

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

ORIGINAL APPLICATION NO. 56 OF 2024 (SZ)

IN THE MATTER OF:

Arunkumar Sermakkani and Ors.

.... Applicant(s)

Versus

Union of India & 4 Ors.

..... Respondent(s)

**REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 2,
CENTRAL POLLUTION CONTROL BOARD (CPCB)**

MOST RESPECTFULLY SHOWETH:

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, 77-A, Ambattur Industrial Estate, Chennai – 600 058, do hereby solemnly affirm, declare on oath and sincerely state as under: -

1. That, it is humbly submitted, I am presently working as Scientist 'E' & holding charge of Regional Director (Chennai), Central Pollution Control Board (hereafter referred to as "CPCB"), have made myself acquainted with the facts and circumstances of the instant case due to the official capacity as mentioned above and on the basis of available records, I am well versed with the facts and circumstances of the matter and as such competent & authorised to submit this reply on behalf of Respondent No.2.



H.D. Varalaxmi
H.D. VARALAXMI, M.Tech
Regional Director
CENTRAL POLLUTION CONTROL BOARD
(MoEF & CC, Govt of India)
Regional Directorate (Chennai)
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2. That the Original Application No. 56 of 2024 (SZ) is regarding the violations caused by M/s Meenakshi Udyog (India) Pvt. Ltd., Kalugondapalli village, Denkanikottai Taluk, Krishnagiri District, Tamil Nadu by operating the unit without obtaining Environmental Clearance until 19.07.2023, violations in the consent conditions under Air (Prevention and Control of Pollution) Act, 1981 with respect to maintenance of Ambient Air Quality Standards & development of green belt and violation of The Noise Pollution (Regulation and Control) Rules, 2000 exceeding the ambient decibels levels.
3. That CPCB is a statutory Board which has been constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions assigned to it under The Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred as Water Act, 1974), The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred as Air Act, 1981) and The Environment (Protection) Act, 1986.
4. It is submitted that Environmental Clearance (EC) under the Environment Impact Assessment Notification, 2006 (herein called as EIA Notification, 2006) for A and B category projects/activities is issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) or the State Environment Impact Assessment Authority (SEIAA) constituted by MoEF&CC.
5. It is submitted that State Pollution Control Boards SPCB/Pollution Control Committees (herein called as SPCBs/PCCs) are empowered to grant the Consent to Establish (herein called as CTE) and consent to operate (herein called as CTO) to the industries, ensure compliance of the conditions of CTE & CTO to prevent air and water pollution and to take appropriate action against non-compliance of consent conditions under the provisions of environmental laws.



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6. It is submitted that, Ministry of Environment, Forest & Climate Change has notified The Noise Pollution (Regulation and Control) Rules, 2000 (Herein called as Noise Pollution Rules, 2000) vide S.O.123(E), dated 14.2.2000 and subsequently amended under the Environment (Protection) Act, 1986. As per Rule 4(1) of the Noise Pollution (Regulation and Control) Rules, 2000, the noise levels in any area/zone shall not exceed the ambient air quality standards in respect of noise as specified in the Schedule. The said Rules specify the authority responsible for the enforcement and compliance of the ambient air quality standards in respect of noise. In the Rule 7(1) of the said rules, it is specified that person may, if the noise level exceeds the ambient noise standards by 10 dB(A) or more given in the corresponding columns against any area/zone (or), if there is a violation of any provision of these rules regarding restrictions imposed during night time) make a complaint to the authority. In the Rule 7(2) of the said rules, it is specified that the authority shall act on the complaint and take action against the violator in accordance with the provisions of these rules and any other law in force. Further, in the Rule 2(C) of the said rules, it is specified that “authority” means and includes any authority or officer authorized by the Central Government, or as the case may be, the State Government in accordance with the laws in force and includes a District Magistrate, Police Commissioner, or Superintendent of Police designated for the maintenance of the ambient air quality standards in respect of noise under any law for the time being in force”
7. This Answering Respondent further craves leave of this Hon’ble Tribunal to file further reply, if required, in future.
8. That this Answering Respondent, CPCB, shall abide by any orders or directions passed by the Hon’ble Tribunal.



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DEPONENT

VERIFICATION

It is verified that the content of this Reply Affidavit is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on this 19th day of May, 2024 at Chennai.



Counsel for R-2




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