

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

Original Application No. 35/2025

BETWEEN:

E. Ashok Kumar, M/37 Years,  
S/o Easwara Gowder,  
Door No. 5/92, Thekkampatti Post, Seeliyur (via)  
Mettupalayam Taluk,  
Coimbatore District-641113  
Email: [legalsigamani@gmail.com](mailto:legalsigamani@gmail.com)  
Ph: 9597600171

.....Applicant

**AND**

1. The Ministry of Environment, Forest and Climate Change  
Government of India, Rep. by its Secretary (EF&CC)  
Indira Paryavaran Bhavan, Jorbagh Road,  
New Delhi-110003  
Email: [secy-moef@nic.in](mailto:secy-moef@nic.in)  
Ph: 011-20819220, 011-20819280
2. The Central Pollution Control Board,  
Rep. by its Chairman,  
Parivesh Bhawan, East Arjun Nagar,  
Delhi-11032  
Email: [ccb.cpcb@nic.in](mailto:ccb.cpcb@nic.in)  
Ph: +91-11-43102030
3. The Tamil Nadu Pollution Control Board,  
Rep by its Chairman  
76, Mount Salai, Guindy  
Chennai-600 032  
Email: [tnpcbocmms@gmail.com](mailto:tnpcbocmms@gmail.com)  
Ph: 044-2235 3134 to 2235 3136
4. The Member Secretary,  
Tamil Nadu Pollution Control Board,  
76, Mount Salai, Guindy  
Chennai-600 032



For ITC Limited, PSP J, Unit: Kovai

  
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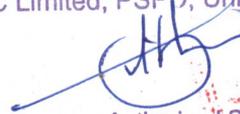
Email: [tnpcbocmms@gmail.com](mailto:tnpcbocmms@gmail.com)

Ph: 044-2235 3145

5. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Coimbatore North, DEE Office,  
No. 5 Ramasamy Nagar, Near Fire Service Station,  
Kavundampalayam,  
Coimbatore- 641030.  
Email: [deecbn@tnpcb.gov.in](mailto:deecbn@tnpcb.gov.in)  
Ph: 0422-2444608, 2433826
6. The Joint Chief Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
JCEE Monitoring Office,  
No. 216, Thadagam Road,  
Opp. To GCT College,  
Coimbatore- 641 013.  
Email: [jceemcb@tnpcb.gov.in](mailto:jceemcb@tnpcb.gov.in)  
Ph: 0422-2445007
7. The District Collector,  
District Collector Office,  
State Bank Road,  
Coimbatore- 641018.  
Email: [collrcbe@nic.in](mailto:collrcbe@nic.in)  
Ph: 0422-2301114
8. The Chairman & Managing Director,  
ITC Limited,  
Virginia House,  
No. 37, J.L. Nehru Road,  
Kolkata- 700071.  
Email: [marketing.itcpspd@itc.in](mailto:marketing.itcpspd@itc.in)  
Ph: +91-33-22889371
9. The Unit Head,  
ITC Limited,  
Paper Boards & Specialty Papers Division Unit (PSPD)  
Vivekanandanpuram Post, Thekkampatti Village,  
Mettupalyam Taluk,  
Coimbatore District- 641 113  
E-mail: [marketing.itcpspd@itc.in](mailto:marketing.itcpspd@itc.in)  
Ph: Nil.



.....Respondents  
For ITC Limited, (PSPD), Unit: Kovai

  
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**COUNTER ON BEHALF OF THE 9<sup>th</sup> RESPONDENT**

I Vishwanathan Murali, S/o. Vishwanathan aged about 56 years working with the 9<sup>th</sup> Respondent company herein, do hereby solemnly affirm and state as follows:

1. I am working as Factory manager and Unit head of ITC Limited, Paperboards and Specialty Papers Division (PSPD), Vivekanandapuram, Thekkampatti Village, Mettupalayam Taluk, Coimbatore- 641113, and am acquainted with the facts and circumstances of the case. As the instant matter relates the 9<sup>th</sup> Respondent Unit and I am the factory manager and head of the said Unit, I crave leave of this Hon'ble Tribunal to file this counter on behalf of the 9<sup>th</sup> Respondent. I state that the 9<sup>th</sup> Respondent Unit is owned and run by ITC Limited, a company having its registered office at 37 Jawaharlal Nehru Road, Kolkata- 700071.
2. At the outset, it is submitted that the present Application is a second round of litigation by the Applicant in respect of same issue which got concluded by this Hon'ble Tribunal's order dated 28.05.2021 in OA No. 26 of 2019 and the order dated 12.04.2023 in WP No. 10495 of 2020 by the Hon'ble Madras High Court.
3. I state that the present Application is filed with a malafide intent and ulterior motive in order to coerce the 9<sup>th</sup> Respondent to buy land from the Applicant and/or to provide employment to him and/or to make some payment to him, which in any case are untenable and amounts to gross abuse of process of this Hon'ble Tribunal. This respondent is not obligated to buy any land from the Applicant or to provide employment or to make any payment to the Applicant. Some years back, the Applicant was working as a contract workman in the said Unit and he has been trying for regular employment. However, the said Unit could



For ITC Limited, (PSPD) Unit: Kovai

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not absorb him as regular employee, because of various reasons, including medical. The Applicant's brother is working in the said Unit since the year 1996. The Applicant is not working as a contract workman in the Unit at present.

4. The Applicant has made various false and misleading averments, and scandalous allegations in the present Application without any basis or documents. All averments and allegations of the Applicant are denied except those admitted hereinafter. The Applicant is put to strict proof of the averments and allegations not dealt with herein. No averment or allegation of the Applicant shall be deemed to be accepted for want of specific denial.
5. The answering respondent submits para-wise response to Application as follows:
6. As to para (c)1, the Applicant is put to strict proof of the averment that he is engaged in agricultural occupation and that he is owning agricultural land of about 3.90 Acs. near the 9<sup>th</sup> Respondent Unit.
7. As to para (c)2, this Respondent denies that it is causing heavy pollution to the environment. I submit that the Unit of this Respondent is being operated in conformity with all applicable environment protection laws, rules/norms, consent conditions and the directions of TNPCB, the 3<sup>rd</sup> Respondent herein and the Unit is regularly monitored and inspected by the offices of TNPCB, the 5<sup>th</sup> and 6<sup>th</sup> Respondent herein. Furthermore, as a responsible corporate citizen, having high regard for environment and sustainable development, this Respondent constantly endeavors to improve its operations/processes to ensure that the same are carried out in an environmentally sustainable manner. Besides complying with all environmental protection laws, rules and consent conditions, this

For ITC Limited, PSP, Unit: Kovai

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Respondent has also been taking steps to follow the recommendations of TNPCB issued from time to time. The 3<sup>rd</sup> to 6<sup>th</sup> Respondent has not found any pollution or violation of consent conditions by this Respondent. The 3<sup>rd</sup> respondent TNPCB has also extended the consents under Air Act, 1981 and Water Act, 1974 of the said Unit up to 31<sup>st</sup> March, 2030 vide their Orders dated 28.03.2025, and another consent for power plant within the Unit up to 31<sup>st</sup> March, 2027 vide Order dated 29.08.2022 (copies enclosed as **Annexure R1 Colly**). The said Orders also evidence the fact that the 9<sup>th</sup> Respondent Unit is being operated in compliance with the applicable laws and consent conditions issued from time to time by the 3<sup>rd</sup> Respondent TNPCB. The present Application has been filed with a malafide intent to extract illegal gains from 9<sup>th</sup> Respondent.

8. As to para (c)3 and (c)4, being matters of records, this Respondent does not offer any comment.

9. As to para (c)5, it is denied that the 9<sup>th</sup> Respondent is a defaulted company. Further, it is denied that the proceedings no. T1/TNPCB/F.0038/CBN/RL/W&A/2020 dated 17.03.2020 was issued by the Ministry of Environment. The said proceedings/Order was issued by the 3<sup>rd</sup> Respondent TNPCB, and the same was challenged by the 9<sup>th</sup> Respondent before the Hon'ble Madras High Court in W.P. No. 10495 of 2020 on inter alia the grounds that said Order was issued in contravention of Principles of Natural Justice. The Hon'ble High Court vide its Order dated 12.04.2023, was pleased to set aside the said TNPCB Order dated 17.03.2020 holding that the said Order merely paraphrases the report of Joint Inspection Committee of the NGT and that the said Order has been passed in utter violation of principles of natural justice. Further, the Hon'ble High Court noted that TNPCB has

merely implemented the liability as fixed by the Joint Inspection  
For ITC Limited, PSP, Unik Kovai



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Committee, even though such Committee was appointed by NGT to satisfy if there is any deviation from the consent conditions and applicable norms. The Hon'ble High Court also held that conclusions of Joint Committee are merely recommendatory and not final or binding on NGT or TNPCB. The relevant part of the Order of the Hon'ble High Court is extracted below.

*“17. ... He took us to the order of the NGT and pointed out that as the Joint Inspection Committee had fixed the liability, the Tamil Nadu Pollution Control Board merely implemented the same. The Joint Inspection Committee was appointed by the NGT to satisfy itself if there are any deviation from the conditions imposed by the respondents in the consent to operate and if there are any deficiencies in the manner of implementing the consent. ...*

*The conclusions of the Joint Inspection Committee are merely recommendatory and it is not final or binding, even on the NGT let alone the respondents. ...*

*18. ... In the present case, the impugned order merely paraphrases the order of the Joint Inspection Committee of the NGT and has been passed in utter violation of the principles of natural justice. ...*

*19. ....*

*(1) The Order dated 17.03.2020 is set aside. ...”*

10. As to para (c)6, the contents therein being the operative part of the Order dated 12.04.2023 of the Hon'ble High Court, this Respondent does not offer any comment.

11. In paras (c)7, (c)8 and (c)9, the Applicant has made averments about making representation to 3<sup>rd</sup> to 6<sup>th</sup> Respondents, RTI applications, filing

For ITC Limited, PSP, Unit, Kovai

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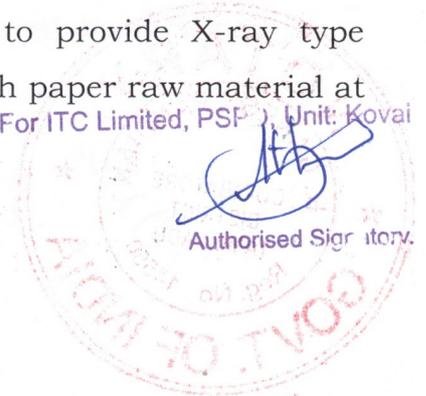
of RTI appeal, receipt of certain information from TNPCB authorities. These are matters between the Applicant and 3<sup>rd</sup> to 6<sup>th</sup> Respondents, wherein 9<sup>th</sup> Respondent was not involved and so 9<sup>th</sup> Respondent is not offering any comment.

12. As to the contents of paras (c)10, this Respondent denies the averments and allegations therein as incorrect and misleading. It is denied that the Respondent no. 3 to 6 in the personal hearing on 09.06.2023, or in the proceeding dated 29.12.2023, concluded that the 9<sup>th</sup> Respondent Unit has caused environmental pollution. It is true that a personal hearing was conducted on 09.06.2023 before 3<sup>rd</sup> Respondent, and thereafter certain directions were issued vide proceedings dated 29.12.2023 of 3<sup>rd</sup> Respondent. However, the said directions were not on account of violations of consent conditions or any instance of pollution but were additional directions over and above the consent conditions. In order to give a true picture of what transpired after the Hon'ble High Court Order dated 12.04.2023 and also as counter to the present Application, this Respondent states the following:

- i. The 3<sup>rd</sup> Respondent TNPCB issued a Notice dated 23.05.2023 (copy enclosed as **Annexure R-2**) calling 9<sup>th</sup> Respondent for a personal hearing 26.05.2023. In the said Notice dated 23.05.2023, a letter/report of 5<sup>th</sup> Respondent dated 27.04.2023 (copy enclosed as **Annexure R-3**) was cited and stated that the Unit is yet to complete bio mining of dumped plastic waste. This Respondent appeared before the 3<sup>rd</sup> Respondent on 26.05.2023 and merely sought some time to fix personal hearing at a later date and opportunity to file its written submissions. The official of 3<sup>rd</sup> Respondent present in the hearing on 26.05.2023 mentioned that the Unit is yet to complete bio mining of dumped plastic waste; yet to provide X-ray type scanner to screen the barrels/containers with paper raw material at

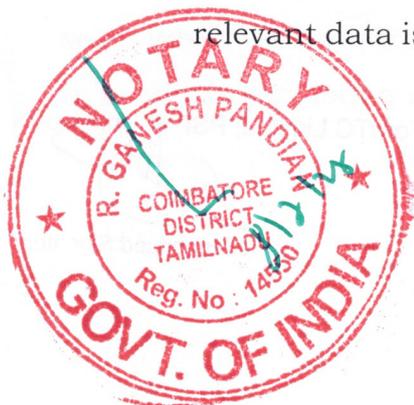
For ITC Limited, PSF Unit: Kovai

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the port; and raised a point about connectivity of OCEMS with TNPCB server.

- ii. This respondent appeared in the personal hearing before 3<sup>rd</sup> Respondent on 09.06.2023 and submitted detailed oral and written submissions along with its annexures (copy enclosed as **Annexure R4**). In the submissions it was inter alia pointed out that the Unit was taken over from BILT Industrial Packaging Company Limited, only in the year 2004 and that the plastic had been left by the said erstwhile owner of the Unit, embedded under the soil. The said plastics were not left or embedded by this 9<sup>th</sup> respondent and as directed by 3<sup>rd</sup> Respondent, this Respondent has been taking steps to extract and dispose of such plastics. Further that 3<sup>rd</sup> Respondent was already aware that one Zigma Global Environ Solutions Private Limited("Zigma") had been already engaged by the 9<sup>th</sup> Respondent Unit for carrying out the work of extraction, segregation and disposal of plastic waste. This Respondent had also provided the quantum of soil processed and plastic disposed of as of May, 2023; and submitted that it expects the work of excavation, processing and disposal of plastic waste to complete in next 12-15 months.
- iii. As to the installation of X-ray type scanners, the 9<sup>th</sup> Respondent brought to the notice of 3<sup>rd</sup> Respondent that the Port authority is not agreeable to install any exclusive scanner for the 9<sup>th</sup> Respondent paper/raw material and rather suggested to use the existing scanning facility at the Port.
- iv. As to the connectivity of OCEMS with TNPCB server, this Respondent pointed out that the OCEMS instruments were already installed and relevant data is already being transmitted to TNPCB and CPCB server



For ITC Limited, PSP Unit, Koval



as also confirmed by the 5<sup>th</sup> Respondent in his letter dated 27.04.2023 at Annexure R3.

- v. It was also inter alia pointed out that the directions in the Order of 17.03.2020 of TNPCB were not part of the consent conditions and at best could be considered as additional directions imposed on the Unit. All such additional directions in any event were complied with by the Unit as also confirmed by the 5<sup>th</sup> Respondent in his letter dated 27.04.2023 at Annexure R3. In the said letter the 5<sup>th</sup> Respondent had mentioned that the flow meter at inlet of ETP is yet to be connected with CPCB. In the written submissions dated 09.06.2023 at Annexure R4 this Respondent had clarified that the flowmeter at inlet of ETP is already connected to TBPCB and CPCB servers and the data transmissions to such servers has been established since 26.06.2020. TNPCB has not disputed such connection.
- vi. It was further pointed out that even the additional directions in the minutes of meeting dated 07.08.2020 of 3<sup>rd</sup> Respondent were complied with as also confirmed by the 5<sup>th</sup> Respondent in his letter dated 27.04.2023 at Annexure R3.
- vii. It was pointed out that the only additional direction that remained to be fulfilled was excavation of embedded plastic (left over by the erstwhile owner of the Unit) from earth and disposal thereof for which the work was ongoing at the expense of 9<sup>th</sup> Respondent through Zigma.
- viii. It was submitted that there was no violation of any consent conditions or violation of pollution control norms, and so environment compensation was not warranted.

For ITC Limited, PSI Unit: Koval

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- ix. In the personal hearing and written submissions dated 09.06.2023, it was also inter alia pointed out that even the Joint Committee report of March 2020 found that (a) the treated effluent parameters are within the limits prescribed by the Board, (b) ground and surface water parameters are within the permissible limits, (c) there is no contamination of ground/surface water due to industrial activity and (d) ambient air quality is within the notified ambient air quality standards.
- x. The 9<sup>th</sup> Respondent submits hereby that the aforesaid Joint Inspection Committee Report had not found any violation of consent conditions, and apart from recommendation on environment compensation, several other recommendations were made. Such recommendations were also reiterated in the 3<sup>rd</sup> Respondent's notice dated 17.03.2020 which have already been complied with by this Respondent as also confirmed by the 5<sup>th</sup> Respondent in his letter dated 27.04.2023 at Annexure R3.
- xi. Thereafter vide letter/proceedings dated 29.12.2023 (enclosed as **Annexure R-5**), the 3<sup>rd</sup> Respondent in pursuance to the personal hearing dated 09.06.2023, issued certain directions to the 9<sup>th</sup> Respondent Unit although the 3<sup>rd</sup> Respondent did not find any pollution caused or any violation by the said Unit. These directions essentially were related to disposal of plastic waste embedded in the soil for which the work was ongoing; conducting study on water, air, soil and heavy metals in and around the Unit; reduction of water consumption; submission of periodical result of analysis of water samples from the land being utilized for irrigation with treated effluent; treatment of leachate; submission of data on generation and disposal of ETP sludge and plastic waste co-processed; details of online connectivity status of flowmeters at the ETP with CPCB and



For ITC Limited, PSF, Unit, Kovar

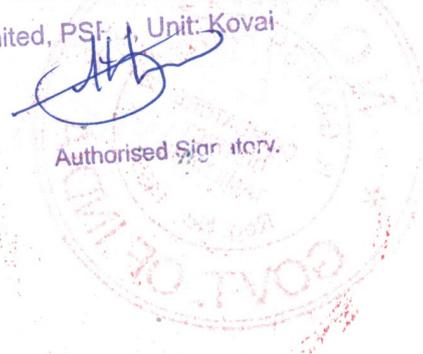
  
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TNPCB; and status of plastic waste separated from waste paper and disposal of the former. The Unit vide its response letter dated 25.01.2024 (enclosed along with its annexures as **Annexure R6 Colly**), addressed all such directions of the 3<sup>rd</sup> Respondent. The progress of work and quantum of plastic waste excavated and disposed of to cement plants were provided in the said response letter. It was further pointed out that TNAU had been engaged since takeover of the Unit by the 9<sup>th</sup> Respondent in 2004, to study the impact of treated effluent on soil, ground water and heavy metals in an around the Unit. Copy of annual report of TNAU for the period July, 2022 to June, 2023 was submitted along with the said response letter of this Respondent. The said report of TNAU concluded that the treated effluent of the Unit is suitable for irrigation and there has been no damage to soil; no contamination of ground or surface water by the Unit and the heavy metals in the ground water was below detectable limits.

- xii. The reports on parameters of the ambient air and emission sources at the Unit, issued by TNPCB and Vimta labs showing compliance with the norms were also submitted along with the response dated 25.01.2024 at Annexure R6. It was pointed out that Ambient air and Boiler stack emissions are tested on a monthly basis by Vimta Labs and reports thereof are submitted to the office of 5<sup>th</sup> Respondent on monthly basis; further that even TNPCB regularly checks the ambient air quality, stack emissions and ambient noise levels.
- xiii. Based on the regular monitoring and reporting on the status of water, soil and heavy metal in and around the Unit by TNAU, regular testing of ambient air quality and emissions by TNPCB as well as private lab, it was submitted in the said response dated 25.01.2024 at Annexure



For ITC Limited, PSF, Unit: Kovai



R6 that there was no pollution/damage caused to the environment by the operations of the Unit.

- xiv. Further in the response dated 25.01.2024, it was submitted that Unit has been continuously taking steps to reduce freshwater consumption and had significantly achieved reduction in the consumption of fresh water. It was further stated that leachate collection system has been installed and commissioned in the Unit.
- xv. As to the sorting of plastic waste, it was submitted in the response dated 25.01.2024, that the same is sent to the cement plants for co-processing and the quantity sent is reported to the office of TNPCB regularly. It was also pointed out that the OCEMS of ETP has already been connected to TNPCB and CPCB and continuous monitoring and data transmission is going on for effluent parameters of flow, pH, BOD, COD and TSS.
- xvi. The 9<sup>th</sup> Respondent in its response dated 25.01.2024, addressed all the directions issued in 3<sup>rd</sup> Respondent's letter dated 29.12.2023, and clarified that the imposition of Environment compensation is not warranted.
- xvii. The 9<sup>th</sup> Respondent hereby submits that it had, in May 2024, completed the works of extraction, segregation and disposal of plastic waste which was found embedded in the Unit left over by the erstwhile owner of the Unit i.e., BILT Industrial Packaging Company Limited. The same was also informed to the 5<sup>th</sup> Respondent by the letter dated 12.06.2024 (copy enclosed as **Annexure R7**) of 9<sup>th</sup> Respondent enclosing the details of soil excavation, plastic disposal and delivery chalans evidencing the transportation of extracted plastics.



For ITC Limited (PSF), Unit: Kovai



xviii. From the above factual background, it would be clear that the enquiry by the 3<sup>rd</sup> Respondent in terms of the Order dated 12.04.2023, did not find any pollution caused or violation of consent conditions by the 9<sup>th</sup> Respondent Unit. The issue of disposal of embedded plastic waste was also addressed by the 9<sup>th</sup> Respondent Unit and at its own cost.

xix. This Respondent hereby submits that even as per the latest report of analysis issued by TNPCB dated 30.12.2024 (copy enclosed **Annexure R8**), it is revealed that the parameters of ETP treated water are within the prescribed norms. Further as per the latest test reports dated 11.11.2024 issued by TNPCB (copy enclosed **Annexure R9 Colly**), it is revealed that parameters of Ambient air quality, source emissions and noise level are within the prescribed norms. Further the monthly monitoring report of February, 2025 (copy enclosed **Annexure R10 Colly**) issued by a private NABL accredited lab i.e., *Enviro Solutions & Labs* also reveals the ETP treated water, ambient air quality and source emissions to be within the prescribed norms. Further even as per the latest available annual report of TNAU for the period July, 2023 to June, 2024 (copy enclosed **Annexure R11**), it is revealed that the ETP treated water is suitable for irrigation, since the vital quality parameters such as pH, EC, BOD, TDS and heavy metals are within the prescribed limits of CPCB norms. As per the said report the ground water samples in and around the Unit premises were withdrawn at periodical intervals and analyzed. All the ground quality parameters were found to be within permissible limits indicating that ground water quality is not deteriorated due to the use of treated effluent for irrigation. Further the soil samples were also analyzed and were found to be not deteriorated. Further as per the TNAU report, fodder maize as a test crop was applied with ETP



For ITC Limited, PSF, Unit, Kovai

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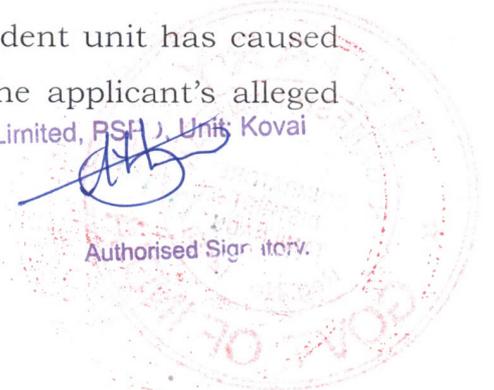
sludge vermicompost along with treated effluent and found to have recorded better growth and yield compared to other treatments.

13. As to para (c)11 and (c)12 of the application, the 9<sup>th</sup> Respondent denies that it has caused any pollution to the environment. Therefore, the question of payment of any compensation or fine does not arise. The allegations of pollution made by applicant are baseless and incorrect. As stated by the 9<sup>th</sup> respondent in the preceding paragraphs, all pollution control norms are complied with, which are evidenced by the reports of TNAU, TNPCB and private labs. The WP No. 10495 of 2020 was instituted by the 9<sup>th</sup> Respondent Company against the 3<sup>rd</sup> Respondent TNPCB and the applicant was not a party to the same. The Hon'ble High Court in the said writ petition rejected the applicant's locus to join in the said petition. Accordingly, in the enquiry started by the 3<sup>rd</sup> Respondent, TNPCB pursuant to and in terms of the Order dated 12.04.2023 in the said writ petition, issued notice only to 9<sup>th</sup> Respondent and conducted hearing with the 9<sup>th</sup> Respondent. The applicant was not required to be issued notice in the proceedings before 3<sup>rd</sup> Respondent as the matter in issue did not involve the applicant, nor did the applicant suffer any prejudice on account of his non-involvement in the said proceedings.

14. As to para (c)13 and (c)14 of the application, the 9<sup>th</sup> Respondent denies the averments and allegation therein as incorrect and baseless. The applicant is put to strict proof regarding his averment about his agricultural occupation, extent of land, farming banana and coconut trees, and the yield of the same. The applicant has not filed any document in support of his aforesaid averments. The 9<sup>th</sup> Respondent denies that the applicant's alleged cultivations are affected by the 9<sup>th</sup> Respondent Unit; further denies that 9<sup>th</sup> Respondent unit has caused any pollution to the earth and soil impacting the applicant's alleged

For ITC Limited, PSU Unit, Kovai

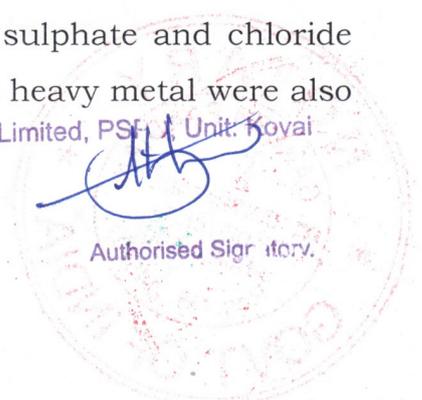
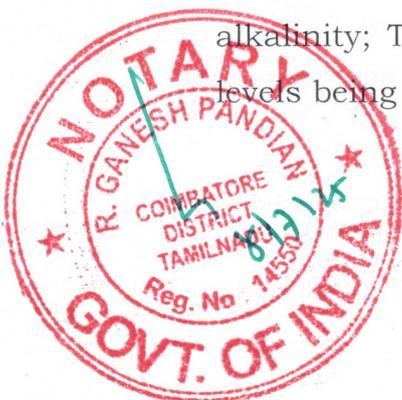
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agricultural yield. As stated in the previous paragraphs, even TNAU reports have concluded that there is no damage to the earth and soil due to the use of treated water which is used only in the lands of the 9<sup>th</sup> Respondent Unit. The 9<sup>th</sup> Respondent submits that the land which is occupied and used by the applicant is far from the lands of 9<sup>th</sup> Respondent where treated water is used by 9<sup>th</sup> Respondent for irrigation purposes. Based on the complaint of the applicant before TNPCB, the 6<sup>th</sup> Respondent had requested TNAU to examine the water and soil samples from the field of the applicant vide letter dated 10.02.2025 (copy enclosed as **Annexure R12**). TNAU examined the soil samples from the field of the applicant; also examined water samples from the stream close to the applicant's land used for irrigation. The TNAU report dated 18.03.2025 (copy enclosed as **Annexure R13**) reveals that there was no contamination of the applicant's land due to operations of the 9<sup>th</sup> Respondent Unit. The said report in respect of soil examined from applicant's mentioned:- low salinity being beneficial for most crops; relatively low carbon content suggesting the need for incorporation of organic elements; presence of high nitrogen beneficial for growth; low phosphorus and moderate potassium providing a good balance; low exchangeable sodium posing no sodicity risk; substantial calcium and magnesium level contributing to fertility; low iron with high copper which could be beneficial; all heavy metals below detection limit indicating no significant environment or health risks. The said TNAU report by way of a conclusion mentions that overall, the soil has nutrient imbalances but no heavy metal hazards suggesting management strategies like organic matter additions and nutrient balancing to optimize fertility and plant growth. As to the water sample analyzed from the stream near the applicant's land, the said report dated 18.03.2025 of TNAU concluded no significant risks related to corrosivity or alkalinity; TDS of 768 mg/L with low sodium, sulphate and chloride levels being in the safe limits; further all tested heavy metal were also

For ITC Limited, PSF Unit, Kovai

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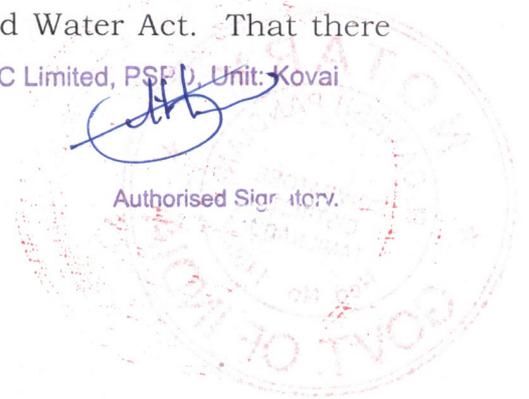
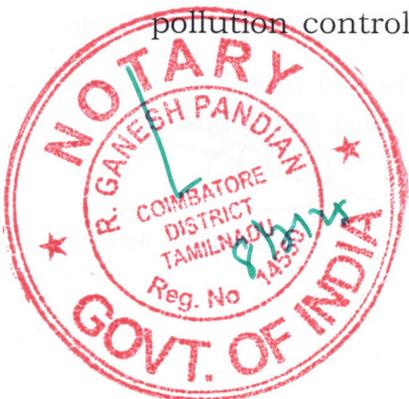


found to be below detectable limits eliminating associated health risks. The said report by conclusion mentions the water from the stream to be suitable for irrigation. It may be noted that the said report of TNAU alone falsifies the allegations of the applicant that the soil/earth in his land has been damaged by the 9<sup>th</sup> Respondent. The 9<sup>th</sup> Respondent reiterates that applicant's alleged land is away from the lands of 9<sup>th</sup> Respondent where the treated water is used for irrigation which anyway has been found fit for irrigation by TNAU, who has been retained as consultant to this respondent for several years. There is no air pollution caused by the 9<sup>th</sup> Respondent as alleged by the applicant causing any impact on his alleged crop. Even otherwise, there is no air pollution by the 9<sup>th</sup> Respondent Unit. The allegations in para (c) 13 and (c) 14, with respect to the impact on banana fruits and coconut are absolutely false, frivolous, imaginary and without any iota of evidence and malafides. It is denied that applicant is entitled to any compensation or damages under Schedule II of the National Green Tribunal Act, 2010 ("NGT Act") and the question of restoration by 9<sup>th</sup> Respondent of applicant's land to its original state does not arise. It is submitted that 9<sup>th</sup> Respondent is not at all liable for any compensation or relief for damage under the said Schedule II.

15. As to the allegations in para (c)15, it is denied that most of the directions of 3<sup>rd</sup> to 6<sup>th</sup> Respondent have not been complied with. It is further denied that 9<sup>th</sup> Respondent Unit is causing water, air and land pollution. The applicant has made sweeping allegations without any specifics. As stated in the preceding paragraphs of this reply, the 9<sup>th</sup> Respondent had complied with all directions of the 3<sup>rd</sup> to 6<sup>th</sup> Respondent issued from time to time, which directions were in the nature of additional directions over and above the consent conditions and pollution control norms under the Air Act and Water Act. That there

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has been no air, water or land pollution has also been evidenced by the reports of TNAU, TNPCB and private labs referred to above.

16. As to the allegation in para (c)16, the 9<sup>th</sup> Respondent denies that boiler, ash and ash dust have been deliberately released in the air and are settling on the nearby banana farms. The said allegation is absolutely false, baseless and without any iota of evidence. The reports on ambient air quality and source emissions by TNPCB and private labs as referred in the preceding paragraphs of the reply falsifies the said allegation of the applicant. It is further denied that 9<sup>th</sup> Respondent company is not following the directions and instructions of the 3<sup>rd</sup> to 6<sup>th</sup> Respondents. The 9<sup>th</sup> Respondent is promptly following all due directions of the 3<sup>rd</sup> to 6<sup>th</sup> Respondents and is not causing any pollution to the environment.

17. As to allegations in para (c)17, the same are denied as false and baseless. The 9<sup>th</sup> Respondent utilizes the treated water in its own lands close to its factory and it does not release the said water in anyone else's land. The alleged land of the applicant is far from the lands of the 9<sup>th</sup> Respondent where treated water is used in 9<sup>th</sup> Respondent's land. The said treated water in any event complies with prescribed norms even as per the TNPCB and TNAU reports referred to in the previous paragraphs. In fact, as stated earlier, these allegations have been made in the earlier proceedings also which were without basis. The TNAU reports have specifically found the treated water to be fit for irrigation. It is denied that applicant is entitled to any compensation/ damages under Schedule II of the NGT Act.

18. As to the para (c)18, it is denied that environment pollution is caused by the 9<sup>th</sup> Respondent, and further denied that the applicant has suffered in any way due to the alleged pollution. It is submitted that the 3<sup>rd</sup> Respondent TNPCB, conducted personal hearing pursuant to the



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order dated 12.04.2023, of the Hon'ble Madras High Court wherein the 9<sup>th</sup> Respondent made detailed oral and written submissions, pointing out that the operations of the 9<sup>th</sup> Respondent Unit are carried out in compliance with all pollution control norms. TNPCB has been regularly monitoring the 9<sup>th</sup> Respondent Unit through its regional offices and have not found any violation of the consent conditions or pollution control norms. There is no pollution or damage caused by the 9<sup>th</sup> Respondent to the environment warranting any environment compensation.

19. As to the claim of compensation and calculations thereof in para (c)19, the 9<sup>th</sup> Respondent denies that any compensation is payable under Schedule II to the NGT Act to the applicant. It is submitted that the Applicant has only indulged in speculative litigation and making wild and baseless allegations against this Respondent, with ulterior motives.

20. The averments and allegations in paras (c)20 and (c) 21 are denied. It is denied that 3<sup>rd</sup> Respondent to 6<sup>th</sup> Respondent has held that 9<sup>th</sup> Respondent Unit has caused environment pollution. The said allegation is misleading. The TNPCB authorities have not found any violation of the pollution control norms by the 9<sup>th</sup> Respondent; the parameters for effluent and emissions have been found by TNAU and TNPCB to be within the stipulated standards as referred to in the preceding paragraphs in this reply; the additional directions issued by the TNPCB from time to time has been found to be complied with as also evidenced by the letter dated 27.04.2023 at Annexure R3 of the 5<sup>th</sup> Respondent; the excavation and disposal of plastic waste have been completed in May, 2024. The 3<sup>rd</sup> respondent TNPCB has also extended the consents under Air Act, 1981 and Water Act, 1974 of the said Unit upto 31<sup>st</sup> March, 2030 vide their Orders dated 28.03.2025. The said extensions also evidence and presupposes the fact that the 9<sup>th</sup> Respondent Unit is being operated in compliance with the applicable laws and consent



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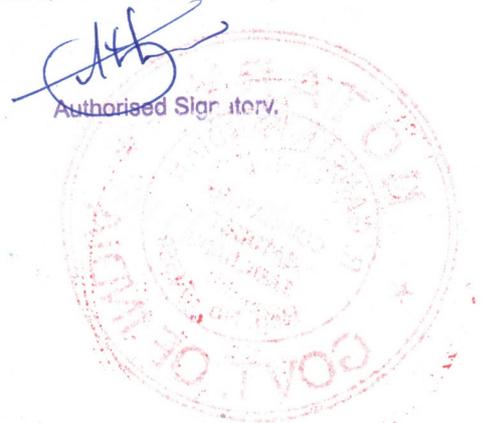
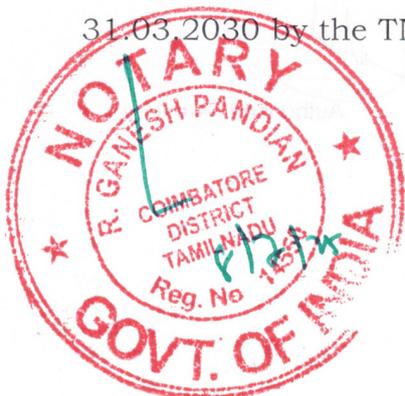
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conditions/directions issued from time to time by the 3<sup>rd</sup> Respondent TNPCB. There is no case for imposition of environment compensation or revocation or cancellation of consent as alleged by the applicant. It is denied that the applicant or other person in the locality have suffered any financial loss, mental agony, diseases, illness, breathing problems, or health issues due to the alleged pollution by 9<sup>th</sup> Respondent Unit. The said allegation of the applicant is completely baseless, incorrect and imaginary, which has been made without any iota of evidence. It is further denied that the 9<sup>th</sup> Respondent has caused loss to agricultural lands or environment as alleged by the applicant or otherwise.

21. As to paras (c) 22, (c) 23 and (c) 24, the allegations of the Applicant are denied. There is no case for withholding the consent to the 9<sup>th</sup> Respondent Unit. The Unit has been regularly monitored by TNPCB whereby TNPCB officials had been conducting inspections, issuing directions and testing the emissions, effluent, ambient air quality and noise as evidenced by the reports referred to in the previous paragraphs of this reply. The allegations regarding collusion of the 3<sup>rd</sup> to 6<sup>th</sup> Respondent with the 9<sup>th</sup> Respondent are scandalous, baseless and incorrect.

22. As to para (c) 25, the allegations therein are denied. If Applicant is having ample proof regarding causing of pollution by the 9<sup>th</sup> Respondent, the Applicant should produce the same before this Authority. The 9<sup>th</sup> Respondent submits that it is operating the Unit in compliance with all pollution control norms and consent conditions and even complying with additional directions issued by TNPCB from time to time. It's for all these reasons that consent has been extended till 31.03.2030 by the TNPCB.

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23. As to the prayer in para (c) 26, there is no case for grant of interim injunction as prayed by the Applicant.

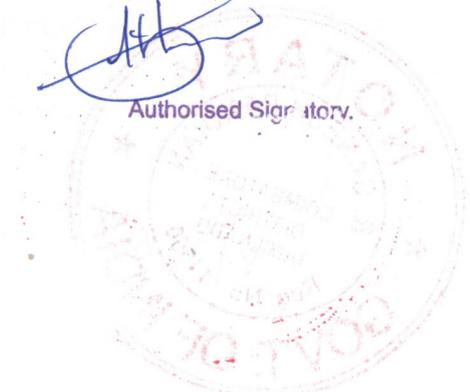
24. As to the prayer in para (c) 27 regarding the appointment of Independent Expert Committee, the same is not warranted as the 9<sup>th</sup> Respondent Unit is regularly monitored by TNPCB and TNAU and based on their reports it has revealed that all pollutions control norms are complied with by the Unit. The Applicant has filed this Application with some ulterior motive. His claims regarding damage to his alleged land has been falsified by the report of TNAU dated 18.03.2025 referred above.

25. As to the prayers in para (c) 28 to (c) 30, it is submitted that the same need not and cannot be allowed as the case of causing of environmental pollution or damage is not made out. Contrarily, it is revealed from the reports of TNPCB, TNAU and private labs that the Unit is operated in compliance with all pollution control norms and the same is under regular monitoring of TNPCB and TNAU.

26. As to para (d)1 to (d)5 of the application, the contents therein are denied. The Unit is being regularly monitored and inspections are carried out as referred in the previous paragraphs of this reply. The 9<sup>th</sup> Respondent does not discharge untreated effluent in anyone's land. No boiler ash is released either, as alleged. No prejudice has been caused to the applicant. The sample tests are regularly done by TNPCB and the last available sample tests have been referred to in this reply and filed as Annexures R9 colly. Even previous reports of TNPCB are filed herewith as part of Annexure R6 colly.

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27. As to para (d)6 of the application, it is replication of para (c)16 of the application, which has already been dealt with earlier by this respondent in this reply.

28. As to para (d)7 and (d)8, the allegations therein are denied as false and baseless. The 9<sup>th</sup> Respondent has not dumped any solid plastic or composted waste in its own land. It is denied that any prejudice is caused to the applicant's alleged land or to the yielding capacity of his alleged land. As stated in the previous paragraphs in this reply, the applicant's land is away from the lands of the 9<sup>th</sup> Respondent where treated water is used for irrigations purposes. The treated water is not used/released in applicant's land. In any case the said treated water is regularly monitored by TNAU and have been found fit for irrigation by TNAU and confirming to CPCB parameters. The TNAU report dated 18.03.2025 at Annexure R13 reveals that there was no contamination of the applicant's land due to operations of the 9<sup>th</sup> Respondent Unit. As to the water sample analyzed from the stream near the applicant's land, the said report dated 18.03.2025 of TNAU concluded no significant risks related to corrosivity or alkalinity; TDS of 768 mg/L with low sodium, sulphate and chloride levels being in the safe limits; further all tested heavy metal were also found to be below detectable limits eliminating associated health risks. The said report by conclusion mentions the water from the stream to be suitable for irrigation. This respondent reiterates that no water pollution has been caused by the 9<sup>th</sup> Respondent.

29. As to para (d)9 of the application, it is replication of para (c)25 of the application, which has already been dealt with by this respondent earlier in this reply.



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30. As to para (d)10 of the application, it is replication of para (c)20 of the application, which has already been dealt with by this respondent earlier in this reply.

31. As to para (d)11 of the application, the 9<sup>th</sup> respondent submits that it is not liable to pay any compensation as it has not caused any pollution or damage to the environment. The application of polluter pays principle does not apply in the present case. In fact, the 9<sup>th</sup> Respondent has taken several measures some of which are based on the directions of TNPCB to improve the operations at the Unit and to ensure continued compliance with pollution control norms. The 9<sup>th</sup> Respondent has already implemented and is in the process of implementing the following measures/projects:

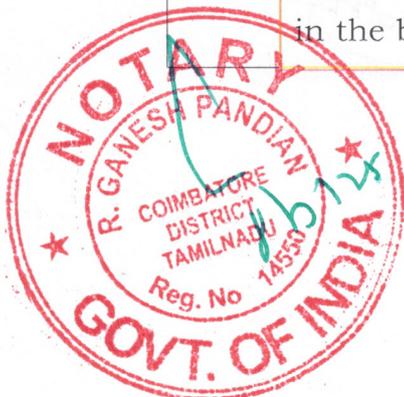
S/No	Description of measures/projects	Implementation period	Approx. Investment in Lakhs
1	Constructed Closed shed for secondary sludge storage & Leachate Pit to collect water and discharge to ETP	Mar-2023	75
2	Constructed 2 Lined Pond of total capacity of 15000M3 to collect the run of water and reuse in the process	Sep-2023	96
3	Obtained Hazardous Waste Authorization to utilize the Secondary sludge in boiler as fuel	Aug-2024	
4	Constructed Solar Sludge dryer system to reduce	Jan-2024	40



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	secondary sludge moisture and use it in the boiler as fuel		
5	Replaced 60TPH Boiler ESP (Electro Static Precipitator) single phase transformer with 3 Phase transformer to improve collection efficiency	Feb-2024	25
6	Upgraded 44TPH boiler ESP (Electro Static Precipitator) to improve collection efficiency	Feb-2023	50
7	Installed Ash Handling system in 44TPH Boiler for effective ash collection	Feb-2023	30
8	Installed Parabolic screen in ETP to reduce TSS	Mar-2023, Dec-2024	20
<b>Projects/measures being undertaken.</b>			
9	Constructing rainwater harvesting System which covers roof area of 32,000Sq.M to collect around 25,000M3 / annum and reuse in the process	Under progress	278
10	Installing PLC control system in 44THP boiler to improve the boiler performance	Under progress	20
11	Installing Steam Sludge dryer system to reduce secondary sludge moisture and to use it in the boiler as fuel	Under progress	275



For ITC Limited, PSP, Unit Kovai

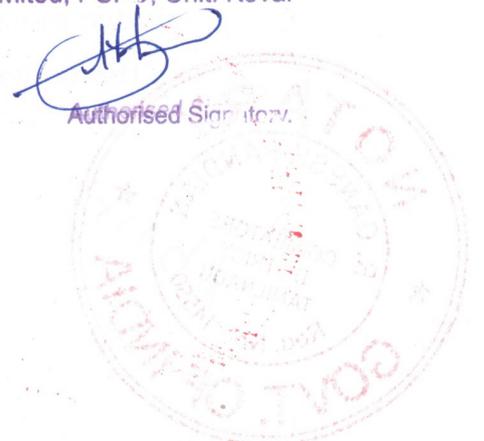
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12	Constructing Water reservoir of capacity 50,000KL to collect rain water & storm water and reuse the same for process	Under progress	900
13	Installing UF & RO plant of capacity 1000M3/day and 500M3/day respectively to recycle Treated water effluent in the process	Under progress	340

Besides, the Unit has already completed the task of excavation of plastic and its disposal which was left embedded in the soil by the previous owner as stated in the previous paragraphs.

32. As to para (d)12 of the application, this respondent submits that purported resolution dated 23.08.2023 of Thekkampatty village panchayat at page 123 of the application paperbook, is without any basis, legal or factual and seems to have been issued based on erroneous understanding. Sweeping allegations have been made in the said resolution without any reference to any evidence. The said purported resolution is biased and motivated. At any rate the said resolution cannot be relied upon by this Hon'ble authority as the gram panchayat is not an authority on pollution control issues. This respondent also points out that this purported resolution was never shared with this respondent and this respondent objects to the contents of the said purported resolution.

For ITC Limited, (PSP), Unit: Kovai



33. As to para (d)13 of the application, the applicant submits that 5<sup>th</sup> Respondent had inspected the Unit and vide its letter dated 18.12.2024 (copy enclosed as **Annexure R-14**), issued to the 9<sup>th</sup> Respondent, merely directed the Unit to continue the effective operation of pollution control plant and equipment. As there were no defects in the operation of said plant and equipment at the time of inspection, no defects were pointed out in the letter dated 18.12.2024. The 9<sup>th</sup> Respondent submits that the plant and equipment for ensuring compliance with norms of emissions and effluents are effectively working and all the parameters of emissions and effluents are within the prescribed norms.

34. As to para (d)14, it is submitted that the act of this Respondent is not contrary to any judgement of Hon'ble Supreme Court and Hon'ble High Court.

35. As to para (d)15, this respondent states that application is filed malafide with ulterior motives and based on false, baseless, misleading and scandalous allegations.

36. As to para (e), the major part of the contents therein is repetition of para (c)21 of the application. This respondent states that this application is filed malafide with ulterior motive, which is also clear from the claim of compensation by the applicant. The applicant has purported that he is concerned about the environment, however, he is only interested in receiving his claim of compensation, without any basis. As stated earlier by this respondent in this reply, there is no pollution caused by this respondent warranting any compensation. Further, the TNAU reports referred above make it clear that the soil/land of the applicant has not been damaged by the operations of the 9<sup>th</sup> Respondent Unit.

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37. As to para (f) and (g) of the application, this respondent does not offer any comment.

38. As to para (h), the applicant is called upon to prove how the present application is filed within limitation.

39. As to prayers in para (i) and (j) of the application, it is submitted that none of the prayers should be allowed for the reasons set out in this reply specifically for the reasons that the 9<sup>th</sup> Respondent Unit has not caused any pollution; and has complied with all pollution control norms.

It is therefore prayed that this application may please be dismissed, with exemplary costs and thus render justice.

Solemnly affirmed at Mettupalayam on this the 8th day of July 2025 and signed his name in my presence.

**Before Me**



**Deponent**

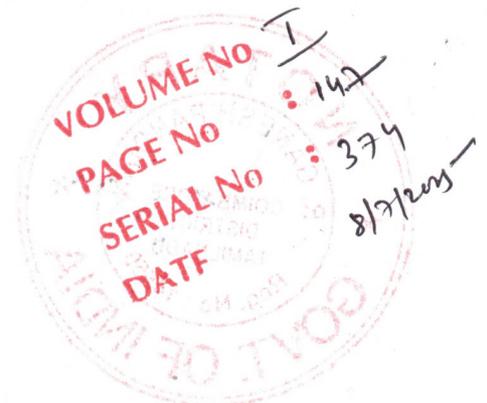
For ITC Limited, PSP, Unit: Kovai

Authorised Signatory.

**Notary Public**



  
08/07/2025  
**R. GANESH PANDIAN B.A., B.L.**  
ADVOCATE & NOTARY  
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Mettupalayam-641 301.  
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Cell ; 98422 22453



**IN THE NATIONAL GREEN  
TRIBUNAL, SOUTHERN ZONE,  
CHENNAI BENCH**

**O.A. No. 35 of 2025**

E. Ashok Kumar  
... Applicant

Versus

The Ministry of Environment, Forest  
and Climate Change, Govt. of India  
...Respondents

**COUNTER ON BEHALF OF  
THE 9<sup>th</sup> RESPONDENT**

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**Chamber 28 - Advocates &  
Solicitors**

M/S. Rahul M Shankhar  
(Ms.1240/2018)  
Chandini Pradeep- Kumar  
(Ms. 1929/2019)  
M. Aravindan  
(Ms. 8992/2022) &  
Avanti Balachander  
(D/3442/2021)

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RESPONDENT**