

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

O.A. No. 190 of 2023

BETWEEN:

A. Thirusangu,
S/o. Mr. Appar,
1038, Panrutti - CN Palayam Main Road,
Sathipattu Post, Panruti Taluk,
Cuddalore - 607 106.

...Applicant

AND

1. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy
Chennai - 600 032.
2. District Environment Engineer (DEE),
Tamil Nadu Pollution Control Board,
No: A3, SIPCOT Industrial Complex,
Kudikadu, Cuddalore - 607 005.
3. The Superintending Engineer/Cuddalore,
TANGEDCO, CEDC, Capper Hills,
Cuddalore - 607 004.
4. K. Kannan,
S/o. Mr. Kaliyamoorthy,
Nakshatra Industries,
Panruti - CN Palayam Main Road,
Sathipattu West, Panruti Taluk,
Cuddalore - 607 106.
5. S. Jothi,
Jothi Cashews Industries,
Panruti - CN Palayam Main Road,
Sathipattu West, Panruti Taluk,
Cuddalore - 607 106.

...Respondents

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Corrns:

*For JOTHI CASHEWS,
S. Jothi
Proprietor.*

COUNTER AFFIDAVIT FILED BY THE FIFTH RESPONDENT

I, S. Jothi, S/o. Samikannu, Hindu, aged about 62 years and having place at S. No. 194/2 and 194/3, Mambattur Village, C.N.Palayam Main Road, Sathipattu Post, Panrutti Taluk, Cuddalore District, having temporarily come down to Chennai do hereby solemnly affirms and sincerely states as follows:

1. I submit that I am the fourth respondent herein and as such I am well acquainted with the facts of the case.

2. I submit that I am the proprietor of M/s. Jothi Cashews and I am involved in the business of extraction of Cashew Nut Shell Liquid (Cashew Shell oil) from the raw material namely cashew shells. I submit that in Panrutti Taluk apart from me there are about 50 similar Cashew Nut Shell Oil extraction units and many such units are situated near to my plant. However the applicant herein had chosen to array my unit as fourth respondent and array the fifth respondent as one M/s. Jothi Cashews as party to the present Original Application, without any justifiable cause.

3. I submit that I have carefully gone through the contents of the application and I hereby deny all the allegations contained therein, particularly against myself and my unit, except that those which are specifically admitted herein. I am advised to submit that the applicant with an ulterior motive and vested interest had addressed various false complaints to the authorities complaining of pollution against the private respondents in the present original application without any justifiable cause.

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For JOTHI CASHEWS,

S. Jothi

Proprietor.

4. I submit that before adverting to the petition allegations, I deem it fit to place the following particulars before this Hon'ble Tribunal for better appreciation of the issues in the Original Application. I submit that I had obtained necessary Consent Order dated 22.09.2023 from the Tamil Nadu Pollution Control Board, District Environment Engineer, Cuddalore both under Section 21 of the Air (Prevention and Control of Pollution) Act 1981 and Section 25 of the Water (Prevention and Control of Pollution) Act 1974, thus the said consents under both statutes are valid until 31.03.2027.

5. I submit that from the date of commencement of my proprietary concern business, namely Cashew Nut Shell Oil extraction unit from the Cashew Shells, I had cautiously ensured that my business by no way affects the environment and the effluent in any are properly treated, before disbursal and my unit does not violate the norms prescribed by the Pollution Control Board or in any way exceed the permissible limits.

6. I submit that in order to ensure that I do not cause any form of pollution, I had purchased good machineries and further taken all precautionary methods for ensuring zero pollution. I submit that this is the only sources of income for my livelihood and for my family. I submit that similarly the aforesaid business of Cashew Nut Shell Oil is a prominent business and many persons are carrying out the said business in the neighbourhood.

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Corrns:

FOR JOTHI CASHEWS,

S. Jothi
Proprietor.

7. I submit that the raw material for extraction of the Cashew Nut Shell Oil is from Cashew Shells. I submit that the cashew shells are moved to the Expeller Machine through Screw Elevator. I submit that to treat the cashew shells, initially heat steam is passed over the Cashew Shells. I submit that Expeller machine crushes the Cashew Nuts and the oil is thus extracted and the extracted oil is collected in a separate tank, after excluding the shell cakes.

8. I submit that the applicant himself is, into the business of extraction of cashew nut and processing unit in his house in the name of M/s. Selva Selvi Cashews, and I am given to understand that the applicant himself is operating without any valid consent from the second respondent herein. On the other hand, with a vindictive motive, he had raised a series of false complaints against my unit and fifth respondent's unit, complaining violation of pollution norms.

9. I submit that the grievance of the applicant that the operation of my unit is causing pollution and the said grievance of the applicant was duly addressed by the second respondent herein, by issuing a show cause notice to me under the Water (Prevention of Control of Pollution) Act, 1974 and Air (Prevention of Control of Pollution) Act, 1981. Further an inspection was conducted in the vicinity of my unit along with unit of the fifth respondent herein after receipt of a reply on 14.07.2023. I submit that I was charged a sum of Rs.48,500/- for carrying out the inspection. I submit that the inspection was pursuant to a What's App Complaint dated 10.07.2023.

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For JOTHI CASHEWS,

Proprietor.

CLAIM OF APPLICANT REGARDING POLLUTION PROVED TO BE FALSE:

10. I submit that the inspection Report of the Assistant Director (Lab), Advanced Environment Laboratory, TNPC Board, Cuddalore dated 17.07.2023 disclosed that the Ambient Air Quality and the Noise Level from my unit was well within the standards prescribed by the First Respondent Board/permissible limit, when inspected from four different corners at an average distance.

11. I am also given to understand that a similar report was also issued to the fourth respondent's unit is that the level of Air Quality and Noise level was within the Standard Levels. Therefore it is clear that the repeated complaints of the applicant that my unit is causing pollution hazards are clearly proved to be false and such complaints were made only for vindictive motive/trade rivalry.

12. I further submit that the applicant himself had pleaded about the fact of inspection of my unit along with the fifth respondent's unit on 13.07.2023 and the fact that the authorities have given a report that the unit is operating only within the standards. On the other hand with clear ulterior motive, the applicant had come up with a concocted pleading that his wife had suffered a wheezing/respiratory issue on the night of 03.08.2023 due the functioning of the fourth respondent unit. I submit that the said allegation is baseless and further not supported by any material. I submit that this will clearly prove that the applicant is only making baseless allegations in his complaint.

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JOTHI CASHEWS,
S. Jothi
Proprietor.

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13. I submit that I had also applied for getting Consent for operation from the second respondent herein and thereafter once again my unit was inspected on 15.09.2023. I submit that it was identified that all due precautionary measures were taken/adopted by me, to ensure environmental protections. I submit that the unit also has a septic tank and soak pit for treatment and disposal of sewage. Further Solar Evaporation pan arrangements were also made for treatment and disposal of scrubbing water. I further submit that the Inspection Report discloses that the Solid or Liquid Waste disposal does not cause Environment pollution.

14. I submit that my unit was classified/categorized as Orange/Small with type of industry. I am advised to submit that the machinery used in my unit will not cause any excessive noise during Cashew Nut Shell Oil extraction and further the chimney is fixed at as height about 70 feet from the ground level fitted with ash filters. Therefore the same may not in any way cause pollution of in any nature.

15. I submit that thus my unit as on date is operating with all due permissions as on date and there is absolutely no violations of any nature. Therefore the present petition is not maintainable under any heads. I further submit that the petitioner herein had not made the second respondent herein to cause repeated inspection on vague allegations and without any valid materials. I submit that upon the every inspection, insisted by the petitioner, I am made to spend substantial amount towards cost of inspection.

16. I submit that a second Inspection was caused on 22.11.2024 by the Chief Scientific Officer, Advanced Environment Laboratory, TNPC Board,

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FOR JOTHI CASHEWS,
S. Jothi
Proprietor.

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Cuddalore. I am advised to submit that even the said report also disclosed that the Ambient Air Quality and the Noise Level from my unit was well within the standards prescribed by the First Respondent Board/permissible limit, when inspected from four different corners at an average distance. I submit that for the said inspection I was charged Rs.94,420/-. I submit that for a small unit the aforesaid sum is a very huge amount, which I was forced to shed from my pocket, on the anonymous allegation of the applicant.

17. I submit that in fact after having made innumerable complaints, when the authorities have come forward to inspect the pollution levels if any, the applicant did not extend his cooperation for causing inspection from his premises and the same is relevant from the inspection report filed by the Chief Scientific Officer, Advanced Environment Laboratory, TNPC Board, Cuddalore discloses the non cooperative attitude of the applicant, further report clearly speaks that all the parameters are within the standards as prescribed by the TNPCB.

18. I submit that in so far as the allegations contained in application are concerned they are hereby denied. I submit that in so far as the other Cashew Nut Oil Industry which is alleged to have been sealed, according to the applicant is only out of the action initiated by the second respondent herein. I submit that in so far as the contentions in paragraph No. 6 are concerned, I submit that M/s. Jothi Cashews as on date holding a valid consent from the Pollution Control Board under both The Water Act and The Air Act. Further the allegation regarding the discharge of waste, Solid Waste, Liquid Waste and Air Quality are totally false and the same is also established by the inspection reports.

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Corrns:.

For JOTHI CASHEWS,
S. Jothi
Proprietor.

19. I submit that the allegations made by the applicant through his repeated alleged representations are totally false and far from truth, the applicant with all ulterior motives had addressed various representations with total false allegations. I submit that all these complaints appear to be made in a vindictive manner to cause disturbance to the operations of my unit.

20. I submit that therefore for the aforesaid reason, the relief sought for in the application is not sustainable in law. I further submit that in the event of necessity, I am prepared to also file additional counter affidavit to affirm my contention.

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the application in O.A.No: 190 of 2023 now pending on the file of this Hon'ble Tribunal, with exemplary costs and pass any such necessary orders and thus render justice.

Solemnly affirmed at Chennai
on this the 18th day of September
2025 and signed his name in
my presence.

For JOTHI CASHEWS,
S. Jothi
Proprietor.

Before me
P. Ramaswami
ms 500/19
No. 146, Adal Low Chambers
Advocate :: Chennai
High Court Building
Chennai - 600 04.

Last Page:
No Corrnrs:

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

O.A. No. 190 of 2023

BETWEEN:

A. Thirusangu,
S/o. Mr. Appar,

...Applicant

AND

1. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy
Chennai - 600 032 & 4 Others

...Respondents

**COUNTER AFFIDAVIT FILED BY
THE FIFTH RESPONDENT**

*Received Copy
for APPLICANT
(R. SIVARAJAN)
19.9.23*

M/s. R. RAJASEKARAN
C. JAYAVEL

COUNSEL FOR FOURTH RESPONDENT

☎ : 9884464644