

BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL SOUTHERN  
BENCH AT CHENNAI

APPEAL NO. 49 OF 2021

IN THE MATTER OF:

RAJESH GHANTAYATH

....APPELLANT

VERSUS

UNION OF INDIA & ORS.

.....RESPONDENT

COUNTER AFFIDAVIT ON BEHALF OF THE 2<sup>ND</sup> RESPONDENT

I, M.G.Yathish, aged major, working as the Senior Environmental Officer of the Karnataka State Pollution Control Board, with office No 49, Parisara Bhavana, Church Street, Bangalore-01, sincerely state and solemnly affirm as follows:

1. I state that I have been appointed as the -designation- of the Karnataka State Pollution Control Board and as such I am well aware of the facts of this case from its record and am competent to swear this affidavit.
2. I state that the existing operation of the TSDF owned by M/s. Mother Earth Environ Tech Private Limited has been discontinued as the capacity of the same to receive the landfillable hazardous waste has exhausted and awaiting approval of the board for capping.
3. I state that the project proponent has filed an application seeking consent for establishment under the provisions of Water (Prevention

  
**SENIOR ENVIRONMENTAL OFFICER**  
Waste Management Cell  
Karnataka State Pollution Control Board  
Bangalore - 560 001.

and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. This Respondent Board has sought for additional clarification with regard to the project site. The letter of the Board dated 18.06.2021 is enclosed for reference as Annexure - I.

4. I state that the State Environment Impact Assessment Authority has issued direction under Section 5 of the Environment (Protection) Act, 1986 on 01.12.2015 "to consider issue of Consent for Establishment under the provisions of the water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 for project which attracts provisions of the EIA Notification, 2006 only after submission of copy of Environment clearance issued by competent authority". [Order has been filed as Annexure - II]. In view of the above direction and as there is change in the land use within the area for which Ministry of Environment, Forest and Climate Change has granted EC on 09.11.2020, the Board has advised the industry to submit copy of amendment issued by competent authority and other technical details as described in the Board office letter referred above.

5. I state that the Ministry of Environment, Forest and Climate Change, vide its Order dated 20.09.2021 filed as Annexure - III, has directed all SPCBs to:

- i. Ascertain the applicability of EIA Notification at the time of grant/ renewal of CTE and stipulate appropriate condition for

  
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obtaining Environmental Clearance (EC), if applicable, before construction/ commencement of project/ activity.

ii. Ensure that the project proponent possesses a valid Prior EC in terms of the extant EIA Notification, if applicable, at the time of grant/renewal of CTO and no CTO shall be granted or renewed unless EC, if applicable, has been obtained.

6. I state that this Respondent Board has been acting in compliance of the orders above referred.

It is prayed that this Hon'ble Tribunal may be pleased to take the above facts on record and pass such further or other orders as the Hon'ble Arbitrator may deem fit and proper in the circumstances of the case.

Solemnly affirmed on this the 02 day of November 2021 and signed his name in my presence.

  
Before me  
**SENIOR ENVIRONMENTAL OFFICER**  
Waste Management Cell  
Karnataka State Pollution Control Board  
Bengaluru - 560 001.

Advocate ::