

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE  
BENCH, CHENNAI**

**ORIGINAL APPLICATION NO.215/2024/SZ**

**IN THE MATTER OF:**

Suo Moto matter in respect of news item  
Appearing in The Deccan Herald dated  
30.04.2024 titled "**Ammonia gas leak  
Triggers panic in Coimbatore**"

And

1. Tamil Nadu Pollution Control Board (TNPCB),  
Through its Member Secretary, Chennai
2. Central Pollution Control Board (CPCB),  
Through its Member Secretary,
3. District Collector, Coimbatore
4. M/s. AMS and Company  
Represented by its Proprietor,  
S. Ashik Mohammed

... Respondents

**COUNTER AFFIDAVIT FILED BY THE 4<sup>TH</sup> RESPONDENT**

I, Ashik Mohammed, S/o. Syed Mohammed, aged about 59 years, residing at Door No.160, V.O.C Colony, Avinashi Taluk, Tiruppur – 641 654, the deponent herein do hereby solemnly affirm and sincerely state as follows:

1. I humbly submit that I am the 4<sup>th</sup> Respondent herein and the Proprietor of M/s. AMS and Company and I have been duly authorised to sign this instant counter affidavit on behalf of the Company. I humbly submit that I am the owner of the property and plant situated in S.F. No. 723, Chikkarampalayam Village, Mettupalayam Taluk, Coimbatore District and as such I am conversant with the facts and circumstances of the case.
2. I humbly submit that the extent of the aforementioned property is 9.62 acres and contains a plant and machinery which have potential to manufacture frozen French fries. Previously, the aforementioned property along with the plant and the machinery contained therein was mortgaged by the erstwhile owner and since its account was declared as Non performing Asset by its secured creditor IDBI Bank, the same came up for public auction.



For AMS & COMPANY  
*S. Ashik Mohammed*  
Proprietor

3. I humbly submit that under this circumstance, I have purchased the aforementioned property on "as is where is, as is what is and whatever there is basis" by being the highest bidder in the public auction after making a payment to a tune of Rs. 6,26,00,200/. (Rupees Six Crores Twenty-Six Lakhs and Two Hundred Only) on 28.07.2021 towards the land and Rs. 1,80,00,000/- (Rupees One Crore Eighty Lakhs) on 26.07.2021 towards plant and machinery contained therein.
4. I humbly submit that even though my primary area of work revolves around dealing with gold and semi-precious gemstones, in the hopes of producing frozen French fries for import an attempt was made to get the plant and machinery up and running by servicing the equipment and appointing an Environment Impact Consultant who would aid in applying for requisite permissions. Further that sanction had been accorded for extension of new HT Supply to M/s.AMS and Company, new HTSC, Coimbatore required for the purpose of "Potato Chips Manufacturing" subject to conditions stipulated there under.
5. I humbly submit that before I could apply for Consent to Establish and Consent to Operate before the Tamil Nadu Pollution Control Board, one Mr. F. Jaffer Ali approached me expressing his interest in leasing out the entire land situated in S.F.No.723, Chikkampalayam Village, Mettupalayam Taluk, Coimbatore district for various business purposes. In consonance with the same, a lease agreement dated 13.10.2023 was entered into between the aforementioned parties for a period of eleven months, that is till 13.09.2024. The relevant extracts of the lease agreement dated 12.10.2023 are reproduced hereunder for convenience
- "whereas the lessor, the owner of the land and MSME company namely M/s.AMS and Company, Manufacture of Food Products Company situated at S.F.Nos.723/2A, 726/1, 692/4 total extent measuring 9.62 acres Chikkampalayam Village, Mettupalayam Taluk and he has agreed to let out the said company to the lessee for a period of 11 months with immediate effect from 13.10.2023 at monthly rent of Rs. 1,00,000/- payable on the 5th of each month in advance".*
6. I humbly submit that on 29.04.2024 at 7:45 pm an ammonia gas leak took place in the plant situated in the property mentioned above and an inspection was carried out immediately by the District Environment Engineer Coimbatore North along with the Deputy Chief Scientific officer, AEL, Coimbatore and Assistant Engineer, Coimbatore North. The RDO, Coimbatore North and Police Inspector, Karamadai was also present during the inspection.



For AMS & COMPANY  
*[Signature]*  
Proprietor

7. After inspection, it was found out that my lessee had carried out renovation work involving reactivating the refrigeration system within the plant by filling about 300Kgs of Ammonia Gas in its cooling circulation system for the purpose of producing potato chips. Owing to a leakage in one of the pipes carrying the gas, the Ammonia has started leaking out into the nearby habitation due to breakage in the pipe line and started dispersing into the nearby habitation of Chenniveerampalayam. The unit authorities reported that they have arrested the leakage in the pipeline and the issue settled over around 10:00PM and no Ammonia has smell was observed afterwards.
8. In consonance with the same, an FIR bearing No. 193 of 2024 came to be registered as against my lessee on 30.04.2024 under sections 147, 188, 278, 284 read with 308 of the Indian Penal Code and subsequently an arrest was made against his person and later enlarged on bail vide order dated: 10.05.2024 in Criminal Miscellaneous Petition No. 2474 of 2024. Further that, on request of the District Administration, Ambient Air Quality survey was conducted by Advanced Environmental Laboratory, Coimbatore at two locations (One near to the emission source and one at entrance of the unit) to measure the presence of Ammonia gas in ambient air. In consonance with the same, the air sampling was conducted at 1:00 AM (30.04.2024) to 2:20 AM 30.04.2024) and the inspection was completed at around 04:00AM.
9. I submit that the AEL/Coimbatore has analysed the Ambient Air Quality survey samples conducted during the night and furnished the results which stated that the same was good and not hazardous. Further that on 30.04.2024 the Tamil Nadu Pollution Control Board had issued closure order to M/s. AMS and Company based on the recommendations of the District Environment Engineer, TNPCB, Coimbatore North under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 as amended under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 vide proceedings dated 30.04.2024 as the unit had carried out establishment/ renovation works without obtaining Consent To Establish/Consent To Operate from the Tamil Nadu Pollution Control Board and without adopting precautionary measures for handling ammonia.



For AMS & COMPANY  
*[Signature]*  
Proprietor

The District Collector, Coimbatore also instructed the Tamil Nadu Pollution Control Board, Coimbatore North and Directorate of Industrial Safety and Health, Coimbatore to make a joint inspection to remove the residual ammonia present safely and the same was carried out duly. It is pertinent, at this juncture to mention that the said closure order was never served on me or on the lessee who was in occupation of the property/premises.

10. I humbly submit that thereafter, on completion of the removal of residual Ammonia from the system, the TANGEDCO disconnected the power supply pertaining to M/s.AMS & Company, S.F.No.732, ChikkarampalayamVillage, Mettupalayam Taluk, Coimbatore District. Further that, the Revenue officials, without even issuing notice to me or anything operating through it felt the need to not only seal the factory containing the plant and machinery but also the entire land comprised in S.F.No.732, Chikkarampalayam village, Mettupalayam Taluk, Coimbatore District admeasuring to an extent of 9.62 acres.
11. I humbly submit that my premises along with the plant contained therein have been sealed in complete derogation of the well-established principles of natural justice. Such anaction purported by the above said authorities is contrarynot only too well established legal principles but also to logic as the gas leak took place only from the plant which occupies but one acre out of the 9.62 acre extent of the Petitioner's land.
12. I humbly submit that with a view to set things right, my lessee has been evicted from the premises and tried to establish before the authorities that the entire property has been sealed even though the gas leak, which was found to be not harmful as per TNPCB reports, took place only on the one acre plant which is situated on a 9.62 acre land parcel with animals such as dogs, cattle and various coconut and palm tree plantations. Since these efforts did not yield fruit, a detailed notice dated 27.01.2025 was sent to the Mettupalayam Tahsildar and VAO of Chikkarampalayam Village. However, these representations were met with no response.



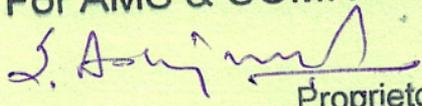
For AMS & COMPANY

*J. Anand*  
Proprietor

13. I humbly submit that because the VAO of Chikkarampalayam Village have been unwilling to de-seal the premises, I am not even in a position to protect my valuable equipment and machinery from the plant that have already been subjected to theft. Aggrieved by the same, I was constrained to give a police complaint being the FIR No.583/2024 dated 10.11.2024. Moreover, the animals such as dogs and coconut, palm tree plantations could not be tended to since 30.04.2024 owing to the sealing of the entire land as discussed above. The Plant and entire property have been kept under lock and seal since 30.04.2024 for such a prolonged period without proper notice or reasons accorded for the same.
14. I humbly submit that I have approached the TNPCB, District Collector of Coimbatore, and concerned Revenue Officials vide communications dated 27.01.2025 thereby expressing my grievance and gave an official undertaking that the plant will not be opened in complete and total compliance of the closure order of the Tamil Nadu Pollution Control Board and requested the said authorities herein to de-seal the property and plant but the same was not considered till date, nor was any reply given to the same.
15. Subsequently, a Writ Petition No. 9243 of 2025 was filed by me on 13.03.2025 in the Hon'ble High Court of Madras for directing the above said officials to de-seal the premises located at S.F. No. 723, Chikkaram Palayam Village, Mettupalayam Taluk, Coimbatore district and the plant contained therein with immediate effect. Further that, the Hon'ble High Court of Madras vide order dated 01.09.2025, allowed me de-seal the premises only if my company files an undertaking that the entire unit has been closed/shut down. The operative portion of the order states as follows:

*"16. Since the petitioner premises has been kept under lock and seal, the only option available to the petitioner is to close/shut down the entire unit in order to take possession of the property. The respondent shall de-seal the premises only if the Petitioner-company files an undertaking that the entire unit has been closed/shut down. On filing of an undertaking to the aforesaid effect by the petitioner, the 1<sup>st</sup> respondent shall de-seal the premises and plant, located at S.F.No.723, ChikkramPalayam Village, Mettupalayam Taluk, Coimbatore Taluk, within a period of two weeks from the date of filing of the affidavit of undertaking by the petitioner. No costs."*



For AMS & COMPANY  
  
Proprietor

16. I humbly submit that aggrieved by the direction imposed by the Hon'ble High Court of Madras in the order in W.P. No. 9243 of 2025 dated 01.09.2025, I preferred a Special Leave Petition vide Diary No.6649/2026 before the Hon'ble Supreme Court of India challenging the said order. However, the said Special Leave Petition came to be dismissed. I respectfully submit that the dismissal of the Special Leave Petition does not amount to affirmation of any finding regarding the environmental liability or wrongdoing on my part, nor does it constitute a finding that the premises or plant pose any continuing environmental threat. The dismissal merely leaves the impugned order undisturbed and does not adjudicate the environmental issues presently under consideration before this Hon'ble Tribunal.
17. I humbly submit that the incident dated 29.04.2024 was neither intentional nor attributable to any act or omission on my part. The ammonia leak occurred solely due to the unauthorized actions of the lessee, who, without my knowledge or consent and without obtaining statutory permissions, attempted to recommission the refrigeration system by filling ammonia gas. The said act was done in complete violation of statutory environmental safeguards and without my authorization. Immediately upon learning of the incident, I took prompt steps to terminate the lease and evict the lessee from the premises. Therefore, no liability can be fastened upon me for acts committed independently by the lessee without authority.
18. I humbly submit that the official inspection conducted by the competent authorities immediately after the incident clearly recorded that the leakage was promptly contained and also the ambient air quality monitoring conducted by the Advanced Environmental Laboratory revealed that ammonia levels were within safe limits and further that no continuing environmental hazard existed after the incident. It is to be noted that the closure direction was regulatory and precautionary in nature and not punitive for any proven environmental harm.
19. I humbly submit that despite full compliance with all directions issued by the authorities, including removal of residual ammonia, disconnection of electricity supply, and eviction of the lessee, the authorities proceeded to seal not merely the plant but the entire extent of 9.62 acres of land. Such sealing of the entire property is arbitrary, excessive, disproportionate, and without statutory basis, particularly when the alleged incident was confined only to a small portion of land measuring about one acre.



For AMS & COMPANY  
*S. Arjun*  
Proprietor

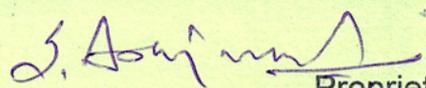
20. I humbly submit that I have always been ready and willing to comply with all the environmental safeguards and statutory requirements and undertake to this Hon'ble Tribunal that no industrial activity will be commenced in the premises without obtaining all statutory consents and clearances, the refrigeration system shall not be operated unless certified safe by competent authorities and all the environmental norms prescribed by TNPCB, CPCB, and other authorities shall be strictly complied with.
21. I humbly submit that the continued sealing of the property serves no environmental purpose whatsoever and is instead causing grave prejudice to me. Valuable machinery is deteriorating due to non-use and exposure, agricultural trees and vegetation cannot be maintained, and the property is vulnerable to trespass and theft. Thus, the present sealing operates as a punitive measure without adjudication, which is not in accordance with the law.
22. I humbly submit that in the facts and circumstances of the present case, the interests of justice, equity, and environmental jurisprudence would be fully met if this Hon'ble Tribunal is pleased to direct the concerned authorities to forthwith de-seal both the plant and the entire property, subject to any reasonable conditions this Hon'ble Tribunal may deem fit to impose for ensuring compliance with necessary environmental regulations and standard. I also humbly submit that unless such relief is granted, I will suffer irreparable loss and hardship, while no corresponding environmental benefit would arise from continued sealing of the property.

It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to direct the Respondent authorities No. 1 to 3 to forthwith de-seal the entire property and plant situated at S.F. No. 723, Chikkarampalayam Village, Mettupalayam Taluk, Coimbatore District subject to such conditions as this Hon'ble Tribunal may deem fit to impose, and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Dated at Avinashi on this the 19<sup>th</sup> day of February 2025. For AMS & COMPANY

  
COUNSEL FOR 4<sup>TH</sup> RESPONDENT



  
Proprietor  
DEPONENT

**VERIFICATION**

I, Ashik Mohammed, S/o. Syed Mohammed, aged about 59 years, residing at Door No.160, V.O.C Colony, Avinashi Taluk, Tiruppur – 641 654, do hereby verify and declare that the contents of the above paragraphs are true and correct to the best of my knowledge, belief and information.

Verified at Avinashi on this the 19<sup>th</sup> day of February 2026.

For AMS & COMPANY

*[Signature]*  
DEPONENT PROPRIETOR

*Solely affirmed  
Signed before me*



*[Signature]*  
19/2/2026  
**E.P. ELAVARASU B.L.**  
ADVOCATE & NOTARY  
(GOVT. OF INDIA) ROLL No. 8731  
AVANASHI - 641 654  
TIRUPPUR (DT). TAMILNADU