

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Appeal No.20 of 2023 [SZ]**

**IN THE MATTER OF**

K.Govindasamy  
Proprietor  
M/s. Govindasamy Poultry Farm  
S.F. No. 249/2, Kanakankadu,  
Kottapalayam, Periyamani Village,  
Tiruchengode Taluk,  
Namakkal District

...Appellant

-Vs-

The Chairperson,  
Tamil Nadu Pollution Control Board  
No.100, Mount Salai  
Guindy, Chennai – 32  
[tnpcb-chn@gov.in](mailto:tnpcb-chn@gov.in)  
and 2 others

...Respondents

**ADDITIONAL AFFIDAVIT OF K. GOVINDASAMY**

I, K.Govindasamy, S/o. K.R. Kandasamy, Hindu, aged about 57 years, having my place of business at S.F. No. 249/2, Kanakankadu, Kottapalayam, Periyamani Village, Tiruchengode Taluk, Namakkal District, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:

1.I am the Appellant herein and I am well acquainted with the facts of the case. I crave leave of this Hon'ble Tribunal to treat and read the Appeal as part and parcel of this affidavit. The facts and circumstances leading to filing the additional affidavit are briefly stated hereunder:-



2. I state that the proceedings of the 1<sup>st</sup> Respondent dated 04.09.2023 ordering closure of the Unit and disconnection of power supply has been assailed by filing the above said appeal. Pending appeal, this Hon'ble Tribunal was pleased to grant interim protection, staying the operation of the proceedings dated 04.09.2023. I state that while granting interim order, this Hon'ble Tribunal directed the Respondent Board to file the counter affidavit.

3. I state that the Respondent filed a status report dated 10.01.2024 was filed on the basis of inspection conducted on 27.01.2023, 10.02.2023, 21.08.2023 and 22.08.2023. In Para 16 of the said report, while referring to Clause 8 of the Guidelines, it is stated that the guidelines shall be applicable to all the category of poultry farms and in Para 17, it is stated that the Appellant has not complied with the directions issued by the Board on 09.08.2023. In this regard, I respectfully state and submit that the guidelines framed by the Central Pollution Control Board is not applicable to the Unit run by me for the reason that it was established before the issuance of the guidelines. The guidelines was issued in the month of August 2021, whereas the Unit was established in the month of November 2020. I am advised to state and submit that the guidelines shall operate only with prospective effect and cannot be made applicable with retrospective effect. In other words, the guidelines is applicable in respect of such of those poultry farms established on and after August 2021.

15. Gunday

4. It is pertinent to bring to the notice of this Hon'ble Authority that Clause 7 of the guidelines categorically states that the same will be applicable to the new poultry farms set up after the issuance of the guidelines. In the instant case, the Unit was established in the month of November 2020 and the guidelines came to be issued in August 2021. In as much as the siting criteria contained in Clause 7 of the guidelines is not applicable to the Unit run by me, the question of non-compliance of the said guidelines does not arise.

5. At the risk of repetition, I state that the I established the Unit in November 2020. The same would be evident from the monthly consumption charges collection ledger maintained by me. The electricity service connection was accorded by the Electricity Distribution Circle, TANGEDCO. The service connection for running the poultry farm was effected from 12.11.2020. That apart, evidencing the order placed by me for supply of chicks, invoice was raised by the supplier, namely, Venkateshwara Hatcheries Pvt. Ltd., on 13.12.2020 and 18.04.2021. Thus it would be evident that I had been operating the Unit much prior to the coming into force of the guidelines issued by the Central Pollution Control Board.

6. I state that in Para 18 of the counter affidavit/status report, the Respondent Board had alleged that I did not comply with the guidelines. The Board had also pointed the non-compliance of the norms as contained therein. The defects which according to the Board has not been complied was on the basis of the inspection conducted by it in the



month of January and August 2023. In the interregnum, I had complied with all the norms and the defects as pointed out therein were duly complied with.

7. I respectfully state that the poultry farm is constructed in such a way to give proper air circulation with a minimum height of 8 feet between the litter storage area and the cage to keep the litter always dry. I had also constructed hen cages with an advanced method where every droplet of water even accidentally dropping from the nipple system will be collected and stored in the water droplet which is consumed by the hens from the collector for drinking.

8. As far as solid waste (manual) is concerned, the same is removed completely once in 3 months and used for agriculture purposes in my farm. In case there are excess manure, they are stored in a separate composition pit for future agricultural purposes. As far as dead birds are concerned, the same is collected and disposed in a burial pit within the compound wall on daily basis upon analyzing the cause of the death of the chicks. That apart, a sand wall of 2.5 feet height has been constructed on the four sides of the poultry farm to prevent the manure from mixing with the run off water. The height roof of the farm has been extended to 2.5 feet to prevent the entry of rain water.

9. I state that the manure is removed in the farm everyday and utilized for agricultural purposes and the same is spread across by deploying tractor. As far as the run off water is concerned, it is within the prescribed distance and the same does not seep into the poultry farm.



There is no scope of run off water seeping into the neighboring lands. Nearly 100 trees including coconut, teak wood, casuarinas, neem, banana, mulberry etc have been planted adjacent to the poultry farm in order to prevent odour. I also carry out spraying of disinfectants and pesticides frequently to control insects and flies. Regular floor mopping is carried on in order to remove unwanted dust.

10. I state that myself and my brother were living in a joint family from the year 1970 and were jointly carrying on the poultry farm business with 2000 birds. There was a family partition whereunder the poultry farm was given as my share. However, owing to financial constraints, I was forced to discontinue the poultry farming. Subsequently I recouped myself and renovated the poultry farm in the year 2020 and I started running the business in my name with 10000 birds. Later it was increased by another 10000 birds. The Applicant who is seeking to implead himself as a party respondent in the instant appeal is none else than my uncle who is doing cattle farming with a goat shed of 20 plus goats and is also having 8 cows and 150 plus native breed hens. I state that unable to digest the establishment of the poultry farm by me, the impleading petitioner made a false complaint to the Tamil Nadu Pollution Control Board consequent upon which action was taken culminating in issuance of the impugned proceedings dated 04.09.2023.

11. I respectfully state that I have provided all the infrastructure in the poultry farm and the defects as pointed out in Para 18 of the report has been fully rectified and duly complied with. The report/counter affidavit



filed by the Board pursuant to the inspection carried out in the month of January and August 2023 cannot be relied upon. The photographs of the poultry farm is annexed herewith for the kind consideration of this Hon'ble Tribunal.

It is therefore prayed that this Hon'ble Tribunal may be pleased to take this additional affidavit on record and allow the Appeal as prayed for and thus render justice.

Solemnly affirmed at Chennai  
this the 16<sup>th</sup> day of March 2024  
and signed his name in my  
presence

BEFORE ME,  
*Rajesh*  
3387123  
29, Law Chamber  
Madras High Court, Chennai-600  
Advocate, Chennai

*Rajesh*

COUNSEL FOR APPELLANT

*K. Gurusamy*

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K. GOVINDASAMY**

**MRS. RITACHANDRASEKAR  
COUNSEL FOR APPELLANT  
Email – ritachandrasedkar@gmail.com  
Ph No. 8433773492**