

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.
Original Application No. 45 of 2023.

Mr. Rajesh Khanna,
Son of Mr. Chandrababu,
No. 1/65, South Street,
Kaverirajapuram, Thiruvallur,
Tamil Nadu 631 210.

...APPLICANT.

-Vs-

The District Collector,
Thiruvallur District,
Thiruvallur. & 7 Others.

...RESPONDENTS.

REPLY AFFIDAVIT ON BEHALF OF THE 7TH & 8TH RESPONDENTS.

I, T Sowri Kannan, son of Mr. Thiruvenkada Ramanujam, Hindu, aged about 51 years, residing at No. 73/1, Kamarajar Salai, Bhaskar Colony, Virugambakkam, Chennai 600 092, do hereby solemnly affirm and sincerely state on oath as under:

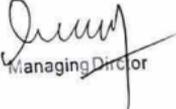
1) I state that I am the director of the 7th and 8th respondent's company and as such I am conversant with the facts of this case. Hence, I am swearing to this affidavit, as I have been duly empowered and authorized to do so.

2) Before traversing to the averments made in the application, the answering respondents give their better particulars with respect to their company and their due and appropriate legal order obtained by following process of law with respect to "Consent to Establish (CTE)" and also with respect to "Consent to Operate (CTO)" the factory from the appropriate authorities.

3) I state that the 7th and 8th respondents are one and the same and hence this reply is filed on behalf of both of them in common by just referring them as the answering respondents. Further I state that the address of the 7th respondent is the administrative office and the address of the 8th respondent is their factory.

4) I state that the applicant has filed this application imaginarily with improper and irrelevant facts to prejudice the minds of this Hon'ble Tribunal, as if he is a good Samaritan and a Saviour of the village. Further I state that the present application is filed with a mala-fide intention to spoil and bring disrepute to the answering respondents.

For SABARI CROP CARE SCIENCES (P) LTD.


Managing Director

5) I state that the answering respondent is a company incorporated and registered under the Companies Act, 1956 vide Form -1, Certificate of Incorporation dated 24/12/2009 by the Registrar of Companies, Tamil Nadu, Chennai, Andaman and Nicobar Island, having their office and the factory at the addresses mentioned in the cause title.

6) I state that the answering respondents for the purpose of establishing their factory have purchased a land measuring 4.17 acres in Punja Survey No. 355/2, bearing Patta No. 1900, at Kaverirajapuram Village, Tiruttani Taluk, Thiruvallur District, vide sale deed dated 06/07/2015, registered as Doc. No. 2547/2015 and then obtained Patta bearing No. 2033 dated 23/02/2016 in the name of the answering respondents. Further I state that the land of the applicant and the answering respondents, though are in the same village, the lands of the applicant is nowhere close to the lands of the answering respondents.

7) I state that after purchasing the above said properties, the answering respondent applied and obtained consent for establishment (CTE) by filing application dated 13/06/2017 and vide proceedings No. F.0998TL/OS/DEE/TNSPCB/TLR/2-17 dated 27/11/2017, and application for consent to establish was accorded to the answering respondents, which was valid for a period of 5 years, namely it was valid upto November, 2022.

8) I state that the CTE was given with a validity upto November 26, 2022 or till the industry obtains consent to operate under section 21 of the AIR (Prevention and Control of Pollution) Act, 1981, as amended in 1987, (for the sake of brevity hereinafter, it is called and referred as the AIR Act, 1981) whichever is earlier subject to special and general conditions, a copy of the said proceeding dated 27/11/2017 is produced for the kind perusal of this Hon'ble Tribunal.

9) I state that upon getting license to establish the answering respondents at this stage, as per section 21 of the AIR and WATER Act, 1981, paid at Rs.1,43,200, vide C R No. 162603, for a term commencing from 2017 to 2027 and applied for consent to operate (CTO) vide application No. 48546648 dated 28/10/2022, which application was under process for giving consent to operate by the appropriate authority.

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Managing Director

10) It is not an out of place to bring to the knowledge of this Hon'ble Tribunal that as per section 21 of the AIR Act, upon applying for consent, the answering respondents are empowered and permitted to operate, till the disposal of the said application. Further I state that after applying for the consent to operate vide application No. 48546648, the answering respondents started its operations, such as trial run and then sample for about 10 kg was manufactured vide Batch No. JBDP 703, date of Manufacturing in December, 2022 with expiry date in November, 2024. As per the AIR Act, once the application is filed for seeking consent to operate, the answering respondents is legally empowered to manufacture their products as per the permission obtained from the appropriate authorities.

11) I state that the said application, was filed on 28/10/2022 for seeking consent to operate was under process, which should have been considered within a period of 4 months from the date of the said application and in view of delay from the concerned officials, the said application got deleted on 28/02/2023 and in continuation of the said application after it got deleted, the answering respondents filed an application vide No. 51039633 dated 12/03/2023, pursuing to get the consent to operate, which consent was accorded under the proceedings No. F.0998TLR/OS /DEE/TNPCB/TLR /W/2023 dated 14/03/2023, by the appropriate authorities, a copy of the same is produced for the kind perusal of this Hon'ble Tribunal.

12) I state that without the knowledge of the entire legal process, the applicant with assumption and presumption filed this application without explaining any violation by the answering respondent. Further I state that the applicant is unnecessarily accusing the answering respondents as if they are without obtaining consent to establish and without obtaining consent to operate manufacturing pesticide which allegation is absolutely false and is made to harass the answering respondents with a malafide intentions. Hence, the answering respondents, who is a law-abiding citizen and who have by complying the due process obtained necessary consent to establish and also the consent to operate, pray for dismissal of the application with exemplary costs which application has no merits to be considered by this Hon'ble Tribunal.

13) I state that the applicant with a mala fide intention has filed this application and has approached this Hon'ble Tribunal with unclean hands and hence, the answering respondents pray for dismissal of the same with exemplary costs

14) Without prejudice to the above legal and factual status, the answering respondents are traversing to the allegations made in the application and at the outset, this answering respondent denies each and every averment mentioned in the application as incorrect and untenable except those that are specifically traversed hereunder and the answering respondents are calling upon the applicant to put strict proof of the same.

15) The averments made in Para IV with regards to the allegation that aggrieved by illegal and unauthorized pesticide/insecticide/fertilizer industry of the 7th & 8th respondents which allegations are made without completely knowing anything about the answering respondents and its establishment. Further I state that the applicant is making such allegation with a mala fide intention and on assumption without any legal substance. Hence, the answering respondents is calling upon the applicant to put strict proof of the same.

16) I state that the answering respondents are not aware and is not concerned with the entire averments made in Para 1 and 2. The survey numbers referred in the said Para 1 is far away from the survey numbers of the answering respondents, wherein the factory premises is situated and further the respondent's factory is in the interior corner of the village, which is established by duly complying and obtaining appropriate order/consent and other allied process.

17) I state that the entire averments made in Para 3 and 4 is false and the applicant without knowing anything about the process in obtaining the CTE and the CTO as per the AIR Act, imaginarily making false and frivolous allegation to prejudice the minds of this Hon'ble Tribunal. In the event of any such allegation is true, the appropriate authority would never allow such kind of activities. Further I state that the entire other averments are made on assumption and presumption and further the applicant is making repetition of the very same averments made in the earlier other paragraphs and hence the answering respondent is calling upon the applicant to put strict proof of the same

For SABARI CROP CARE SCIENCES (P) LTD.


Managing Director

18) I state that none of the grounds raised in the application is tenable in law and even the grounds are raised only on assumption and presumption. Further I state that upon complying the AIR Act and the other appropriate proceedings, the answering respondents obtained proper permission and the consents to manufacture their licensed products and without knowing anything, the applicant on his own imagination is making irrelevant and imaginary allegation, which are not at true and correct even to the knowledge of the applicant.

19) If the application is dismissed, no prejudice would be caused to the applicant. On the other hands, the answering respondents would be subjected to great hardship and inconvenience in the matter. The balance of convenience lies in favour of the answering respondents.

Therefore, it is most respectfully prayed that this Hon'ble Tribunal be pleased to dismiss the application with exemplary cost, as the said application needs no consideration from this Hon'ble Tribunal in view of the applicant, who have come with unclean hands and pass such other or further order, as this Hon'ble Tribunal may deem fit and proper, in the circumstances of the case and thus render justice.

Solemnly affirm and signed his name at Chennai on this the 13th day of September, 2023, in my presence.

For SABARI CROP CARE SCIENCES (P) LTD.

DEPONENT.

[Signature]
Managing Director

BEFORE ME,

[Signature]
Ms 1315/04.
L. Thyagaraja.
NO. 37A Law Chambers
HC, ch-104.

ADVOCATE, CHENNAI.

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**REPLY AFFIDAVIT ON BEHALF OF
THE 7TH & 8TH RESPONDENTS.**

Advocates for Respondent No. 7 & 8.

M/s V Jayachandran (Ms.213/1991)
P Shri Santhaaji (Ms.1034/1994) and
S Jothis Muppudathi (Ms. 418/2007
No. 306, 3rd Floor, Kavery Complex,
Nungambakkam, Chennai 600 034.