

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH)
Original Application No.74 of 2022 (SZ)**

T.Rathinasamy

...Applicant

Vs

The District Collector,
Tiruppur District
Tiruppur and Others

...Respondents

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DATED AT CHENNAI ON THIS THE 22 DAY OF JUNE 2023



COUNSEL FOR THE 6TH RESPONDENT

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH)**

Original Application No.74 of 2022 (SZ)

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Vs

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...Respondents

**REPLY STATEMENT OF 6th RESPONDENT-GPR SAND AND BLUE
METALS PVT LTD**

The 6th Respondent submits as follows;-

The address for service and process upon the Respondent is upon their Counsel M/s. SARVABHAUMAN ASSOCIATES & SAM JAYARAJ HOUSTON Advocates having Office at Oriental Building, No. 47, Armenian Street, Parrys, Chennai- 1.

1. At the outset this Respondent denies all the allegations contained in the Application as false, baseless and misleading in material particulars and put Applicant to strict proof of the same. The Respondent also reserves his right to file additional reply statement as and when receives information about the Applicant's case. This Respondent is the Managing Director of the 6th Respondent Company and is the competent person to file this reply.

2. Originally the 6th Respondent crusher unit belonged to one Mr.Prabhu Jyothi and who was running the same in the name and style of Jyothi Blue Metals from the year 2002 to 2017. Thereafter this deponent and Mr.Prabhu Jyothi formed a new company under the name and style of 'GPR Sand and Blue Metals Pvt Ltd and were running the crusher unit. In the year 2020, Mr.Prabhu Jyothi resigned from the Directorship of the Company and

For GPR SAND AND BLUE METALS PRIVATE LIMITED

Director

transferred his shares to the present Directors of 6th Respondent after receiving monetary consideration and the present management is running the unit thereafter.

3. The Respondent's crusher unit is situated at S.F.No.539/2 Part, Maivadi Village, Madathukulam Taluk, Tiruppur District. The 6th Respondent Company has two divisions which are i) The Blue Metal Division and ii) the M-sand Division. The Tamilnadu Pollution Control Board has authorised the 6th Respondent to operate its unit for the Blue Metal Division under section 21 of the Air(Prevention and Control of Pollution) Act,1981 as amended in 1987(Central Act 14 of 1981) vide proceedings no.F.0200TPS/OS/DEE/TNPCB/TPS/W&A/2017 dated 05.12.2017 and the consent is valid till 31.03.2027 and for the M-Sand Division, vide CTO PROCEEDINGS No. F. 1034TPS /OS /DEE /TNPCB/TPS/W&A/2019 dated 19.03.2019 which is valid till 31.03.2028.

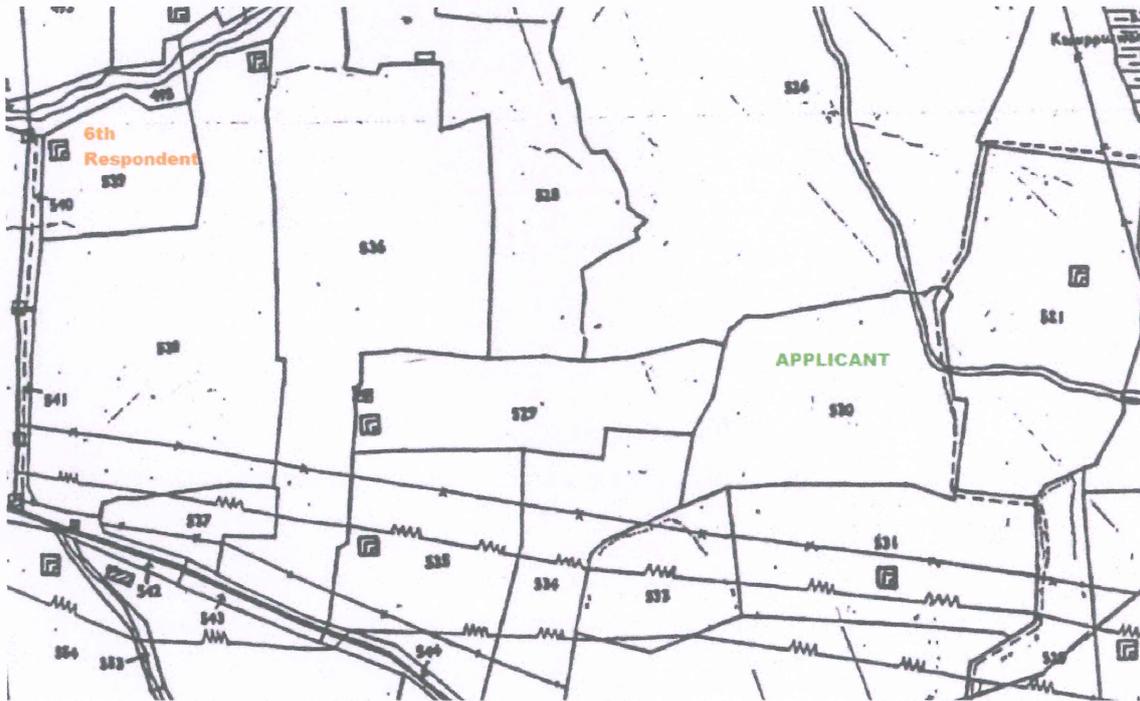
4. The 6th Respondent has obtained all the necessary approvals and licenses from the competent authorities for operating both the divisions performing their respective division authorised activities in compliance of all the requirements placed by the government authorities. The same is also evident from the reports filed by the Pollution Control Board dated 15.02.2023 and the Revenue Divisional Officer dated 18.04.2023 before this Hon'ble Tribunal.

5. The Respondent denies the allegations made in para-1 of the application as false. This Respondent is neither situate near the applicant's land nor in his vicinity or approach road towards National Highways as claimed by the applicant. The distance between the Respondent's unit and the Applicant's land is approximately 830 to 890 metres diagonally and by road it is far by 2 Kms and therefore it is certainly not adjacent in any close proximity. The averments made in para 2 of the application are denied as false since the 6th Respondent is only operating the stone crusher unit and complying with the conditions for operating. The Respondent regularly sprinkles the roads with

For GPR SAND AND BLUE METALS PRIVATE LIMITED

Director

water to settle the dust and there has not been a single complaint against this Respondent from even the neighbours who are at a close proximity to the Respondent's unit. Infact even in the reports filed by the Pollution Control Board dated 15.02.2023 and the Revenue Divisional Officer dated 18.04.2023 there is not mention of any breach of conditions by this Respondent which would vouch the credibility of this Respondent. The FMB sketch for the sake of convenience the relevant portion is extracted.



From the above the ORANGE marked area is S.F.No.539 part where the 6th Respondent is situate. The GREEN coloured area is where the Applicant is situated in S.F.No.530. The 6th Respondent is the only functioning stone crusher unit in the nearby proximity and there are no other stone crusher or quarry units nearby. The Applicant and Respondents 5, 7 to 9 are located away more than 2 kms from the 6th Respondent unit.

6.This Respondent does not know about the veracity of averments made in para 3 of the application pertaining to the ownership of the applicant's house but on a perusal of the Report filed by the Revenue Divisional Officer it would show that the Applicant himself resides in an encroached patta

For GPR SAND AND BLUE METALS PRIVATE LIMITED
M. Dasay
 Director

which does not belong to him. The allegation that this Respondent is using S.F.No.518,520, 531/1, 533 and 554 to access the National Highway 83 are denied as false , baseless and misleading. This Respondent's unit is situate in S.F.No.539 and it has an approach road (panchayat road) of about 300 meters (adjacent to S.F.No.541) to access the National Highway.

7. The Respondent states that insofar as the averments in para 4 pertaining to an alleged circular , the same was not part of the conditions for operation of the stone crusher unit belonging to the Respondent. Further the main objective of reducing the pollution during crushing and after the movement of the trucks were immediately remedied by water sprinkling in and around the unit areas in compliance with the conditions. The Reports filed by the TNPCB and RDO would effectively prove the same.

8. The allegation in para 5 of the application are denied as false and is only a repetition of the earlier allegations. As already stated, this Respondent is situated away from the Applicant's land and his contentions of causing pollution by this Respondent to his lands are baseless, misleading and imaginary. The Respondent neither knows nor is connected to the allegations mentioned in para 6 and 7 of the application and therefore cannot comment on the same.

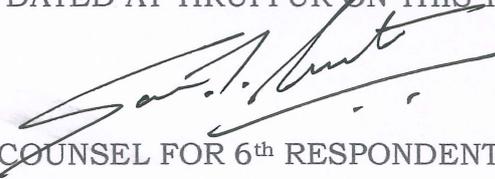
9. The grounds raised by the applicant against this Respondent are false and are inapplicable. The Applicant has unnecessarily pulled this Respondent who is situate about 2 kms away from the applicant's property only with an ulterior motive joining hands with other vested interests to harass this Respondent. The Applicant in order to settle his personal scores with the 5th Respondent has unnecessarily and unjustly impleaded this Respondent as a party to the present application and tried to cloak and project his allegations as though he is espousing the cause of the general public against pollution.

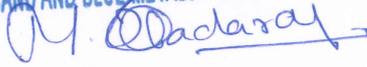
For GPR SAND AND BLUE METALS PRIVATE LIMITED

Director

For all the reasons states above it is therefore prayed that this Hon'ble Tribunal maybe pleased to dismiss the Application with costs and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances above and thus render justice.

DATED AT TIRUPPUR ON THIS THE 28th DAY OF MAY 2023

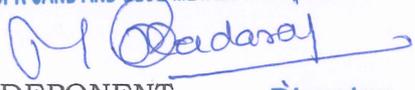

COUNSEL FOR 6th RESPONDENT

For GPR SAND AND BLUE METALS PRIVATE LIMITED

6th RESPONDENT Director

VERIFICATION

I, M.Nadarajan, Managing Director of M/s.GPR Sand and Blue Metals Pvt Ltd, do hereby verify on behalf of the Respondent that the contents of the above paragraphs are true to the best of my knowledge and that I have not suppressed any material facts.

DATED AT TIRUPPUR ON THIS THE 28th DAY OF MAY 2023

For GPR SAND AND BLUE METALS PRIVATE LIMITED

DEPONENT Director

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REPLY STATEMENT OF THE 6TH RESPONDENT

M/s SARVABHAUMAN ASSOCIATES

&

**SAM JAYARAJ HOUSTON
ADVOCATES**

COUNSEL FOR THE 6TH RESPONDENT

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