

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

O A No. 34 of 2023

Rahul. S :: Applicant

Vs

Al-Jabal & 7 Others :: Respondents

REPLY AFFIDAVIT FILED BY THE RESPONDENT NO 1 TO 3

MOST RESPECTFULLY SHOWETH:

I, Salih Rahiman @ Abdul Salih, proprietor of the Al-Jabal, Aniyathkundu, Naduvathapara, Perungottukurissi, Alathur Taluk, Palakkad District, Kerala State, Pin code :- 678574, do hereby solemnly affirm and declare as under:-

1. I am the 2nd respondent and the sole proprietor of the 1st respondent firm named and style Al-Jabal and duly authorized to swear the affidavit on behalf of the 3rd respondent herein. I am well conversant with the facts and records of the present case, am competent to swear this affidavit.
2. It is respectfully submitted that, in order to propagate an innovative idea of recycling of a used plastics with a motive of sustainable development, we have envisaged a plan to establish an enterprise manufacturing plastic chips in the name of the 1st respondent firm, Al-Jabal. We have registered our establishment in Udhyam Portal and applied for the licences under the provisions of Kerala Micro Small Medium Enterprises Facilitation Act, 2019.
3. The above said Act was enacted by the Government of Kerala with the object of providing exemption from certain approvals and inspections required for the establishment and operation of micro, small and medium enterprises in

Abdul Salih

Salih Rahiman

the State and matters connected therewith and incidental thereto. According to the provision of section 5(1) of the above Act, any person intended to start any Micro Small or Medium enterprise has to submit a self declaration as prescribed in the rules framed thereunder. On the receipt of the self declaration by the intended persons, the nodal agency established under the above Act, on the subjective satisfaction of the declaration, issue an Acknowledgement Certificate in prescribed form.

4. By virtue of section 6 of the aforesaid Act, an Acknowledgement Certificate issued under the Act shall, for all purposes, have the effect of an approval as defined in Section 2(c) for a period of three years from the date of its issuance and after the expiry of the said period of initial three years, such enterprises shall have to obtain required approvals as defined in the Section 2(c) within six months from the date of such expiry. As the manner prescribed by the above said, we have applied to the concerned authority, the 6th respondent herein on 05/01/2023. On the receipt of our application the 6th respondent has issued an Acknowledgement Certificate as specified under section 5 of the above said Act. The photocopy of the Acknowledgement Certificate issued by the 6th respondent dated 05/01/2023 is being enclosed herewith and marked as Annexure-1.
5. After obtaining the Acknowledgement Certificate from the 6th respondent, we have applied for Consent to Establish from the Kerala State Pollution Control Board and have secured a Consent to Establish on 03/03/2023. The photocopy of the Consent to Establish issued by the 8th respondent Kerala State Pollution Control Board dated 03/03/2023 is being enclosed herewith and marked as Annexure-2.
6. By virtue of section 6 of the above said Act, an Acknowledgement Certificate issued under the Act shall have an effect as if it is an approvals, clearances,



registration, consents, no objection certificate and the like required under any State law in connection with the establishment or operation of micro small and medium enterprise in the State. It means and includes the approval from the Local Self Government, building permit from the 7th respondent, Perungottukurisi Grama Panchayath in the above case. According to the mandate provides by the said enabling position, we have started to construct the unit. Hence Annexure-3 produced by the petitioner here, which is issued by the 7th respondent is issued without knowing the provisions and mandate envisaged under the Kerala Micro Small and Medium Enterprises Facilitation Act, 2019(16 of 2019).

7. The proposed establishment hereunder discussion will not cause any kind of pollution in the locality as alleged by the petitioner herein. And we have prepared to abate all means of pollution that may arise in the proposed premises. And we have clearly mentioned the fact of causing of pollution standards of the machineries and operations before the 8th respondent Kerala State Pollution Control Board. The petitioners inseminating unnecessary concern of pollution without any valid scientific supports.
8. The premises of the proposed unit is not coming under the Buffer Zone of Choolanur Peafowl Sanctuary established by the Government of Kerala vide G.O.(P)24/2007/F&WLD, dated 15/05/2007. The proposed unit is situated beyond the limit of the buffer zone of said sanctuary.
9. The proposed plan of our unit carrying the segregation and shredding of the used plastics by using 15 HP machinery with the aid of electricity. We will not do any boiling or heating of plastics. And no use of water or any chemicals to raw materials. The unit carry out crushing of used plastics and making of small plastic chips. Hence there is no question of any sort of pollution from the unit.





10. The petitioner is local political leader of ruling party, he and his men or agents are protesting in front of the unit by inseminating false propaganda against us with an ulterior motive. And the unit is proposed on loosely populated site too.

In the view of the aforesaid facts and circumstances, the above case under reply is liable to be dismissed with costs.


DEPONENT
Abdul Salib

VERIFICATION

I, the abovenamed deponent do hereby verify the contents of the above affidavit are true to my knowledge. No part of the same is false and nothing has been concealed therefrom.

VERIFIED ON THE 3rd DAY OF AUGUST 2023 AT CHENNAI

SATHEESH KUMAR N,
Advocate, K/261/16



Counsel for the 1st to 3rd Respondent


DEPONENT
Abdul Salib



Government Of Kerala
Department of Industries & Commerce

(issued under sub-section (3) of section 5 of the Kerala Micro Small Medium Enterprises Facilitation Act, 2019)

Acknowledgement Certificate

M/S *Al-Jabal* has filed a Self Certification under the Kerala Micro Small Medium Enterprises Facilitation Rules, 2020 to set up a **Manufacturing** enterprise. The receipt of the Self Certification for the enterprise is hereby acknowledged with following details as contained in the self certification :

Acknowledgement Details	
Acknowledgment Number	<i>KLMSME-144/2023</i>
Date of Acknowledgment	<i>05-01-2023</i>
Validity of Acknowledgment	<i>04-01-2026</i>
Name of the Enterprise	<i>Al-Jabal</i>
Type of Organization	<i>Proprietorship</i>
Address for Communication	<i>Aniyathkundu, NADUVATHAPARA, Peringottukurissi, Palakkad, Palakkad, Kerala-678574</i>
Major Activity of Enterprise	<i>Manufacturing</i>
Product(s) to be Manufactured/Service(s) to be provided	<i>Plastic Chips</i>
Location of Manufacturing/Service Activity of Enterprise	<i>166/9, Chettyankad, NADUVATHAPPARA, NADUVATHAPPARA, Naduvathupara B.O, Palakkad -678574</i>
Survey Number	<i>166/9</i>
Estimated Project Cost	<i>7 Lakhs</i>

1. Subject to provisions of the Act and these Rules, this Acknowledgement Certificate shall entitle the enterprise:

- Exemption from approval under the various enactments mentioned in the Act.
- Exemption from inspection for the purpose of, or in connection with, any approval under various enactments mentioned in the Act.
- It can be presented to any Competent Authority or Bank or Financial

[Signature]

Institution as and when required who shall treat it as valid approval as defined in sub-section (c) of section 2 of the Act for all the purposes.

2. This Acknowledgement Certificate is issued, subject to following conditions:

- a. The provisions of the Kerala Micro Small Medium Enterprises Facilitation Act, 2019 and its applicability shall be limited to Acts mentioned in the Act and the activities mentioned in the Acknowledgement Certificate
- b. The Acknowledgement Certificate is valid for a period of three years from the date of issue.
- c. After the expiry of Acknowledgement Certificate, the enterprise shall have to obtain required approvals, for which no further intimation shall be provided.
- d. In case of willful submission of false information in Self Certification or suppression of material fact, or breach or contravention of any of the provisions in the Act & the rules, the Nodal Agency can revoke/cancel the Acknowledgement Certificate as per provisions of the Act and Rules.
- e. The Acknowledgement Certificate will become void, if the enterprise ceases to exist due to merger or division of enterprise or acquisition or amalgamation of the enterprises or if it ceases to be a Micro, Small or Medium enterprise as defined under the Act.

This certificate is valid for a period of three years from the date of issue. Dated on this the 5th day of *January*, 2023

	KLMSME-144/2023	Issued By, General Manager, DIC, District Industries Center, Palakkad, Kerala.
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This is a system generated Certificate which requires no signature.

Subash

FILE NO : KSPCB/PL/ICE/10019776/2023

Date of issue : 03-03-2023



KERALA STATE POLLUTION CONTROL BOARD

CONSENT TO ESTABLISH

ISSUED UNDER

The Water (Prevention & Control of Pollution) Act, 1974

The Air (Prevention & Control of Pollution) Act, 1981

and

The Environment (Protection) Act, 1986

As per Application No. : 10019776

Dated : 17-01-2023

To

AL JABAL

CHETTIYANKAD, ALATHUR, PALAKKAD, KERALA, PINCODE:678574

Consent No. : KSPCB/PL/ICE/10019776/2023

Valid Upto : 28-02-2028

Subram

1. GENERAL

1.1. This integrated consent is granted subject to the power of the Board to withdraw consent, review and make variation in or revoke all or any of the conditions as the Board deems fit

1	VALIDITY	28-02-2028
2	Name and Address of the establishment	AL JABAL CHETTIYANKAD, ALATHUR, PALAKKAD, KERALA, PINCODE:678574 E-Mail : rahaman.salih288@gmail.com Contact Number : 9400037906
3	Occupier Details	ABDUL SALIH ANIYATHKUNDU, NADUVATHAPPARA POST, ALATHUR, PALAKKAD, KERALA, PINCODE:678574 E-Mail : rahaman.salih288@gmail.com Contact Number :
4	Local Body	PERINGOTTUKURISSI
5	Survey Number	166/9
6	Village	Peringottukurissi - 2
7	Taluk	Alathoor
8	District	PALAKKAD
9	Capital Investment(Rs in Lakhs)	4.3
10	Scale	Small
11	Category	GREEN
12	Annual fee(Rs)	950.0
	Total Fee remitted(Rs)	6175.0
13	Activity	TO STOCK 200 SACK PLASTIC SCRAP AND PRODUCE PLASTIC CHIPS @ 400 Kilogram/Day(ACTIVITIES LIKE SHREDDING OR GRINDING, BAILING AND SEGREGATION ONLY)



14	Machinery details	15 HP (Excess fees Rs.1425 will consider for next consent)
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S. Kumar

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

Application No. 34 Of 2023

Rahul S : Applicant

Vs

Al Jabal and Others : Respondent



We, (1) Al- Jabal, Rep by Mr Saih Rahiman@ Abdul Salih, 166/9, Chettyankad, Naduvathapara, Peringotukurisi PO, Palakkad District, Kerala, Pin:- 678574.

(2) Salih Rahiman@ Abdul Salih, Proprietor of Al-Jabal, Aniyathkundu, Naduvathapara, Peringottukurris PO, Palakkad District, Kerala, Pin:- 678574.

(3) Saleem@ Abdul Rahiman, Aniyathkundu, Naduvathapara, Peringottukurrisi PO, Palakkad District, Kerala, Pin:- 678574.

Respondent No.1to3 In the above case, do hereby appoint and retain, Mr.Satheesh Kumar N,BAL,LLM.(K/261/16) & Mr.Santhoshkumar N,BA,LLB(Hons).(K/194/19) Advocates to appear for us in the above application and and to conduct and prosecute or defend the same and all the proceedings that may be taken in respect of any application connected with the same or to execute decree or order passed therein, including all applications for return of documents, applications, for review, in appeals and in applications for leave to appeal to the Supreme Court and to draw any moneys payable to me in the said petition.

Signed this the 16th day of June 2023

For Respondents No. 1 & 2. Abdul Salih 

Respondents No. 3. Abdul. Rahiman.



Duly executed before me. Advocate 

Beena H,BAL,LLM (K/306/16)

Palakkad, Kerala

Advocate 

Satheesh Kumar N, BAL,LLM

(K/261/16)

Accepted



Advocate 

Santhoshkumar N, BA,LLB(Hons)

(K/194/19)

Accepted

