

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

ORIGINAL APPLICATION NO. 35 OF 2025 (SZ)

IN THE MATTER OF:

E. Ashok Raj Kumar

.....Applicant

Versus

The Ministry of Environment, Forest and Climate Change,
Govt. of India & 4 Ors.

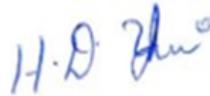
.....Respondent(s)

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**MRS. REVATHI MANIVANNAN
COUNSEL FOR RESPONDENT NO: 2**



**H. D. Varalaxmi
Scientist 'E', Regional Director
Regional Directorate, Chennai
CPCB**

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ORIGINAL APPLICATION NO. 35 OF 2025 (SZ)

IN THE MATTER OF:

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REPLY ON BEHALF OF RESPONDENT NO. 2
CENTRAL POLLUTION CONTROL BOARD (CPCB)

1. That, Hon'ble NGT (SZ) vide order dated 24.02.2025 in case of Original Application (OA) No. 35 of 2025 (SZ), has directed the respondents to file replies and Central Pollution Control Board (hereinafter referred as CPCB) is Respondent No. 2 in the instant matter. Thereby, the reply is made in this instant Original Application (hereinafter referred as OA) in succeeding paragraphs.



H.D. Varalaxmi
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Regional Director
CENTRAL POLLUTION CONTROL BOARD
Regional Directorate (Chennai)
MoEF & CC, Govt. of India
2nd Floor, 40-E, BSNL Building, TVK Industrial Estate,
CIPET Road, Guindy, Chennai - 600032

2. That at the outset, the Answering Respondent deny all claims, contentions, allegations and averments against answering respondent CPCB in the above OA contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the Answering Respondent for want of a specific denial or on the ground of non-traverse, save any averments which has been expressly admitted hereinafter.
3. That, CPCB is constituted under Section 3 of The Water (Prevention and control of pollution) Act, 1974. It performs the functions under The Water (Prevention and control of pollution) Act, 1974, The Air (Prevention and control of pollution) Act, 1981 and The Environment (Protection) Act, 1986.
4. That, the Applicant has filed this instant OA against 9th Respondent's Unit M/s ITC Limited, Paper Boards & Specialty papers Division Unit, (PSPD) at Vivekanandapuram Post, Thekkampatti Village, Mettupalayam Taluk, Coimbatore District-641113 and alleged causing pollution & also stated about the non-compliance of directions in the matter of disposed case OA No. 26/2019.

PRELIMINARY SUBMISSIONS

5. That, it is humbly submitted that in the matter of OA No. 26/2019, Hon'ble Tribunal vide its order dated 13.12.2019 constituted a Joint Committee, consisting of a Senior Scientist from Central Pollution Control Board and Tamil Nadu Pollution Control Board (TNPCB) to inspect the unit in question and consider whether the "land fill" has been properly maintained and complying all the norms and assess soil, water and air quality in that area and if there is any violation, they are directed to take appropriate action in accordance with law and submit a factual and action taken report.



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6. That, in the OA No. 26/2019 CPCB was Committee member and the Joint Committee report was filed by TNPCB in the month of March 2021. The joint Committee calculated Environmental Compensation for violation of non-installation of OCEMS in 44 TPH boiler, dumping of plastic wastes inside the unit premises, exceedance of source emission parameters and traces of heavy metals present in soil due to past discharge of partially/untreated effluent. The Summary and Recommendations of the joint Committee in their report are as follows;

i. The analysis results of the samples collected by the committee shows no significant impact in the soil and ground water/surface water.

ii. The traces of heavy metals present in the soil samples are less as compared with compost manure quality. However, this indicates the past discharge of partially/untreated effluent. The industry should ensure no discharge of partially/untreated effluent.

iii. The unit has installed flow meter at outlet of ETP only. Flow meter shall be provided at inlet of ETP in order to quantify total effluent generation and treated. These flow meters shall be connected to the online servers of CPCB and TNPCB.

iv. OCEMS installed in 60 TPH boiler for the parameters PM, SO₂ and NO₂. SO₂ and NO₂ analyzer shall be provided with calibration facility and same be connected to CPCB and TNPCB server. OCEMS shall be placed in appropriate location as per emission regulation part-III.

v. OCEMS shall be installed in 44 TPH boiler for the parameters PM, SO₂ & NO₂ with gaseous calibration facility and connect to CPCB & TNPCB server.

vi. Proper processing and storage facilities shall be provided for vermi composting of biological sludge.

vii. Adequate storage facilities shall be provided for the boiler fuel (lignite & biomass) and avoid open storage. This facility shall be provided proper drainage system.



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viii. Adequate control measures shall be provided and maintain regularly to avoid fugitive emission from storage yard of boiler fuel and bottom ash.

ix. Open dumping of plastic waste and process waste sludge (binding chemicals) found during committee visit shall be removed and disposed properly. The industry shall ensure no open dumping of wastes.

x. The complainant informed that the seepage water from the industry was found during rainy season, which is due to the industry geographical location. So the industry shall provide garland drain system around the premises and connect to concerted rain water harvesting pond to avoid seepage or can adopt any appropriate methods to avoid seepage water flowing to agriculture land.

xi. The interim environmental compensation calculated till 11.03.2020 is Rs. 331.80 Lakhs and thereon each day Rs.30,000/- shall be levied until compliance.

7. That, the said OA No. 26/2019 was disposed by the Hon'ble Tribunal vide judgement dated 28.05.2021 directing the respondent unit to comply with recommendations of the Joint Committee and Tamil Nadu Pollution Control Board (TNPCB) to monitor the compliance. The directions of judgement dated 28.05.2021 are as follows;

(i) The 12th respondent is directed to comply with the recommendations issued by the Joint Committee in the report dated 12.03.2020 in its letter and spirit.

(ii) The Tamil Nadu Pollution Control Board is directed to monitor the compliance of the recommendation made by the Committee and also directions issued by them to the 12th respondent in the impugned notice, which was challenged before the Hon'ble High Court of Madras to the extent of imposing compensation. If there are any violations or non-compliance found, then Pollution Control Board is directed to take action against the 12th respondent in accordance with law.




H.D. VARALAXMI
Regional Director
CENTRAL POLLUTION CONTROL BOARD
Regional Directorate (Chennai)
MoEF & CC, Govt. of India
2nd Floor, 40-E, BSNL Building, TVK Industrial Estate,
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(iii) As regards the compensation is concerned since the matter is sub-judice and pending before the Hon'ble High Court of Madras in W.P No. 10495 of 2020 we are not passing any order regarding the same and that will be subject to final order passed by the Hon'ble High Court in the above writ petition and also on that Tamil Nadu Pollution Control Basis is directed to take action against the 12th respondent in respect of the same subject to the result of the writ petition mentioned above.

(iv) The 12th respondent is directed to comply with all the pollution norms and conditions imposed in the clearance as well as in the consent and operate the unit in an environmental friendly manner without causing pollution to the environment or causing any disturbance to the neighbouring property owners.

(v) Liberty of the applicants to approach this Tribunal later, if there is non-compliance by 12th respondent is left open.

PARAWISE REPLY

8. That, the averments made in Paras a & b, states about Applicant submission and does not refer to this Answering Respondent, hence, need no reply from this Answering Respondent.
9. That, the averments made in Paras (c) 1, states about Applicant and does not refer to this Answering Respondent, hence, need no reply from this Answering Respondent.
10. That, the averments made in Para (c) 2, states about the reason for filing the application against 9th Respondent and does not refer to this Answering Respondent, hence, need no reply from this Answering Respondent.
11. That, the averments made in Para (c) 3 is about the OA No. 26/2019 filed by the applicant and relief sought and does not refer to this Answering Respondent, hence, need no reply from this Answering Respondent.



H.D. Varalaxmi
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Regional Director
CENTRAL POLLUTION CONTROL BOARD
Regional Directorate (Chennai)
MoEF & CC, Govt. of India
2nd Floor, 40-E, BSNL Building, TVK Industrial Estate,
CIPET Road, Guindy, Chennai - 600032

12. That, the averments made in Para (c) 4 state about the Joint Committee report, proceedings of Respondent No. 3 to 6 and followed by the Hon'ble Tribunal Final Order dated 28.05.2021 in the OA No. 26/2019. It is humbly submitted that the contents of Para 6 to 7 of this reply affidavit are re-iterated and not repeated herein for the sake of brevity.
13. That, the averments made in Paras (c) 5 & 6, states about the WP No. 10495 of 2020 and its final order. Hence, need no reply from this Answering Respondent.
14. That, the averments made in Paras (c) 7 to 12, states the activities related to Respondents 3 to 6 against Respondent No. 9. Hence, need no reply from this Answering Respondent.
15. That, the averments made in Paras (c) 13 & 14, states about the applicant's agriculture activities and his revenue losses due to the Respondent 9 unit. Hence, need no reply from this Answering Respondent.
16. That, the averments made in Paras (c) 15 & 16, states about the non-compliance of directions issued by the Respondents 3 to 6 and causing water, air & land pollution by Respondent 9 unit. Hence, need no reply from this Answering Respondent.
17. That, the averments made in Paras (c) 17 to 19, states about the applicant submission with respect to compensation claim. Hence, need no reply from this Answering Respondent.
18. That, the averments made in Paras (c) 20, 22 to 24 against Tamil Nadu Pollution Control Board (TNPCB) Respondents no. 3 to 6. Hence, need no reply from this Answering Respondent.
19. That, the averments made in Paras (c) 21, a public complaint dated 30.09.2024 received from Sh. E. Ashok Raj Kumar was sent to TNPCB vide letter dated 28.10.2024 by CPCB to examine the matter and provide views/comments/Actin Taken Report directly to the complainant with a copy endorsed to CPCB. The reply is awaited from TNPCB. The copy of letter dated 28.10.2024 is attached as **Annexure 1**.

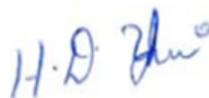


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20. That, the averments made in Paras (c) 25 to 30 states the applicant submission and prayer to the Hon'ble Tribunal. Hence, need no reply from this Answering Respondent.
21. That, the averments made in Grounds of Relief with legal provisions Para (d) 1 to 13 pertained to Respondents no 3 to 6 and Respondents no 9. Hence, need no reply from this Answering Respondent.
22. That, the averments made in Grounds of Relief with legal provisions Para (d) 14 to 15 about the applicant submission. Hence, need no reply from this Answering Respondent.
23. That, the averments made in Details of the Remedies Exhausted Para (e) does not refer to this Answering Respondent, hence, need no reply from this Answering Respondent.
24. That, the averments made in Paras (f) to (j) does not refer to this Answering Respondent, hence, need no reply from this Answering Respondent.
25. That in light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the instant OA and render justice.



MRS. REVATHI MANIVANNAN
COUNSEL FOR RESPONDENT NO: 2



H. D. Varalaxmi
Scientist 'E', Regional Director
Regional Directorate, Chennai
CPCB

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AFFIDAVIT

I, H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 55 years currently working as Scientist 'E' in Central Pollution Control Board, Regional Directorate- Chennai, 2nd Floor, 40-E, BSNL Building, TVK Industrial Estate, CIPET Road, Guindy, Chennai – 600 032, do hereby solemnly affirm, declare on oath and sincerely state as under: -

1. I humbly submit that, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.



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2. I submit that the accompanying reply may be read part and parcel of the present affidavit.
3. I submit that the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



VERIFICATION

H.D. Varalaxmi
DEPONENT
H.D.VARALAXMI
Regional Director
CENTRAL POLLUTION CONTROL BOARD
Regional Directorate (Chennai)
MoEF & CC, Govt. of India
2nd Floor, 40-E, BSNL Building, TVK Industrial Estate.
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It is verified that the contents of this above Affidavit is correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing material has been concealed therefrom or mis-stated.

Signed and verified at Chennai on this the Twenty Fourth day of April, 2025

Revathi Manivannan

MRS. REVATHI MANIVANNAN
COUNSEL FOR RESPONDENT NO: 2

H.D. Varalaxmi
DEPONENT
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Speed Post

CP/13/2022-IPC-III-HO-CPCB-HO-Part(1) 6241

October 28, 2024

To,

The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-600032

Sub: Public complaint received against M/s ITC Limited, Paper Boards & Specialty Papers Division Unit, (PSPD), having its manufacturing unit at vivekanandapuram. post, thekkampatti village, mettupalayamtaluk, coimbatore district -reg

Sir,

Enclosed please find a copy of the public complaint dated 30.09.2024 (copy enclosed) _received from Sh. E. Ashok Raj Kumar against the **M/s ITC Limited, Paper Boards & Specialty Papers Division Unit, (PSPD)**, Vivekanandapuram. post, Thekkampatti village, Mettupalayamtaluk, Coimbatore district on the subject cited above. The content of complaint is self-explanatory.

It is requested to examine the matter and provide your views/comments/ATR directly to the complainant with a copy endorsed to CPCB.

Yours faithfully

Encl: As above

(Kamlesh Singh)
Divisional Head, IPC-III

Copy to:

- Sh. E. Ashok Raj Kumar**
S/o.Eashara Gowder, Door NoI 5/ 92,
Thekkampatti Post, Seeliyur (Via),
Mettupajayam Taluk,
Coimbatore District - 641113

(Kamlesh Singh)

o/c
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत.....
दिनांक...29/10/24..

Dt. 30.09.2024

From:

1. E. Ashok Raj Kumar, M/37 years,
S/o. Easwara Gowder,
Door No. 5/ 92, Thekkampatti Post, Seeliyur (Via),
Mettupalayam Taluk,
Coimbatore District - 641113.

To:

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.
2. The Central Pollution Control Board,
Rep. by its Chairman,
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032.
3. The Principal Secretary to Government,
Department of Environment, Climate Change and Forests,
Government of Tamil Nadu.
Secretariat,
Chennai 600 009.
4. The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
76, Mount Salai, Guindy,
Chennai - 600 032.
5. The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai - 600 032.
6. The Director,
Indian Institute of Technology Madras,
Sardar Patel Road,
Chennai - 600 036.



7. Head of the Division,
Room No. 514, Fourth Floor,
Engineering Design Building,
Indian Institute of Technology Madras,
Chennai - 600036.

Respected Sir/Madam,

SUB: REQUESTING TO TAKE NECESSARY ACTION AGAINST THE ITC LIMITED, PAPER BOARDS & SPECIALTY PAPERS DIVISION UNIT, (PSPD), HAVING ITS MANUFACTURING UNIT AT VIVEKANANDAPURAM. POST, THEKKAMPATTI VILLAGE, METTUPALAYAMTALUK, COIMBATORE DISTRICT IN PURSUANT TO THE ORDER NO. 2205241935587 DATED 18.07.2022 ISSUED TO OPERATE TILL 31.03.2025 BY CONDUCTING PERIODICAL INSPECTION BY THE CENTRAL AGENCIES AND SUBMIT THE REPORT TO THE AUTHORITIES CONCERNED FOR CONTINUOUS DAMAGES CAUSED TO THE ENVIRONMENT REPEATEDLY CAUSING HUGE LOSS TO INDIVIDUAL AGRICULTURAL LANDS AND TO THE ENVIRONMENT LEFT OUT BY TNPCB IN ORDER TO SAVE GUARD LIVELIHOOD AND SURVIVAL WITH THE NATURE & ENVIRONMENT OF OUR PRESENT GENERATION – REG.

1. I state that I am residing at the above said address. I state that the Company namely ITC Limited, Paper Boards & Specialty papers Division Unit, (PSPD), having its Manufacturing Unit at Vivekanandapuram Post, Thekkampatti Village, MettupalayamTaluk, Coimbatore District – 641 113, is causing heavy pollution to the environment. Hence I have initiated legal proceedings against the said company.

2. I state that at the outset, I have filed an Original Application in O.A. No. 26 of 2019 before the Hon'ble NGT, Southern Zone, Chennai and sought the relief as follows:

"In view of the facts mentioned above the Applicants prays for the following relief:

- a) *Under the above said circumstances it is just and necessary that this Hon'ble Tribunal may be pleased to direct the Respondents No. 1 to 8 to pass an orders to shut down the 12th Respondent's factory in order to ensure that the air, water and soil are prevented from pollution caused by the 12th Respondent's factory and also that the livelihood and life of the people of that area including the Applicant's are safeguarded from the pollution caused by the 12th Respondent's factory and thus render justice.*
- b) *Under the above said circumstances it is just and necessary that this Hon'ble Tribunal may be pleased to direct the 12th Respondent to pay Appropriate Compensation to the Applicants and other Victims of Pollution of that area and also order for Restitution of the Property damaged and the Restitution of Environment for such area and thus render justice.*
- c) *And pass such further or other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case and thus render justice.*

3. I state that Hon'ble NGT, Southern Zone, Chennai has constituted a Joint Inspection committee in the above case and the said committee has filed its report before the Hon'ble NGT, Southern Zone, Chennai and in pursuant to the same, a proceedings has been taken by the TNPCB Authorities and as a result of it, No. 4 of you/ Chairman, TNPCB, passed an order vide proceedings No. T1/TNPCB/F.0038/CBN/RL/W & A/ 2020 dated 17.03.2020 directing the above said Company namely ITC Limited, Paper Boards & Specialty papers Division Unit, (PSPD) to pay compensation/ damages to the tune a sum of Rs.331.80 Lakhs and in case of failure, a daily penalty of Rs.30,000/- would be imposed on the said company. Thereafter the Hon'ble NGT, Southern Zone, Chennai passed a final order in O.A. No. 26 of 2019 dated 28.05.2021 in favour of me and the operative portion are as follows:

"24. In the result, the application is disposed of as follows:

(i) The 12th respondent is directed to comply with the recommendations issued by the Joint Committee in the report dated 12.03.2020 in its letter and spirit.

(ii) The Tamil Nadu Pollution Control Board is directed to monitor the compliance of the recommendation made by the Committee and also directions issued by them to the 12th respondent in the impugned notice, which was challenged before the Hon'ble High Court of Madras to the extent of imposing compensation. If there are any violations or non-compliance found, then Pollution Control Board is directed to take action against the 12th respondent in accordance with law.

(iii) As regards the compensation is concerned since the matter is sub-judice and pending before the Hon'ble High Court of Madras in W.P No. 10495 of 2020 we are not passing any order regarding the same and that will be subject to final order passed by the Hon'ble High Court in the above writ petition and also on that Tamil Nadu Pollution Control Basis is directed to take action against the 12th respondent in respect of the same subject to the result of the writ petition mentioned above.

(iv) The 12th respondent is directed to comply with all the pollution norms and conditions imposed in the clearance as well as in the consent and operate the unit in an environmental friendly manner without causing pollution to the environment or causing any disturbance to the neighbouring property owners.

(v) Liberty of the applicants to approach this Tribunal later, if there is non-compliance by 12th respondent is left open."

4. I state that the above said defaulted company namely ITC Limited, Paper Boards & Specialty papers Division Unit, (PSPD) have filed a Writ Petition in W.P. No. 10495 of 2020 before the Division Bench of our Hon'ble High Court, Madras challenging the above said proceedings No. T1/TNPCB/F.0038/CBN/RL/W & A/2020 dated 17.03.2020 issued by the Ministry of Environment.

5. I state that the Division Bench of our Hon'ble High Court, Madras passed a Final Order in W.P. No. 10495 of 2020 dated 12.04.2023 as follows:

"19. Consequent to the above discussion, we pass the following orders:

(1)The order dated 17.03.2020 is set aside. The matter is remanded to the 2nd respondent. The 2nd respondent shall issue notice to the petitioner and fix the date of hearing on which day the petitioner shall appear and give its explanation.

(2).If the petitioner does not avail this opportunity the respondents can proceed and pass orders.

(3).The 2nd respondent shall pass a detailed speaking order taking into consideration all aspects including the Joint Inspection Report but the order shall not be predicated only on the basis of the Joint Inspection Report done presently.

(4).This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

This Writ Petition is allowed with the aforesaid directions. Consequently, connected Miscellaneous Petitions are closed. No costs."

6. I state that I have made a representation dated 18.09.2023 to the TNPCB Authorities requesting to implement the Final order in W.P. No. 10495 of 2020 dated 12.04.2023 passed by the Division Bench of our Hon'ble High Court, Madras. But there is ill response. Hence I have sent an application dated 06.11.2023 to the TNPCB Authorities requesting to provide necessary details, information and documents in respect of the action taken by the TNPCB Authorities in pursuant to the Final order in W.P. No. 10495 of 2020 dated 12.04.2023 passed by the Division Bench of our Hon'ble High Court, Madras. Thereafter the TNPCB Authorities have sent a reply dated 18.11.2023 to me and in para. No. 3 it has been stated as follows:

"3. In pursuance of the above orders, a personal hearing was conducted with the unit's authorities on 09.06.2023 at Corporate Office, TNPC Board,

Chennai and the Board has decided to allow 12-15 months to complete the work on remaining excavation and disposal of plastic waste. A copy of minutes of personal hearing is also enclosed herewith."

Likewise, the TNPCB Authorities have sent a reply dated 20.11.2023 and the another reply dated 14.12.2023 stating that the personal hearing has been conducted on 09.06.2023 at Corporate Office, TNPC Board, Chennai. But the above said copy of minutes of personal hearing and the relevant proceedings and order have not been enclosed as mentioned in the reply letter dated 18.11.2023.

7. I state that therefore I made a representation dated 08.01.2024 to the TNPCB and its subordinate officials, requesting to furnish the relevant proceedings, order and all other documents in respect of the above personal hearing which has been conducted on 09.06.2023 at Corporate Office, TNPC Board, Chennai as mentioned in the reply letter dated 18.11.2023. Furthermore, I have also filed an Appeal against the Information furnished vide Letter No. TNPCB/RTIA/025447/F.No.433/2023, dated 14.12.2023 under the RTI ACT, 2005 and also requested to furnish the relevant proceedings, order and all other documents in respect of the above personal hearing has been conducted on 09.06.2023 at Corporate Office, TNPC Board, Chennai as mentioned in the Letter No. TNPCB/RTIA/025447/F.No.433/2023, dated 14.12.2023 under the RTI ACT, 2005 and reply letter dated 18.11.2023 issued by the TNPCB Authorities.

8. I state that the Appellate Authority/ Additional Chief Environmental Engineer - 1, TNPCB, Chennai - 600 032 has furnished the relevant documents and information sought by me vide Letter No: TNPCB/RTIA/001064/A-05/2024 dated 30.01.2024. I state that the District Environmental Engineer, Tamil Nadu Pollution Control Board, Coimbatore North Office, Coimbatore - 641 030 has also furnished the

relevant documents and information sought by me vide Letter No. F.2568/Comp/DEE/TNPCB/CBN/2024, dated 10.04.2024. I state that on perusal of records only, I came to know that the No. 5 of you/ Member Secretary, TNPCB has issued Consent Order No. 2205241935587 dated 18.07.2022 to the Company namely ITC Limited, Paper Boards & Specialty papers Division Unit, (PSPD) to operate its unit till 31.03.2025 and then through Consent Order No. 2205141846701 dated 29.08.2022, it was further extended to 31.03.2027. Thereafter the Consent Order No. 2306249115347 dated 18.01.2023 has been issued by the No. 5 of you/ Member Secretary, TNPCB for expansion of Unit and it is valid up to 31.03.2027.

9. I state that during the personal hearing conducted on 09.06.2023 and as per the Proceeding No. T2/TNPCB d/F.0038/ RL/CBN/W&A/2023, dated 29.12.2023, TNPCB Authorities has come to the conclusion that the ITC Company namely ITC Limited, Paper Boards & Specialty papers Division Unit, (PSPD) has caused environmental pollution and it also issued certain directions to the said Company to rectify the same. Despite the TNPCB Authorities has concluded that the ITC Company has caused pollution, diametrically contrary to the same, the No. 5 of you/ Member Secretary, TNPCB has issued consent order to operate the Company namely ITC Limited, Paper Boards & Specialty papers Division Unit, (PSPD) and the same is highly illegal. Hence I am submitting my strong objection with regard to the same and reserves rights to challenge the same before the appropriate forum in the manner known to the law.

10. I state that it is very shock and surprise to me that I am the person who has given complaint in O.A. No.26 of 2019 before the Hon'ble NGT, Southern Zone, Chennai against the Company namely ITC Limited, Paper Boards & Specialty papers Division Unit, (PSPD), having its Manufacturing Unit at Vivekanandapuram Post, Thekkampatti Village, Mettupalayam Taluk, Coimbatore District - 641 113, as it has caused

heavy pollution to the environment and I have also agitated in W.P.No.10495 of 2020 before the Hon'ble High Court, Madras.

11. It is also pertinent to mention that during the course of enquiry (Personal hearing conducted on 09.06.2023), no notice of hearing for personal hearing or summons has been served on me by the TNPCB Authorities before passing orders. It is apparent on record the above company has caused heavy pollution to the environment but no compensation has been levied on the said Company namely ITC Limited, Paper Boards & Specialty papers Division Unit, (PSPD) and no penalty or fine or imposed on them. Till this date, the said Company namely ITC Limited, Paper Boards & Specialty papers Division Unit, (PSPD), is polluting the environment. Hence I am submitting my strong objection with regard to the same and reserves rights to challenge the same before the appropriate forum in the manner known to the law.

12. I state that we are all carrying on agricultural occupation in the total extent of land is 3.90 Acres and we depending on agriculture for our survival. I state that we are farming banana tree and coconut trees in our land. I state that usually, we will plant 80 number of Coconut trees in 1 Acre and totally, 320 number of Coconut trees will be planted in our total extent of 3.90 Acres of land and after becoming a mature tree, it will give yield in 60 days and we are selling the 1 Kg of Coconut at the rate of Rs. 30/ per Kg. I state that likewise, we will plant 1,000 number of Banana trees in 1 Acre and totally, 4,000 number of Banana trees will be planted in our total extent of 3.90 Acres of land and after becoming a mature tree, it will give yield in 10 months and we are selling the 1 Kg of Banana at the rate of Rs. 40/ per Kg and we are selling Banana Bunch of plantain at the rate of Rs.400/ per 10 Kg and the above cultivations are affected by virtue of ITC company who has polluted the earth and soil and, in the result, my agricultural yields are affected at large.

13. I state that our Annual Income as on 2019, would be around Rs.10,00,000/-. I state that now our Annual Income as on 2024, has been decreased to Rs.3,00,000/- due to the pollution caused by the ITC Company. I state that owing to the water, air and land pollution caused by the ITC Company, the yielding capacity of our land/crops has been diminished/reduced, which in turn caused heavy loss to us. Moreover, the growing capacity, ripening tendency, taste and quality of our Banana and Coconut trees has been highly affected due to the pollution caused by the ITC Company. Furthermore, the size of the Banana fruit and Coconut has been shrunken due to the pollution caused by the ITC Company. Hence the traders are not coming forward to purchase our Banana fruit and Coconuts, since it is affected and damaged due to the pollution caused by the ITC Company and the market price of our Banana fruits and Coconuts has been highly diminished because of the same it has now become throw away price without any value the polluted yields are reduced in size and shranked from its natural growth leading to cut down the plants standing for compensation purpose.

14. I state that it is pertinent to mention that most of the directions issued by the TNPCB, has not been complied by the ITC Company and it has been deliberately flouted by them. I state that till this date, ITC Company is causing water, air and land pollution which in turn affects the environment of our area without any social responsibility. It is the right time if the compensation is not awarded by the Govt. of India there is no purpose is going to reach the poor farmers like us with in numerous names and schemes Amritkal Bharat, Shine India, Skill India and so on and nothing will mark its growth only in name sake at your desks of your good offices.

15. I state that during the night time, coal which was used in the boiler installed in the premises of the ITC Company, PSPD Unit and the boiler ash and ash dust has been deliberately released in the air by the

ITC Company, PSPD Unit and it was spreading all over the area and the ash dust are deposited in the banana leaves in the nearby banana farms and getting settled on it. Despite the instructions and directions issued by the TNPCB Authorities, the ITC Company, PSPD Unit have not followed the instructions given by the TNPCB Authorities and continuing to pollute the environment.

16. I state that even now, the ITC Company, PSPD Unit is discharging the untreated trade effluents into the nearby agricultural lands in our area and its residue are deposited in the agricultural lands. Due to the same, the agricultural lands are highly affected and the yielding capacity of our lands is drastically diminished, hence it has caused severe mental agony and financial loss to us.

17. I state that the No. 4 of you/ Chairman, Tamil Nadu Pollution Control Board, Chennai and the concerned Authorities who worked as District Environmental Engineer, Coimbatore North District, Tamil Nadu Pollution Control Board and the Joint Chief Environmental Engineer, Coimbatore North District, Tamil Nadu Pollution Control Board at the time of personnel hearing are held to be liable for the dereliction of duty casted upon them and also for not levying Environmental compensation and damages on the ITC Company for the purpose of restoring the environment and also to me who have suffered a lot due to the environmental pollution caused by the ITC Company.

18. I state that since the TNPCB has held that the ITC Company has caused Environmental Pollution, the No. 4 & 5 of you and the TNPCB Authorities ought to have revoked/ cancelled the Consent Order dated 18.07.2022 and the further extension of Consent Order 29.08.2022 to operate the Industrial Plant and the Consent Order dated 18.01.2023 for further expansion of the Industrial Plant of ITC Company PSPD Unit issued by the TNPCB. I state that the No. 4 & 5 of you and the TNPCB Authorities

has also held to liable and responsible for not levying Environmental compensation and damages on the ITC Company for the purpose of restoring the environment and also appropriate compensation and damages to me and other parties in this representation who have suffered heavy financial loss, mental agony, diseases, illness, breathing problems and other health issues due to the environmental pollution caused by the ITC Company. I state that till this date, the ITC Company is causing Pollution to the environment and we are also suffering a lot due to the same.

19. I state that No. 5 of you / Member Secretary, Tamil Nadu Pollution Control Board, Chennai who has issued the Consent Order dated 18.07.2022 and the further extension of Consent Order 29.08.2022 to operate the Industrial Plant and the Consent Order dated 18.01.2023 for further expansion of the Industrial Plant of ITC Company PSPD Unit are held to be liable for the dereliction of duty casted upon them and also for not restricting himself from granting consent order to operate the ITC Company for the purpose of restoring the environment. I state that No. 5 of you/ The Member Secretary, Tamil Nadu Pollution Control Board, Chennai is also liable to pay the environmental pollution caused by the ITC Company, as he acted in collusion with the ITC Company.

20. I state that at present, Mr.A.Krishnamoorthy, Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board and Mr.S.Vijayarajan, Assistant Environmental Engineer, Tamil Nadu Pollution Control Board is responsible for Online Consent Management and Monitoring System for the purpose of granting Consent Order to the Establishments, Industries and factories etc. are also held to be liable for the dereliction of duty casted upon them, as they have not properly monitored the ITC company.

21. I state that all the above said TNPCB Authorities are embedded with the statutory obligations to protect the environment and also to take actions against the polluters/ defaulters who are causing pollution to the environment. I state that the statutory duty is casted upon the above said TNPCB Authorities to implement the Act in its same letter and spirit. However the above said TNPCB Authorities have not even raised their little finger to protect and safeguard the environment and they are also not ready to hear the grievance of the general public. It seems that all the above said TNPCB Authorities are acting in collusion with the ITC Company for the purpose of obtaining some unlawful gain in order to become illegal enrichment by adapting to tarnish methods. Hence it is just and necessary to take legal action against them in accordance with law.

22. I state that I have already made representation dated 09.08.2024 to the TNPCB Authorities and also to other Authorities but till this date, neither action taken nor proper response given by them. Hence, I request your good office to kindly to revoke the consent order no. 2205241935587 dated 18.07.2022 to operate the unit till 31.03.2025 and subsequent consent order no. 2205141846701 dated 29.08.2022, further extension of operation of unit till 31.03.2027 and the consequent consent order no. 2306249115347 dated 18.01.2023 for expansion of unit and it is valid up to 31.03.2027, issued by the No. 5 of you/ member secretary, TNPCB to the company namely ITC Limited, Paper Boards & Specialty Papers Division Unit, (PSPD), having its manufacturing unit at Vivekanandapuram Post, Thekkampatti Village, Mettupalayam Taluk, Coimbatore District in order to save guard the Nature & Environment for our future generation.

It is therefore requested to take necessary action against the ITC Limited, Paper Boards & Specialty Papers Division Unit, (PSPD), having its manufacturing unit at Vivekanandapuram Post, Thekkampatti Village,

Mettupalayam Taluk, Coimbatore District in pursuant to the order no. 2205241935587 dated 18.07.2022 issued to operate till 31.03.2025 by conducting periodical inspection by the central agencies and submit the report to the authorities concerned for continuous damages caused to the environment repeatedly causing huge loss to individual agricultural lands and to the environment left out by TNPCB in order to save guard livelihood and survival with the nature & environment of our present generation.

Thanking You,

Yours Faithfully,



(E. Ashok Raj Kumar)

**BEFORE THE NATIONAL GREEN
TRIBUNAL (SOUTHERN ZONE)
CHENNAI**

ORIGINAL APPLICATION No. 35 OF 2025

In the matter of:

E Ashok Raj Kumar

..... Applicant (s)

Versus

The Ministry of Environment, Forest and
Climate Change, Govt. of India and 4 Ors.

.....Respondent(s)

REPLY ON BEHALF OF RESPONDENT NO.2
CENTRAL POLLUTION CONTROL BOARD

Smt. Revathi Manivannan

Counsel for the 2nd Respondent

(CPCB)

Mobile No. 7448350555