

In the Court of NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A No. 173 of 2020

Suo moto matter in re 700 Tonnes of Ammonium Nitrate
Stores in Chennai safe E. action Done
26 Aug New 18 India detail - 6.8.2020

Plaintiff
Petitioner

Versus

The member Secretary TNPCR & 4 others

Defendant
Respondent

I/We P. Raveendran the Chairman, Chennai Port
do hereby appoint
Doubt and 5th Respondent in above O.A to appear for

and retain M/S MADHURI DONTI REDDY Basu K. Balrajaram
me in the above Suit petition and to conduct and prosecute
us Original Miscellaneous

or defend the same and all proceedings that may be taken in respect of any application for any execution of any decree or order passed therein. I/We empower my/our Advocate to appear in all miscellaneous proceedings in the above suit or matter till all decree or orders are fully satisfied or adjusted and all appeals thereto whether in suit, interlocutory application, execution petitions and applications in execution till they are finally disposed of in this court and to obtain the return of documents and draw moneys that might be payable to me/us in the said suit or matter. He is/They are also authorised to depute other Counsel to act on his / their behalf.

Dated at Chennai this 19th day of August 2020

Certify that the contents of this vakalat were read out and explained

In my presence to the Executant who appeared perfectly to understand the same and made his / her their signature in my presence.

Chairman
CHENNAI PORT TRUST

Advocate

ACCEPTED : The address for service of the said Advocate is :

.....20

Narayan & Co.

No: 220 Law Chamber
High Court, Chennai - 60004
Cen - 9840798460
madhurireddy@yahoo.com.

Advocate for 5th Respondent

PRINCIPAL BENCH
BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL.

APPEAL/APPLICATION NO. 173 OF 2020

..... Appellant/Applicant

-VS-

.... Respondent/Respondent

VAKACAT &
MEMO OF APPEARANCE

M/s MADHURI DONTI REDDY
(En.No.1485 (a) 1994)

BASU.K.BALAIYANANTHAM
(E.No.2802/2008)

Cell : 98407 98460

Counsel for 5th Respondent

madhurireddy@yaho.com

**NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 173 OF 2020

1. The Member Secretary
Tamil Nadu Pollution Control Board
Chennai
 2. The Member Secretary
Central Pollution Control Board
New Delhi
 3. District Magistrate & Collector
Chennai
 4. Director, Industrial Safety & Health Department
Tamil Nadu
 5. Chairman,
Port of Chennai
1, Rajaji Salai, Chennai-600 001
- ... Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF 5TH RESPONDENT

I, A. Jayasimha son of Shri A. Sreeramulu, Hindu aged about 51 years, residing at No.4A, Jai Nagar 1st Street, Arumbakkam, Chennai – 600 106 do hereby solemnly affirm as under:

1. I am the Chief Mechanical Engineer of Chennai Port Trust, holding Additional charge of Traffic Manager, I am well acquainted with the facts and circumstances of the case and competent to swear this Affidavit.
2. I submit that the Chennai Port is a statutory body governed by Ministry of Shipping, Government of India under the provisions of Major Port Trust Act 1963. It is one of the major port involved in the services of berthing and deberthing of the vessels called at Chennai Port and loading and unloading of the cargo that are meant to be exported/imported through the Port.
3. I submit that Chennai Port Trust and M/s Chennai Container Terminal Pvt. Ltd. (M/s CCTPL) entered into an agreement dated 09.08.2001 for the *development, management and operation* of the Chennai Container Terminal located in the Chennai


CHIEF MECHANICAL ENGINEER
मुख्य यांत्रिक अभियंता
CHENNAI PORT TRUST / चेन्नै पोर्ट ट्रस्ट
NO.1, RAJAJI SALAI / नं.1, राजाजी साली
CHENNAI – 600 001./चेन्नै – 600 001.

Port Trust. Accordingly, the Container Terminal inside the Chennai Port Trust is operated by M/s.Chennai Container Terminal Pvt.Ltd., (M/s.CCTPL)

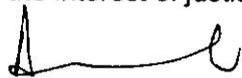
4. It is further submitted that the said cargo of 740 MTs of Ammonium Nitrate in 37x20' containers were imported per vessel by m.v.Hanjin Louisiana arrived on 23.09.2015 at the licensed container terminal M/s CCPTL in Chennai Port. The said containers were cleared from the terminal of Chennai Port premises on 26.09.2015 and were moved to the private CFS SATTVA-1 at Manali. However, it is learnt that the cargo was confiscated by the Customs and the containers were lying uncleared in the said CFS.

5. It is further submitted that with regard to the current status of this cargo, it is learnt from the letter dt.14.08.2020 of M/s SATTVA CFS that in pursuance to the approval given by the Customs, the said cargo with container were delivered between 09.08.2020 to 12.08.2020 to one M/s Salvo Explosives and Chemicals Pvt Ltd, Telangana. ANNEXURE-I

6. It is further submitted that the 5th Respondent issued reply mail dated 17.08.2020 to DDGF (C) of Ministry of Environment, Forest and Climate Change stating the above facts. ANNEXURE-II

7. It is further submitted that the 5th Respondent has issued letter dated 17.08.2020. (ANNEXURE - III) to the Commissioner of Customs seeking the details of the above consignment, with regard to the delay involved for the clearance and if any Court case is pending along with the current status and it is learnt that relevant records are available with the Chennai Customs only.

8. The Respondent therefore prays that this Hon'ble Bench may be pleased to record the above facts and relieve the 5th Respondent from the above O.A. No. 173 of 2020 and pass such further or other orders as deemed fit in the interest of justice.


CHIEF MECHANICAL ENGINEER
मुख्य यांत्रिक अभियंता
CHENNAI PORT TRUST / चेन्नै पोर्ट ट्रस्ट
NO.1, RAJAJI SALAI / नं.1, राजाजी साली
CHENNAI - 600 001/चेन्नै - 600 001

Solemnly affirmed at Chennai on
this the day of August 2020 and
signed his name in my presence.

BEFORE ME

ADVOCATE, CHENNAI

SATTVA**SATTVA HI-TECH AND CONWARE PRIVATE LIMITED**
CTN : U74999TN1999PTC041832**Registered Office:**
"HIGH GATE", Level 4,
No. 153 (Old 82), Santhome High Road,
Raja Annamalaipuram, Chennai 600 028.
Phone: 044-2461 2829, 2462 9190, 2462 9193,
Fax: 044-2461 3245
e-mail: sattvacorporate@sattva.in
web: www.sattva.in

Chennai

14th August 2020.

To:

The Traffic manager
Chennai Port Trust
Chennai

Dear Sirs,

Sub: 37 x 20' of Ammonium Nitrate delivered from our Container Freight Station.

Further to your Requirement please note 37 x 20' containers with cargo Delivered Between 9th of August and 12th of August 2020. to M/s. Salvo Explosives and Chemicals Pvt Ltd., Ankireddypalli village, Sy-No:756-786-916-913, Keesara Road , KeesaraMandal,Medchal , Malkajgiri , Telugana - 501301. As approved by Customs Dept.

This is for your kind information..

Thanking you,

Yours Truly,

For Sattva Hi-tech and Conware Pvt. Ltd.

Manager CFS

**Container Freight Station /**
Public Bonded Warehouse
Balaji Container Terminal
126/A, Ponneri High Road,
Chennai - 600 103.
© 25942969 Te/Fax : 044-25940016**Inland Container Depot /**
Public Bonded Warehouse
'Panchavati' Complex,
Pullichappallam, Pondicherry - 605 111.
☎ 0413 - 2678249 Tel/Fax : 0413 - 2678312
E-mail : icdpondy@sattva.in

Storage of 740 Tonnes of Ammonium Nitrate at Chennai Port - Reg.

From dtmop@chennaiport.gov.in

To ro.moefccc@gov.in

Date Today 16:46/17.08.2020

Message Body

Sir,

Ref: DDGF(C), Ministry of Environment, Forests & Climate Change, Chennai -34, Letter, dated 07.08.2020.

With reference to the above, the factual details of Import of 740 Tonnes of Ammonium Nitrate are furnished as follows:-

The said cargo of 740 MTs of Ammonium Nitrate in 37x20' containers were Imported per vessel m.v.HANJIN LOUISIANA, arrived on 23.09.2015 at Chennai Port DP world Container Terminal. The said containers were moved to the private CFS SATTWA-1 at Manali and were cleared from Chennai Port premises on 26.09.2015. However, as the cargo was confiscated by the Customs, the containers were lying un-cleared in the said CFS. At present, it is ascertained that all the cargo was auctioned by Customs and the Containers have been delivered to the successful bidder M/s. Salvo Explosives and Chemicals Pvt Ltd., based at Hyderabad from 09.08.2020 to 12.08.2020.

This is for information please.

Chairman,
Chennai Port Trust.

பு இரவீந்திரன்

தலைவர்

ப. ரவீந்திரன்

அध्यக்ஷ

P. Raveendran, IRTS

Chairman



சென்னை துறைமுக பொறுப்புக் கழகம்

நூற்றாண்டு மாளிகை 9-வது மாடி.

எண். 1, இராஜாஜி சாலை, சென்னை-600 001. இந்தியா

चेन्नै पोर्ट ट्रस्ट

शतवर्षीय भवन-9 वां मंजिल

नं 1, राजाजी सालै, चेन्नै-600 001. भारत

Chennai Port Trust

(Ministry of Shipping, Govt. of India)

Centenary Building, 9th Floor,

No. 1, Rajaji Salai, Chennai-600 001. India.

D.O.No.E2/114/2020/TO

Dt. 17.8.2020

Dear Shri Krishna Raoji,

Sub: Notice of hearing in suo moto matter in re:700 tonnes of Ammonium Nitrate stored in, Chennai safe, E-auction done: Customer after Beirut Blast, published in The News 18 India, dated 06th Aug, 2020 – Reg.

A notice has been received from National Green Tribunal, Principal Branch, New Delhi, for hearing the above subject by the NGT on Monday, 24.8.2020. Though the containers arrived at Chennai Port during 2015, the same have been moved to CFS within a couple of days after arrival to the Port. It is learnt that the consignment was in the CFS and recently had been auctioned. The details regarding this consignment, the delay involved, court case details if any, and current status of the consignment etc., may be advised so that the factual information can be given to the NGT during the hearing.

I request that the details may be provided at the earliest.

With Regards.

Yours sincerely,

[Signature]
17/8/20.

Encl: Notice received from NGT

To

Shri G.V.Krishna Rao
The Chief Commissioner of Customs
Office of the Chief Commissioner of Customs
Rajaji Salai, Chennai 600 001