

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN REGION, CHENNAI.**

Original Appln.No.115 of 2024

Rakesh Kumar

.. Applicant

-Vs-

State of Tamil Nadu
Rep.by its Chief Secretary to Government,
Chennai and others

..Respondents

**COUNTER AFFIDAVIT OF THE RESPONDENTS 5 & 6
(IMPLEADED RESPONDENTS)**

We, 1) Nithish.A.R.Singh, son of Mr.Prem Singh, aged about 48 years, residing at 273/2, 16th street, C Sector, Anna Nagar West, Chennai 600101 and 2) Mr.M.Mohan, Son of Shri A Muthuah, aged about 67 years, residing at Q 156, SBIOA Unity Enclave, Mambakkam, Chennai 600127, do hereby solemnly affirm and sincerely state as follows:-

1) We submit that the 1st among us is the President of the State Bank of India Officers Association, Developer of the property in question. The 2nd of us is at present the Secretary of the SBIOA Unity Enclave Owners Welfare Association. We are well acquainted with the facts of the case.

2) All the allegations in the Letter Petition submitted by the Applicant herein which are not specifically admitted hereunder are denied as false and incorrect.

3). We respectfully submit the 1st among us had developed the property to an extent of 21 acres of land in Mambakkam Village, Vandalur Taluk, Chengalpet District in the year 2014 and built 1875 apartments and handed

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Corrns. Nil

P. A. K.

For SBIOA UE Owners Welfare Association, Mambakkam

M. Anjan
Secretary

over the same to the respective owners who are members of the SBIOA in the year 2018.

4) Environmental Clearance was duly obtained from the State Level Environment Impact Assessment Authority by proceedings dated 25.07.2014 and Building Plan Approval was duly obtained from the Director of Town and Country Planning and the development was made in accordance with law.

5) For the purpose of treating the effluent from the respective houses, the developer had set up a Sewage Treatment Plant with 1350 KLD capacity which is of more than the capacity that is required under the Environmental Clearance Certificate viz. 1281 KLD. We submit that the Tamil Nadu Pollution Control Board had also given consent to establish under Water Prevention and Pollution Control Act by consent order dated 17.04.2015 with permission for having one Sewage Treatment Plant of the capacity of 1350 KLD. I submit that in accordance with the same, the developer had duly established the sewage treatment plant. The quantity of sewage is only 800 KLD and the same is being properly treated in the STP. After treatment, the effluent is used in the following manner:-

- i) 200 KLD is used for flushing in the toilets of the respective houses
- ii) About 200 KLD is being used for gardening and green belt
- iii) Some quantity of the remaining effluent is being discharged in the STP, Perungudi and the
- iv) Remaining is being transported outside with lorries with an agreement with M/s. PRR Lorry Services and the same is being safely discharged by them .

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Corrns. *N/A*

P. K. S.

For SBIOA UE Owners' Welfare Association Mambakkam

M. Anand
Secretary

6) I submit that neither the developer nor the Owners Association is in any manner responsible for any of the complaints which have been alleged by the Applicant in his letter petition.

7) Out of vengeance and animosity within the Association, the applicant herein who is the husband of one of the owners of the apartments viz. Mrs. Sivakami Sundari M 105) has submitted the letter petition before this Hon'ble Tribunal. Contents of the same are neither genuine nor Bonafide. It is personal vendetta that is the reason for the submission of the letter petition.

8) Pursuant to the orders of the Principal Bench of this Hon'ble Tribunal, a joint committee which was constituted had visited the site and conducted an inspection on 14.05.2024 and a personal hearing was also conducted on 09.01.2025 by the Chairperson Tamil Nadu Pollution Control Board and thereafter report has been filed before this Hon'ble Tribunal on 29.01.2025 by the Additional Chief Executive Engineer . Thereafter, the Respondents herein had filed the Application to implead themselves as parties before this Hon'ble Tribunal and impleading was ordered by this Hon'ble Tribunal.

9) So far as the report dated 29.01.2025 that has been filed by the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board is concerned the Respondents herein submit as follows:-

i) As regards para 11-B of the said report, we humbly submit that no environmental damage has been done by us and we are not even remotely responsible for any damage if any. The sum of Rs.71,70,000/- assessed as interim environment compensation is excessive and we have submitted several detailed representations to Tamil Nadu Pollution Control Board requesting them to reconsider and waive the said demand.

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Corrns. *Milt*

P. K. K.
For SBIOA UE Owners' Welfare Association Mambakkam
M. Chinn
Secretary

ii) As regards (B), we submit that we undertake to conduct and submit third party STP Safety Audit Reports. So far as the instructions to make a proper safety arrangements including hand rails to prevent accidents are concerned, we state that proper barricades and hand rails, sign boards have been erected and the flow diagram of the STP has also been placed adjacent to the STP. It is pertinent to submit that an internal safety audit was done in this regard and a report has been given by the Internal audit team on 8.8.2025.

iii) As regards C, the Respondents submit that we have installed 6 EMFMs which are all connected to the office desktop systems of the OWA. The same can be immediately be linked with the system of TNPCB, but the password for the same has not been shared by the TNPCB till now, inspite of our request. The measurement of Flow is thus in place. So far as quality test is concerned, the same is not applicable to residential units, and it is too costly for us to afford. We state that we are periodically testing the quality of the treated effluent and the same is well within the parameters.

iv) As regards D, we submit that as per the instructions given, we have appointed new set of operators, namely M/s.ION Techniques for monitoring the operation of the STP.

v) As regards E, we submit that we are not engaging any manual cleaning and we are handling the sludge by mechanical process. We have established a compost yard to convert the STP sludge into manure in accordance with bio degradable waste handling in tune with the Solid Waste Management Rules 2016. We undertake to construct a shed for organic waste converter in our campus and we have submitted a request for permission for the same to the District Collector on 16.9.2025 and we will establish the same within a period of 3 months.



Secretary

vi) As regards F, we submit that out of the treated effluent water of 700 to 800 KLD, 200 KLD is used for flushing ; 200 KLD is used for gardening and green belt and the remaining 400 KLD is transported daily in about 35 lorry loads through an agreement with M/s. PRR Lorry Services for safe disposal. We submit that we are pursuing with the authorities of Mambakkam Panchayat for utilizing the treated water for watering avenue plants and have submitted a letter dated 28.10.2025 for the same, and we have also approached the District Forest Officer of the Chengalpet District by letter dated 27.9.2025 for permission to supply the treated water to the reserved forest of Ponmar and Kayar which are about 5 kilometers from the site in question.

vii) As regards G to K, we submit that we have installed sensors purchased from M/s. CHEM Techs. Aqua, Erode for H₂S and CH₄. We have replaced temporary flexible hoses with permanent piping and we have schematic display boards, component name plates and hazards signage at the ST P in strict compliance with the directions given.

12) I respectfully submit so far as obtaining the consent to operate is concerned, we have filed online application on 11.10.2024 and submitted all the particulars which are required and we have also provided Bank Guarantee of the value of Rs.20,00,000/- in favour of the Tamil Nadu Pollution Control Board. The said application has been returned on 23.10.2025 for certain compliances, and we are in the process of resubmitting the same shortly.

13) We reiterate that we are not causing any pollution or environmental hazard. It is a residential complex with responsible citizens who are comfortably living. No environmental hazard is experienced by any of the inmates numbering about 4000 to 5000 living in the Enclave. It is the applicant alone out of personal animosity who is raising issue as if some issue exists, where no issue actually exists.

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Corrns. *mlt*

P. K. S.

For SBIQA UE Owners' Welfare Association Mambakkam

M. Anjan
Secretary

14) We respectfully submit we will comply with all regulatory requirements as per law and ensure that there is no environmental hazard on account of the SBIOA Unity Enclave.

15) It is pertinent to submit that samples were drawn from the effluent from the STP by the TNPCB on 05.12.2024 and the same were tested and a report dated 24.01.2025 by the TNPCB shows that the effluent standards are well within the CBCB Standards and there is no element of any pollution. As such the letter petition filed by the Applicant herein is a clear abuse of process of law and deserves to be rejected. We submit the Joint Chief Environmental Engineer, Chengalput of TNPCB conducted a hearing on 27.10.2025 and we appeared and we explained all the above steps taken by us and thereafter on 7.11.2025 we submitted a detailed written submission with annexures showing all the stems taken by us in all earnestness.

For the reasons stated above, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the Original Application No. 115 of 2024 and thus render justice.

Solemnly affirmed at Chennai
on this the 8th day of November, 2025
and signed his name in my presence.


For SBIOA UE Owners Welfare Association Mambakkam


Secretary
Before me


M/S 3524/22

Advocate, Chennai

S. M. Krishna Prasad
M-242, New additional law chamber
Madras High Court, Chennai-104

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Corrns. Nil +

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**M/s.L.PLANIMUTHU Enl.No. 1366/1999
COUNSEL FOR RESPONDENT 5 AND 6**