

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHER ZONE, CHENNAI

ORIGINAL APPLICATION NO. 28 OF 2025 (SZ)

[EARLIER O.A. NO. 988/ 2024 (PB) LP]

IN THE MATTER OF:

JAMBALIAH. K  
BELLARY DISTRICT

...APPLICANT

VERSUS

KARNATAKA STATE POLLUTION  
CONTROL BOARD & ORS.

...RESPONDENTS

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE PROJECT  
PROPONENT, M/S JSW STEEL LIMITED**

I, Ashishkumar Nair, S/o. Mr. Sudhakaran Nair, aged about 48 years, working as General Manager (Legal) with JSW Steel Limited being the Project Proponent (hereinafter referred to as the “**Project Proponent**”), residing at Vidyanagar Township, Tornagallu, Sandur Taluk, Dist. Ballari, Karnataka – 583 123, do hereby solemnly affirm and state as under:

1. I am the constituted attorney of the Project Proponent and as such I am well aware of the facts and circumstances of the case and as such I am competent to swear the present affidavit.

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2. I state that the instant Affidavit is being filed to primarily place on record the subsequent order dated 05.03.2025 passed by the Hon'ble Principal Bench, National Green Tribunal, New Delhi (hereinafter referred to as the "**Hon'ble Principal Bench**").
3. Before proceeding to place on record the order dated 05.03.2025 of the Hon'ble Principal Bench, it is necessary and relevant to place on record the facts leading to the same.
4. I state that the Applicant herein addressed a letter petition dated 13.12.2023 (hereinafter referred to as the "**Letter Petition**") to the Hon'ble Principal Bench ostensibly concerning the Project Proponent's Integrated Waste Management Unit situated at Torangallu, Bellary District, Karnataka (hereinafter referred to as the "**Industrial Plant**"). Pertinently, the Project Proponent was not served with a copy of the said Letter Petition.
5. I state that on 21.10.2024, the Hon'ble Principal Bench proceeded to take cognizance of the Letter Petition [in exercise of its *suo moto* jurisdiction] (hereinafter referred to as the "**Order dated 21.10.2024**"). By way of the Order dated 21.10.2024, the Hon'ble Principal Bench *inter alia* directed the constitution of a Joint





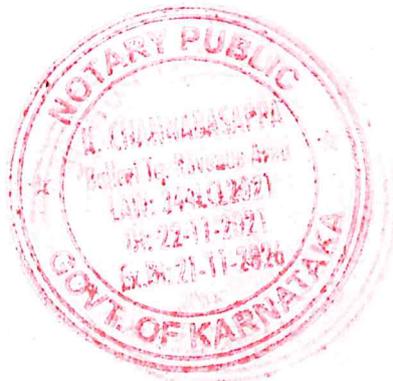
Order dated 21.10.2024 till the next date of hearing (hereinafter referred to as the “**Interim Order**”).

A copy of the Interim Order dated 13.11.2024 of the Hon’ble High Court is annexed hereto and marked as **Annexure-B**.

8. I state that subsequently on 22.11.2024, the Application was listed before the Hon’ble Principal Bench. On the said date, pursuant to the Interim Order, the Hon’ble Principal Bench deferred the hearing in the Application and further listed the Application on 17.12.2024, which was after the date fixed by the Hon’ble High Court for the hearing of the Writ Petition.

A copy of the order dated 22.11.2024 of the Hon’ble Principal Bench is annexed hereto and marked as **Annexure-C**.

9. I state that on 11.12.2024, the Writ Petition was again listed before the Hon’ble High Court. Since the Respondent in the Writ Petition had failed to file their Counter Affidavit within the stipulated time, they sought further time for filing of the Counter Affidavit. In view of the same, the Hon’ble High Court granted four weeks’ time to file the Counter Affidavit. The Hon’ble High Court also continued the Interim Order and renotified the matter on 29.04.2025.



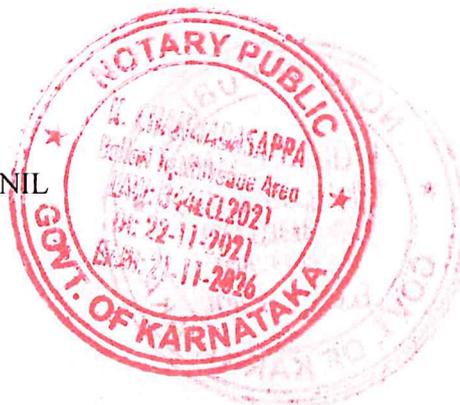
A copy of the order dated 11.12.2024 of the Hon'ble High Court is annexed hereto and marked as **Annexure-D**.

10. I state that pursuant to the aforesaid order, the Application again came up for hearing before the Hon'ble Principal Bench on 17.12.2024. The Hon'ble Principal Bench, *inter alia*, sought the Project Proponent's objections to recall / modification of the Order dated 21.10.2024 and transfer of the Application to this Hon'ble Bench. The Hon'ble Principal Bench further directed that the Project Proponent may also seek a clarification from the Hon'ble High Court in this regard, if so considered necessary/ desired by it. Significantly, no transfer of the Application in any manner was directed by the Hon'ble Principal Bench.

A copy of the order dated 17.12.2024 of the Hon'ble High Court is annexed hereto and marked as **Annexure-E**.

11. I state that from the order dated 17.12.2024, it is clear that the instant Application was to be re-listed before the Hon'ble Principal Bench for filing of objections by the Project Proponent and further hearing on the following issues:

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- a. Whether the Hon'ble Principal Bench can recall / modify the order dated 17.12.2024;
  - b. Whether the Hon'ble Principal Bench can proceed with the further hearing and / or passing of orders in the Application, including transfer of the Application; and
  - c. Whether such actions impinge upon the proceedings in the Writ Petition before the Hon'ble High Court and the orders passed therein.
12. I state that pursuant to the order dated 17.12.2024, the Project Proponent filed an affidavit before the Hon'ble High Court placing on record the aforesaid order of the Hon'ble Principal Bench and *inter alia*, seeking appropriate orders / directions.
13. I state that as directed in the order dated 17.12.2024, the Project Proponent also filed its objections against recall / modification of the Order dated 21.10.2024 before the Hon'ble Principal Bench.

A copy of the affidavits filed before the Hon'ble High Court and Hon'ble Principal Bench are annexed hereto and marked as **Annexure-F Colly**.

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14. I state that the Application was to be re-listed before the Hon'ble Principal Bench on 28.02.2025. However, to the astonishment of the Project Proponent, on 28.02.2025, the Application was not listed before the Hon'ble Principal Bench.

15. I state that on the contrary, on 28.02.2025, the Application was listed before this Hon'ble Bench and was re-numbered as O.A. No. 28 of 2025. This Hon'ble Bench by the order dated 28.02.2025 directed the Respondents to file their respective replies / reports and listed the matter on 23.06.2025.

A copy of the order dated 28.02.2025 of this Hon'ble Bench is annexed hereto and marked as **Annexure-G**.

16. I state that on the self-same date, the Project Proponent preferred a miscellaneous application, being M.A. No. 30 of 2025, before the Hon'ble Principal Bench, *inter alia* seeking directions in relation to the erroneous transfer of the Application (hereinafter referred to as the "**Challenge Application**").

A copy of M.A. No. 30 of 2025 filed by the Project Proponent is annexed hereto and marked as **Annexure-H**.



17. The said Challenge Application was listed before the Hon'ble Principal Bench on 05.03.2025. The Hon'ble Principal Bench by order dated 05.03.2025 disposed of the Challenge Application by *inter alia* holding as follows:

9. *Having regard to the above factual and legal position, we are of the view that till the issue is decided by High Court of Delhi in Writ Petition 15771/2024 further proceedings in this OA should be kept in abeyance.*

10. *At this stage, plea of the learned Sr. Counsel for the applicant is that jurisdictional issue relating to the place of hearing of the OA will be finally governed by the order passed by Delhi High Court in the pending Writ Petition. Learned Senior Counsel for the applicant submits that no further orders in this MA is required.*

11. *MA is accordingly disposed of. Let a copy of this order be forwarded to Southern Zonal Bench Chennai.*

A copy of the order dated 05.03.2025 of the Hon'ble Principal Bench is annexed hereto and marked as **Annexure-I**.

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18. Therefore, in terms of the order dated 05.03.2025 of the Hon'ble Principal Bench, the proceedings in the instant Application are kept in abeyance.

19. It is submitted that the Writ Petition is still pending before the Hon'ble High Court. The said Writ Petition was listed before the Hon'ble High Court on 29.04.2025. However, due to paucity of time, the same was not take up and the same is listed on 24.09.2025 before the Hon'ble High Court.

A copy of the order dated 29.04.2025 of the Hon'ble High Court is annexed hereto and marked as **Annexure-J**.

20. The present facts are being placed before this Hon'ble Bench for its consideration.



*[Handwritten signature]*

Solemnly affirmed at Ballari  
on this the 17<sup>th</sup> day of June 2025  
and signed their name in my presence

Before Me

Advocate

*Notarised document No. 333  
Regi Book No. 03.*

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SOLEMNLY AFFIRMED BEFORE  
ME AT BALLARI ON THIS  
17<sup>th</sup> DAYS OF June 2025  
*K. Channabasappa*  
NOTARY  
BALLARI TQ. REVENUE AREA

SOLEMLY APPROVED BEFORE

ME AT BALLARI ON THIS \_\_\_\_\_

DAYS OF \_\_\_\_\_

NOTARY  
BALLARI TO REVENUE AREA





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**AFFIDAVIT**

Thriyambak J Kannan (MS/156/2005)  
Vaishnavi Subrahmanyam (D/2419/2014)  
Abhishek P (MS/2290/2019)  
**Counsel for Respondent No.5/Project  
Proponent**