

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH AT CHENNAI
(Under S.14 r/w. S. 15 (3), 18 (1) & 19 (4) of the National Green
Tribunal Act, 2010)

O.A. NO. 4 OF 2022 (SZ).

Jaganathasamy,
S/o.Palanigounder,
No.959, Narasingapuram,
Krishnapuram post,
Madathukulam Taluk, Tiruppur District
Mobile : 9942359090 E-Mail :- arunlegalsolutions@gmail.com
-Petitioner

Versus

1. The Member Secretary,
The Tamil Nadu Pollution Control Board,
No. 76, Mount Road, Chennai.600032
Phone: 044- 22353145 E-mail: tnpcb-chn@gov.in
2. The Chairman,
TANGEDCO,
6 th floor,TANTRANSCO Building,144,Anna Salai,
Chennai - 600 002
Phone : 044-28521915 E. mail : chairman@tnebnet.org
3. The District Collector,
Tiruppur District,
Tiruppur.
Phone : 0421-2971100 E-mail : collrtup@nic.in
4. The Chief Engineer,
TANGEDCO,
Coimbatore.
Phone: 9445851751, E-mail : cedcbe@tnebnet.org
5. The Superintending Engineer,
TANGEDCO,
Udumalpet.
Phone : 9445851451 E-Mail : seudt@tnebnet.org
6. The District Environmental Engineer,
The Tamil Nadu Pollution Control Board,
Tiruppur South.
Phone: 04255-252225Email ID : deetnpcbtp.r.s@gmail.com
7. The Assistant Engineer,
TANGEDCO
230, KVA Sub Station,
Udumalpet.



Phone : 9445851451 E-Mail : aeudt@tnebnet.org

8. The Proprietor,
M/s Akshairaj Blue Metals,
No.531/2, Myvadi Village,
Madathukulam Taluk,
Tirupur District.
Phone No & E-Mail: Not Known

-Respondents

REPLY OF THE APPLICANT FOR THE REPORT FILED BY TNPCB

I, Jaganathasamy, S/o.Palanigounder, residing at No.959, Narasingapuram, Krishnapuram post, Madathukulam Taluk, Tiruppur District do hereby solemnly affirm and sincerely state as follows: -

1. I submit that I am the applicant herein and had read the report filed by the 6th respondent. As such, I am well acquainted with the facts and circumstances of the case.

2. I submit that at the outset I deny the entire facts stated in the report as untrue and the 6th respondent has come up with such a false report only in order to protect the 8th respondent by projecting as if the present case was filed prematurely.

3. I submit that consent order was issued by the 6th respondent as early as in the year 1982, permitting the predecessor of the 8th respondent for production of 24 tons of blue metal, 8 tons of chips and 8 tons of powder totaling 40 tons per day. As the RTI reply of the TANGEDCO, in the year 1982 the unit had obtained only 25 HP service connection for running 1 Jaw crusher, 1 rotary screen through which the unit manufactured 40 tons per day.

4. I submit that as per the circular of the 1st respondent dated 02.07.2004 vide B.P.Ms. No. 4, expansion or establishment of the new units cannot be done within 1 KM radius from the National Highways and later that was reduced to 500 mts. Admittedly the subject matter unit is within 300 mts from the National Highways. But an additional load of 61 KW was effected by the TANGEDCO to the 8th respondent for running additional Jaw crusher, rotary screen based on the consent

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Corrns: nil



order given by the 6th respondent in the year 2005 against the above said circular. If the TANGEDCO furnishes the consent order of the TNPCB and date of effecting additional load, both departments will be left defenseless before this Tribunal. Hence deliberately, TANGEDCO while giving its RTI reply dated 16.11.2021, has stated that consent order and other particulars pertaining to the additional load of 61 KW were missing.

5. I submit that while the permitted level for manufacturing its products has not been increased from 40 tons since 1982, the respondents 5, 6 and 8 is obligated to justify the purpose for which the additional loads for obtained in addition to the existing 25 HP service connection for manufacturing very same 40 tons per day. The loads were obtained as follows:-

S.No.	Year	Additional load obtained	Permitted level per day
1.	1982	25 HP (initial load)	40 tons
2.	1988	5 HP & 300 W	40 tons
3.	2005	61 KW	40 tons
4.	2021	51 KW	40 tons

6. I submit that from the above tabulation it is evident that for manufacturing 40 tons of blue metals, chips and powder, 25 HP of the service connection is sufficient and additional loads are obtained only in order to manufacture the products extensively than the permitted level. The 6th respondent in his RTI reply dated 30.07.2021 has conveniently stated that TNPCB has no mechanism to measure the quantity of products manufacturing per day.

7. I submit that Sale deed of the 8th respondent dated 28.11.2019 has a clear mention with respect to the M. Sand machineries and the machines were very well available inside the premises till 26.01.2022 but the said machines were dismantled by the 8th respondent over the night knowing that 6th respondent was causing

(Signature)

an inspection on 27.01.2022 and the 6th respondent is also well aware of the same.

8. I submit that admittedly the crushing unit is in operation since 1982 and as per the conditions no. 7, 10 and 11 of the 6th respondent's report, there should be a 15 feet compound wall all around the unit and bi lane roads laid with thar or concrete sprinkled with water should be maintained. But even as per his observations, no compound wall was constructed on the western and southern sides and 13 feet and 10 feet walls found on eastern and northern sides of the unit respectively. From the photographs enclosed at page 142 of the main typed set, the approach road is a single lane mud road and 400 trees per hectare was not at all planted since 1982. Therefore the 6th respondent who suppressed all these violations being committed for past 40 years, has conveniently filed a report stating that no violations is committed since the unit is yet to commission.

9. I submit that above all, while the TANGEDCO vide letter dated 27.07.2021 has specifically restrained the 8th respondent not to put up any construction in S.F.No. 531/2A as the HT lines are passing above the said land, the 6th respondent has conveniently issued the consent order brushing aside the direction of the TANGEDCO, preferred not to address on the said issue and reported as "no violations".

For the reasons stated above, it is therefore prayed that this Hon'ble Tribunal may be pleased to allow the O.A. No. 4 of 2022 and thus render justice.

P. J. Jeyaraj

Solemnly affirmed at Udumalpet,
on this 17th day of Feb 2022 and
the deponent put his signature in
my presence:-

BEFORE ME,

C. Chidambaram EN. NO 220/87
Advocate- Udumalpet

C. CHIDAMBARASAMY B.A., B.L.,
ADVOCATE
16/B-3, Katchery Street, Udumalpet - 642 126.
PH : 224010 (O) Cell : 94430 24040

3:07

VoLTE+ VoLTE+ VoLTE+ 81%



Re: O.A.No 4 of 2022- NGT Sz-
service of reply affidavit Add label



arun kumar 3:06 pm

to Shanmuganathan, saisathyajith ^



From arun kumar · arunlegalsolutions@gmail.com

To Shanmuganathan Dharmarajan ·
dshanmuganathan@outlook.com
saisathyajith@gmail.com

Date 18 Feb 2022, 3:06 pm

See security details

On Fri, 18 Feb 2022, 3:05 pm arun kumar,
<arunlegalsolutions@gmail.com> wrote:

On Thu, 20 Jan 2022, 4:31 pm arun kumar,
<arunlegalsolutions@gmail.com> wrote:

----- Forwarded message -----

From: **arun kumar** <arunlegalsolutions@gmail.com>

Date: Wed, Jan 19, 2022 at 6:22 PM

Subject: O.A.No 4 of 2022- NGT (SZ)- service of notice and typed
set

To: <tnpcb-chn@gov.in>, <chairman@tnebn.net.org>,
<collitup@nic.in>, <cedcbe@tnebn.net.org>, <seudt@tnebn.net.org>,
<deetnpcbtp.r.s@gmail.com>, <aeudt@tnebn.net.org>

Respected sir/madam,

Take notice that the above case filed by my client
against the illegal operation of the crusher unit of No.
8 of you, came up for Admission before the Hon'ble
National Green Tribunal South Zone on 05.01.2022

