

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

I.A.No. 134 & 135 OF 2025

IN

APPEAL No.59/2025

The Tamil Nadu Pollution Control Board
Rep by its Chairman
No.76, Mount Salai, Guindy
Chennai-600 032 & another

... Applicants/Appellant

Versus

M/s. Crown Infrastructures
rep. by its Managing Partner
Mrs. Naveena Rajarajan
S.F.No.236, Sholinganallur Village and Taluk
Chennai District 600 119

...Respondent /Respondent

REPLY FILED ON BEHALF OF THE RESPONDENT

The respondent above named respectfully submits as follows:

1. The respondent is running a Ready Mix Plant under the name and style M/s. Crown Infrastructure at S.F.No.236, Sholinganallur Village and Taluk, Chennai District 600 119
2. The respondent states that Greater Chennai Corporation accepted the bid offered by the respondent unit and declared them as successful bidder for Construction of Integrated Storm

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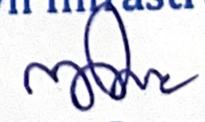
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Water Drain Works in M1 & M2 Components in Kovalam Basin in expanded areas in Greater Chennai Corporation Package-17, covering various streets of Zone-15 under KfW Fund.

3. On 26.12.2024 the Superintending Engineer, Greater Chennai Corporation, has issued Letter of Acceptance to the respondent unit awarding the aforesaid project. As per the contract the respondent has to complete the project within a period of 18months from the appointed date.
4. Since the respondent had to commence the work the respondent has taken on lease the land at S.F.No.236, Sholinganallur Village and Taluk. The respondent has approached the Tamil Nadu Housing board for allotment of land to locate its batching plant by her application dated 28.01.2025 in order to execute the above project.
5. By proceedings dated 07.02.2025 the Superintending Engineer, Greater Chennai Corporation has requested the Chief Engineer, TNHB to allot appropriate land for a period of 18 months on lease to carry out Storm Water Drain works in Zone XV ward 199 over a period of 18 months.

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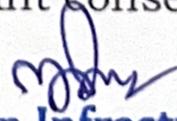
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6. The Executive Engineer cum Administrative Officer TNHB, Adyar, Chennai by proceedings dated 17.02.2025 addressed the Chief Engineer, TNHB Koyembedu Chennai-107 for allotment of land to an extent area. The respondent is proposing to establish its batching plant at the aforesaid land belonging to TNHB.
7. Hence on 27.03.2025 respondent made application for consent to establish their Ready Mix Concrete Plant at S.F.No.236, Sholinganallur Village and Taluk, both under Air and Water Acts by enclosing all relevant documents.
8. The respondent was under the bonafide belief that the appellant board will grant consent as the respondent unit has to execute the Storm Water Drain Construction Work within the stipulated period and the respondent proposed to run the unit only for Construction of Integrated Storm Water Drain Works in M1 & M2 Components in Kovalam Basin in expanded areas in Greater Chennai Corporation Package-17 covering various streets of Zone-15 under KfW Fund. After the completion of the project they do not require this Ready-Mix Concrete unit in the proposed site. In other words, the respondent is requiring consent to establish and operate Ready Mix Concrete plant in the proposed site temporarily and the respondent was under the belief that there is no impediment to grant consent to Establish

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as the Ready-Mix Plant was established only for a particular public project and as a temporary measure.

9. To the shock and surprise to the respondent, on 01.04.2025 the CTE application was rejected by Proceedings bearing No. F.1336CHS/GS/DEE/TNPCB/2/W&A/2025 dated 01.04.2025 for the following reasons viz.,
- a) No RMC plant shall be permitted within 250 meters from the nearby residential area, layouts, NH/SH, Educational Institutions, Religious places and human settlements with population more than 500.
 - b) There should be atleast 250m distance between the two RMC plants. Further, the project site location is abutting Buckingham canal within 100m on the Eastern side attracting the provisions of CRZ notification, 2011.
10. Aggrieved by the same, this respondent filed appeals viz., Appeal No.41 & 42/2025 both under Air and Water Act before the Hon'ble Appellate Authority, Tamil Nadu Pollution Control Board, challenging the rejection order and seeking consent only for a limited period of eighteen months till 07.08.2026.

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11. The Hon'ble Appellate Authority after considering the facts of the case and noting that the RMC plant is specifically established for completing the work of constructing Storm Water Drain for the Chennai Corporation and also considering the earlier orders passed by Hon'ble National Green Tribunal, (SZ) Chennai, allowed the appeals on 07.05.2025 and directed the Pollution Control Board to grant consent to the unit to establish their temporary Ready Mix Concrete plant and run the same up to 07.08.2026. The Pollution Control Board was also given liberty to impose appropriate conditions as in the normal course for installing appropriate pollution control measures.
12. After issue of the above order, even though the respondent was not actually issued with a consent order as directed by the Hon'ble Appellate Authority, Tamil Nadu Pollution Control Board permitted the respondent to carry on the work relating to the public project for over six months.
13. It is submitted that all of a sudden, on 17.11.2025 the appellant has issued closure directions and disconnection of power supply in respect of the respondent unit both under the Air and Water Act. It is interesting to note that the closure order contains the very same reasons that were cited when the order of rejection of consent dated 01.04.2025 was issued which order was set aside by the Appellate Authority.

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14. The closure order has been issued in utter disregard of the orders of the Hon'ble Appellate Authority, Tamil Nadu Pollution Control Board in Appeal No.41 & 42/2025 wherein the Hon'ble Appellate Authority after considering all the factual aspects has directed the Pollution Control Board to issued consent to the respondent unit up to 07.08.2026 to carry out and complete the storm water drainage work assigned to the unit by Greater Chennai Corporation.
15. As against the closure order dated 17.11.2025 which was issued in violation of Principles of Natural Justice and despite the order of the Hon'ble Appellate Authority dated 07.05.2025 to grant consent, this respondent has filed W.P.No.49089/25 and the Hon'ble High Court by order dated 15.12.2025 has been pleased to direct the impugned order of closure to be kept in abeyance until further orders.
16. It is respectfully submitted that after the issuance of closure order the pollution control board has belatedly moved an appeal before this Hon'ble Tribunal. After the order dated 07.05.2025 passed by Hon'ble Appellate Authority under Section 16 of the NGT Act an appeal has to be filed within 30 days with discretion to the Tribunal to condone the delay up to further period of 60 days. In other words, there is a specific bar under

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the Act for entertaining any appeal beyond the period 90 days. In the instant case, pollution control board has preferred the appeal beyond the period of 90 days. Therefore, the present appeal is barred by limitation.

17. It is to be noted that only on 20.11.2025 the application for condonation of delay was listed before this Hon'ble Tribunal and notice was ordered. Thus even before moving this Hon'ble Tribunal the board issued closure order in violation of the order passed by the Hon'ble Appellate Authority.

18. The appellant has filed this application to condone the delay of 90 days in filing the appeal. It is submitted that delay is not 90 days but 91 days. The justification for calculating the delay as 90 days by the appellant is that the impugned order dated 07.05.2025 was received on 15.05.2025 and therefore if limitation is calculated from 16.05.2025 the 30 days period would expire on 14.06.2025 and the extended period of limitation of 60 days will expire on 13.08.2025 on which date the appeal has been filed.

19. It is submitted that the exclusion of the first day for calculation of limitation applies only when a certified copy is applied and obtained by the party who filed the appeal. It is

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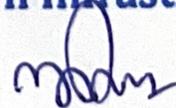
further submitted that receiving of free copies cannot be taken into consideration while calculating the period of limitation which otherwise starts on the date of pronouncement of judgment.

20. In the instant case, the order was pronounced on 07.05.2025 itself and a copy of the order was communicated through WhatsApp to the parties by the registry on 14.05.2025 which can be construed as a free copy. As per the recent judgment of the Hon'ble Supreme Court of India when a certified copy has not been applied, limitation starts from the date of pronouncement of judgment and not from the day a copy is received freely by the party. At any event, the time for filing the appeal expired on 12.08.2025 itself even after taking into account the extended period of 60 days.

21. That apart there is no reasons have been given in the affidavit as to why the board did not take any steps to file the appeal within the prescribed period of 30 days. As repeatedly held by the Hon'ble Supreme Court, justification on the ground of seeking legal opinion or discussions before filing the appeal is irrelevant for the purpose of considering an application to condone the delay.

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22. Another important aspect to be considered is that the appellant is obliged to explain why the appeal could not be filed within 30 days in as much as the extended period is only a discretionary period.

23. In the instant case looking at from any angle the appeal has been filed beyond the prescribed period of limitation under section 16 of the NGT Act which is a special enactment and therefore the application deserves to be dismissed with cost.

Under these circumstances, this Respondent prays that this Hon'ble Tribunal may be pleased to dismiss I.A.No. 134 & 135 of 2025 in Appeal No.59/2025 with costs and thus render justice.

T. Hemalatha

Counsel for Respondent

For Crown Infrastructures
x [Signature]
 Respondent
Managing Partner / Partner

VERIFICATION

I Mrs. Naveena Rajarajan, W/o. Sathish.K, aged about 31 years, Managing Partner of M/s. Crown Infrastructures, carrying on business at S.F.No.236, Sholinganallur Village and Taluk, Chennai District 600 119 do hereby verify that what are all stated above are true and correct to the best of my knowledge, information and belief.

Verified at *Chennai* on this the *27th* day of January 2026

For Crown Infrastructures
x [Signature]
 Respondent
Managing Partner / Partner

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THE RESPONDENT

M/s. T.HEMALATHA
S.DEEPIKA
COUNSEL FOR RESPONDENT
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