park/Wildlife Sanctuary wherein final ESZ notification is in draft stage, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) is mandatory. In such cases, the project proponent shall submit the application simultaneously for grant of Terms of Reference/environmental clearance as well as wildlife clearance.”*

VIII. It is humbly submitted that accordingly, all the facts submitted in the Form -1 were considered in right way by the Environmental Appraisal Committee, MoEF&CC granted EC and EC is subject to NBWL Clearance from Standing Committee as confirmed by MoEF 33 of 2022 at Para 28 of reply affidavit dated 11<sup>th</sup> August 2022.

*“(…) (ii) This Environmental Clearance is subject to obtaining the NBWL clearance from the Standing Committee on Wildlife as the Unit is located at 3.72 km (West) from the Vedanthangal Bird Sanctuary.”*

IX. It is humbly submitted that we have followed all the necessary stipulated guidelines as mandated by the statutory authorities based on which the statutory authority after convincing itself has granted the Environmental Clearance for our Unit.

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- X. We also reserve our right to raise and produce additional facts and documents as may be available to us during the course of the proceedings.

In view of the above facts and circumstances it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the Appeal and pass such or other orders as this Hon'ble Tribunal may deem fit and necessary and thus render justice.

For SUN PHARMACEUTICAL INDUSTRIES  
  
M.A. JOY  
Sr. General Manager Operations

Solemnly affirmed at Chennai  
This 7<sup>th</sup> Day of April 2023

Before me  
N. S. M.S. 2766/2008  
No. 294, New Additional law  
Chambers, Chennai - 104  
Advocate, Chennai

**BEFORE THE NATIONAL GREEN  
TRIBUNAL AT CHENNAI**

Appeal NO.33 of 2022 (SZ)

Meenavar Thanthai K. R. Selvaraj Kumar  
Meenava Nala Sangam

..... Applicant

**-Vs-**

The Union of India & 5 Others

..... Respondents

**Common Reply of 5<sup>th</sup> Respondent**

**M/S.A.RAMESH KUMAR MS 320/93  
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**COUNSEL FOR 5<sup>th</sup>RESPONDENT**