

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

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

Jaganathasamy,
S/o.Palanigounder,
No.959, Narasingapuram,
Krishnapuram post,
Madathukulam Taluk,
Tiruppur District

-Petitioner

Versus

The Member Secretary,
The Tamil Nadu Pollution Control Board
And others

-Respondents

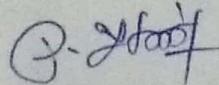
REJOINDER OF THE APPLICANT FOR THE REPLY FILED BY
8TH RESPONDENT

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 reply filed by the 8th 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 averments made in the reply filed by the 8th respondent expect that those are admitted specifically hereunder. I submit that the 8th respondent has made nothing more than a casual denial of all the specific allegations made in the application along with the proper documentary evidence.

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 power 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.

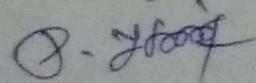


4. I submit that as per the circular of the 1st respondent dated 02.07.2004 vide B.P.Ms. No. 4, expansion or establishment of the new units cannot be done within 1 KM radius from the National Highways and later that was reduced to 500 mts. Admittedly the subject matter unit is within 300 mts from the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

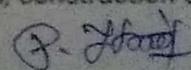


7. I submit that Sale deed of the 8th respondent dated 28.11.2019 has a clear mention with respect to the M. Sand machineries and the machines were very well available inside the premises till 26.01.2022 but the said machines were dismantled by the 8th respondent over the night knowing that 6th respondent was causing an inspection on 27.01.2022 and the 6th respondent is also well aware of the same. While the facts remains so, the 8th respondent has made a casual denial of fixture of M.Sand machineries which was admittedly found in the Schedule of properties in his own sale deed stated above.

8. I submit that admittedly the chousing 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. All these violations are being committed for past 40 years and the 8th respondent is now expanding the said violations to the next level in the name of revamping. I submit that the reply of the 8th respondent with regard to the existence of 15 feet wall is in complete contradiction to the report of the 6th respondent.

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". I submit that the 8th respondent's reply statement is completely silent on this aspect. As stated in my application, due to operation of the said unit under the HT line against the norms of the TANGEDCO caused a major fire accident. Now the 8th respondent is committing the very same mistake as that of his predecessor, who is well aware of the consequences of the such illegal activity under HT line only for the purpose monetary gain by putting my environment under risk. Hence 8th respondent cannot evade stating that he is not responsible for the earlier fire accident.

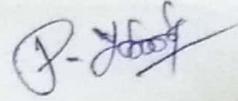
10. I submit that as the evident issues like M. Sand machines, construction of



compound wall, construction under the HT line, planting of 400 trees per Hectre, laying of Bi- lane roads, getting additional loads without obtaining consent for manufacturing additional tons etc were not properly addressed, I crave leave of this Hon'ble tribunal to treat those issued as deemed to have accepted by the 8th respondent and allow the case.

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.

Solemnly affirmed at Udumalpet, on this 21st day of March 2022 and the deponent put his signature in my presence:-



BEFORE ME,

C. Chidambaram
Advocate- Udumalpet

EM No 220/87
C. CHIDAMBARASAMY B.A., B.L.,
ADVOCATE
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PH : 224010 (O) Cell : 94430 24040

Compose

Inbox 1

Starred

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Conversation History

More

arun kumar

to saisathyajith, Shanmuganathan, Akila

Sir/ Madam,

I herewith attached the rejoinder of the applicant in O.A. 4 of 2022, t

Thank you

Regards

D.R. Arun Kumar,

Adv,

Counsel of Applicant

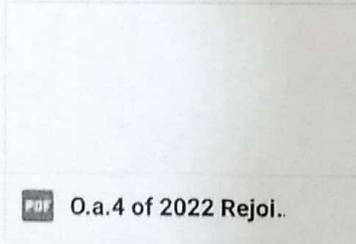
Meet

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