

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (S.Z), AT CHENNAI  
I.A.No. 74 of 2022

in  
O.A. No. 37 of 2022

M/s. Kumaran Metal Industries,  
Rep., by its Proprietor,  
N. Thangam,  
No. 33, Avadi Srinivasan Street,  
Choolai, Chennai - 600 112.

....Applicant/3<sup>rd</sup> Respondent

-vs-

M.Padmavathi,  
W/o. S.E. Muthu,  
No.14/37, Avadi Srinivasan Street,  
Choolai,  
Chennai - 600 112.  
& Others

....Respondents/Applicants 1&2

COUNTER AFFIDAVIT FILED BY THE FIRST RESPONDENT

I, M. Padmavathi, wife of S.E. Muthu, Hindu aged about 57 years, residing at No.14/37, Avadi Srinivasan Street, Choolai, Chennai - 600 112, do hereby solemnly affirm and sincerely state as follows:-

1. I am the 1<sup>st</sup> respondent herein and the applicant in the Original Application and as such I am well acquainted with the facts of the case.

2. I submit that at the outset of I deny all the averments and allegations contained in the affidavit filed along with the petition, except those that are specifically admitted herein and put the applicant / 3<sup>rd</sup> respondent to produce strict proof of the same.

3. I submit that the applicant herein has filed the above interim application in I.A. No. 74 of 2022, directing the respondents 3 and 4 herein to

Page No.1  
Corrns:

\*MUTHU

(2)

process the pending consent to operate renewal application of the applicant dated 09.03.2022.

4. I submit that I have filed above Original application seeking this Hon'ble Tribunal to direct the 2<sup>nd</sup> respondent to take necessary action against the 3<sup>rd</sup> respondent in running hazardous Industrial unit.

5. I submit that the averments contained in paragraph No. 3 is hereby denied. It is false to state that the Industry is located in an Industrial Zone, but is only located in Avadi Srinivasan Street, Choolai, Chennai, which is a residential zone, where several hundreds of residential households are located and the said street is purely a residential area and falls under the Municipal Jurisdiction of the Chennai Metropolitan Development Authority and the Greater Chennai Corporation. It is pertinent to point out that the 2<sup>nd</sup> respondent after several complaints had accepted that the smoke from the unit is causing nuisance to the residents and directed the 3<sup>rd</sup> respondent to switch over from using firewood as fuel to LPG or Furnace Oil and to increase the height of the Chimney. The 3<sup>rd</sup> respondent despite the above directions of the 2<sup>nd</sup> respondent never complied the directions within the stipulated time.

6. I submit that the averments contained in Paragraph No.5 is hereby denied. It is pertinent to point out that the above Original Application came up for admission before this Hon'ble Tribunal on 28.03.2022 and this Hon'ble Tribunal was pleased to direct the 2<sup>nd</sup> respondent to inspect the unit and to submit a report on or before 27.04.2022. This being so, the applicant herein has come up with an interim application, praying this Hon'ble Tribunal to direct the respondents 3 and 4 to process the pending consent to operate renewal application. It is pertinent to point out that the applicant/3<sup>rd</sup> respondent herein

Page No.2  
Corrns:

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(3)

claims to have filed the renewal application on 09.03.2022, whereas, the present O.A in O.A.No.37 of 2022 had come for admission before this Hon'ble Tribunal only on 28.03.2022. Therefore, nothing had prevented the applicant / 3<sup>rd</sup> respondent herein getting her application processed and as such the allegation that only due to the pendency of this present O.A, the Pollution Control Board is not processing her renewal application is baseless story.

7. I submit that the averments contained in paragraph No.6 of the application is hereby denied. It is further submitted that it is absolutely false to claim that the Industry is being operated only twice a week, due to the loss sustained in the Covid-19 Pandemic period. It is also absolutely false for the applicant / 3<sup>rd</sup> respondent to claim that the 3<sup>rd</sup> Respondent was not operating the Industry during the pandemic period. Only upon inspection, site visit and verification, the Pollution Control Board had clearly found that the wet scrubber was not being operated. The applicant / 3<sup>rd</sup> respondent has not complied with any of the conditions and had willfully flouted all the norms, stipulated. The photographs dated 22.01.2022 produced by me along with the original application, clearly shows that the applicant / 3<sup>rd</sup> respondent has not adhered to the additional / special conditions stipulated in the Renewal Consent Order. The photographs clearly shows that the discharge of emission from the industry is not from the stacks or from the chimneys. The wet scrubber provided for casting and annealing furnace was not operated at all and the AAQ / Emission and ANL Standards as per the norms prescribed by the Board have not been followed or adhered to. In fact, the earlier application in Form No.1 submitted to the Board is completely silent with regard to the fuel used for the furnace and this clearly endorses my contention that only firewood is being used as fuel instead of furnace oil, causing immense emission of pollutant smoke and air.

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(4)

8. I submit that the contentions found in paragraph No.7 are hereby denied. The story that despite having submitted the application on 09.03.2022, the Board which is a legal instrumentality had orally informed that the said application cannot be processed, due to the pendency of the present O.A, which admittedly came for admission only on 28.03.2022. This itself shows the applicant / 3<sup>rd</sup> respondent, who had not been able to satisfy the legal formalities for processing of the application is now trying to circumvent the same by obtaining some orders by misleading this Hon'ble Tribunal and thereby pressurize the Board to act in her favour, which is not permissible and as such, the present interim application is liable to be dismissed in-limine.

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the present Interim Application in I.A. No. 74 of 2022 in the above original application and thus render justice.

Solemnly affirmed at Chennai

On this the      day of April 2022

*and the contentions of the  
applicant is read over  
and explained to her in  
Tamil and she having  
understood the same  
has signed her name in  
my presence.*

*\*MLB/1070/22*

Before Me,

*A.P. D. Prabh.*

*19/04/22  
No 50/103, Mammal - Suptya  
Prasa Street, Chennai-1  
Advocate, Chennai*

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COUNTER AFFIDAVIT FILED BY THE  
FIRST RESPONDENT

M/s.W.M.ABDUL MAJEED (1952/1995)  
W.M.ABDUL AZEEZ(1621/2001)  
S.SILAMBARASAN(2749/2016)  
CELL.No. 9840559447  
COUNSEL FOR 1<sup>ST</sup> RESPONDENT