

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

I.A.No.131 & 132/2024

IN

APPEAL NO. 66 & 67 OF 2024 (SZ)

M/s. GKN Food Products Pvt Ltd.,
Rep by its Managing Director
N. Sivamurugeswara Pandian
Theni District-625 534

... Applicant/Appellant

Versus

Tamil Nadu Pollution Control Board
Rep by its Chairman
and two others

...Respondents/Respondents

COUNTER AFFIDAVIT FILED BY THIRD RESPONDENT


I M.Thangathiruppathi, S/o T.Mookiah, aged about 57 years, working as Depy.General Manager- Corporate IR, M/s Rajshree Sugars & Chemicals Limited, do hereby solemnly affirm and sincerely state as follows:

1. I am the authorized signatory of M/s. Rajshree Sugars and I am fully conversant with the facts and circumstances of the case.

α
For RAJSHREE SUGARS & CHEMICALS LTD.

M. THANGA THIRUPPATHI
Dy. General Manager - IR

2. I have read the affidavit filed in support of the impleading application filed by the appellant seeking to implead the Joint Director of Agriculture and Joint Director of Town and Country Planning, Theni as parties to the present appeal and I deny the correctness of the averments made therein.
3. At the outset the application filed for impleading Respondent No 4 and 5 is not maintainable in law nor on facts.
4. It is submitted that the present appeal has been filed under section 16 challenging the order passed by the Hon'ble Appellate Authority dated 13.08.2024. During the course of the appeal proceedings the matter was adjourned number of times to enable the appellant to justify the contention that he has obtained an approval with reference to G.O.Ms.No.79 Housing and Urban Development Department dated 04.05.2017. Based on the material produced by the appellant, the Appellate Authority came to the conclusion that the same will not amount to an approval under G.O.Ms.No.79 Housing and Urban Development Department dated 04.05.2017 and thus allowed the appeal filed by the third respondent herein.
5. It is therefore submitted that the present application is not only belated but also an attempt to question the reasoning of the Appellate Authority by trying to implead new parties at the stage of appeal and who were not on record before the Appellate Authority. At any event, even on merits, the report

For RAJSHREE SUGARS & CHEMICALS LTD.
←

M. THIANGA THIRUPATHI
By General Manager

or record or other sought to be produced which the appellant seeks to refer to by impleading respondent No 4 and 5 were any way made available to the appellate authority and the same have been considered and rejected.

6. Under such circumstances, it is the duty of the appellant to independently establish before the Hon'ble Tribunal that the consideration of the Appellate Authority in respect of the materials produced by the appellant is not correct. It is submitted that for this purpose, impleadment of respondent No 4 and 5 at this stage is not necessary. The same will also amount to reopening the original appeal before the appellate authority itself which is indirect way of rearguing the original appeal.
7. One other additional factor is that Tamil Nadu Pollution Control Board has not preferred any appeal against the order passed in Appeal No.65 & 66 by the Appellate Authority. Under such circumstances the Pollution Control Board cannot make submission in the appeal that would indirectly support the cause of the appellant herein. The Hon'ble Appellate Authority has though it fit to interfere the order of the Pollution Control Board granting consent and has allowed the appeal. If the Pollution Control Board was aggrieved over the same they ought to have preferred a separate appeal and cannot support the appellant or seek to justify the CTO issued by them.

For RAJSHREE SUGARS & CHEMICALS LTD.


M. THANGA THIRUPATHI
Dy. General Manager - IR


In the above said facts and circumstances the impleading petition filed by the appellant is devoid of merits and it is therefore most respectfully prayed that this Hon'ble Court may be pleased to dismiss the I.A.No.131 and 132 of 2024 in Appeal No.66 & 67 of 2024 and pass such further or other orders and thus render justice.

For RAJSHREE SUGARS & CHEMICALS LTD,

< 
M. THANGA THIRUPATHI
Dy. General Manager - IR

Solemnly affirmed at Chennai on
this the 22nd day of January, 2025
and signed his name in my presence.

Before Me:


2034/08

Advocate, Chennai

No 70 Law
Chambers

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

I.A.No.131 & 132/2024

IN

APPEAL NO. 66 & 67 OF 2024 (SZ)

M/s. GKN Food Products Pvt Ltd.,
Rep by its Managing Director
N. Sivamurugeswara Pandian
Theni District-625 534

... Applicant/Appellant

Versus

Tamil Nadu Pollution Control Board
Rep by its Chairman
and two others

...Respondents/Respondents

COUNTER AFFIDAVIT FILED BY THIRD RESPONDENT

T.HEMALATHA, R.RAJMOHAN &S.DEEPIKA

COUNSEL FOR THIRD RESPONDENT