

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI

O.A. No. 228 of 2025

S. Murugesan

Applicant

-V-

The Union of India & 3 Others

Respondents

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Dated at Chennai this the 9th day of January 2026.

Counsel for Respondent - 2

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Standing Counsel for
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BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE AT CHENNAI

O.A.No.228of 2025

S.Murugesan,
Porakaali Amman koil street,
1st cross street,
Kattukuppam, Ennore,
Kattivakkam, Tiruvallur,
Tamil Nadu-600057.

:Applicant

Versus

1 Union of India,
Represented by its Secretary,
The Ministry of Environment,
Forests and Climate Change,
Jorbagh, New Delhi

2 North Chennai Thermal Power Station,
Represented by its Chief Engineer, Athipattu,
Chennai
ThiruvallurDistrict-6001202.

3 The Tamil Nadu Pollution Control Board,
Represented by its Member Secretary,
No.76, Mount Salai, Guindy,
Chennai-600 032.

4 Tamil Nadu Power Generation Corporation Limited(TNPGCL),
Represented by its Managing Director,
6thfloor, TANTRANSCO Building,
1 4 4 AnnaSalai,
Chennai-2

: Respondents



CHIEF ENGINEER
NORTH CHENNAI THERMAL POWER STATION
TNEB, CHENNAI-600 120.

COUNTER AFFIDAVIT OF THE 2ND RESPONDENT

I, K. Muthukrishnan, son of Thiru K. Kandhan, Hindu, aged about 59 years, Employment ID No. 12029277, employed as Chief Engineer, Tamil Nadu Power Generation Corporation Limited (TNPGL), having office at North Chennai Thermal Power Station-I, Chennai - 600 120, do hereby solemnly affirm and sincerely state as follows:

1.I am the 2nd Respondent herein and I am filing this affidavit on my own behalf and also on behalf of the 4th Respondent. I am competent and duly authorised to swear this affidavit for myself and on behalf of the 4th Respondent.

2.At the outset, the Respondents deny all the allegations, averments and statements made in paragraphs 1 to 12 of the application, except those expressly admitted herein. The applicant is put to strict proof of each and every allegation. Any allegation not specifically admitted herein shall not be construed as admitted and is hereby denied.

3.I deny para no.1 of application is false and misleading and submitted that NCTPS-I has developed a green belt by planting and maintaining about 27,865 tree saplings within the plant area. Further, about 3,000 tree saplings have been planted and are being maintained around the ash pond area as part of green belt development.

4.I deny para no.2 of application is false and misleading and it is submitted that the prescribed norm of 29,200 trees is being complied with substantially and the balance number of tree saplings shall be planted during the period 2026-2027. It is further submitted that a soil impermeability test was conducted by IIT Madras in the ash dyke area. The permeability (K value) was found to be 1×10^{-8} cm/sec and 1×10^{-9} cm/sec up to a depth of 4.00 metres from the floor of the ash dyke, clearly establishing the presence of a highly


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impervious clay layer. Hence, there is no leaching or percolation of ash water and no seepage outside the ash dyke through the ash bund (embankment). Hence provision of lining of ash pond with impervious materials such as HDPE lining to prevent high concentration of contaminants in the soils in the ash pond area does not arise.

5.I admit para no.3 of the application, the same is admitted to the extent that the Respondents undertake to strictly comply with the conditions stipulated in the Consent Orders, Tamil Nadu Pollution Control Board Proceedings, and Environmental Clearance instructions, which are being followed without deviation.

6.I deny para no.4 to 7 of application is misleading and submitted that NCTPS-I has developed a green belt by planting and maintaining about 27,865 tree saplings within the plant area. Further, about 3,000 tree saplings have been planted and are being maintained around the ash pond area as part of green belt development. Balance numbers of tree saplings will be planted during 2026-2027.

7.I admit para no.8 of the application and I deny para no.9 of the application is misleading since we are duly complying the orders of the Hon'ble Tribunal and submitted compliance reports.

8.I admit para no.10 of the application and states that we have recognized importance of the Green belt and we have took initiative and planted as stated supra and therefore we following various orders and notification in respect of Green belt development.

9.I deny para no.11 as false and states that dust suppression measures are regularly undertaken by sprinkling water as and when required to prevent dust pollution.



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10. Therefore, present OA is nothing but abuse of process of law and filed with oblique motive and based on misinterpretation of photographs and incorrect technical assumptions, and does not disclose any continuing environmental violation by NCTPS-I.

11. I deny the ground no.A of the application and states that we are following the Air Act 1981, the Environment (Protection) Act, 1986, the clearance issued under the EIA Notification, 2006 and consent orders issued under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 strictly without any deviation.

12. I deny the ground no.B & C of the application and states that we are following the rules of Environment and Climate change Department and TNPCB norms strictly without any deviations.

13. I deny the ground no.D of the application and states that we are not submitting any false and misleading data on compliance report.

14. I deny the ground no.E of the application and states that we are following the rules of Environment and Climate change Department and TNPCB norms strictly without any deviations.

15. I deny the ground no.F of the application and states that we are following the Rules of Environment (Protection) Act, 1986 and rules framed under without any deviations.

16. I deny the para no.13 of the application and states that we are following the rules of Environment and Climate change Department and TNPCB norms strictly without any deviations.


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17. I deny the ground no.14 of the application and states that we are following the rules of Environment and Climate change Department and TNPCB norms strictly without any deviations and NCTPS-I states that we are planning for further required plantation during the period 2026-2027 to the complete satisfaction of TNPCB and Hon'ble National Green Tribunal, southern zone.

18. I submit that we are taking sincere steps in development Green belt as per directions of the Hon'ble Tribunal and complying all directions issued by the other respondent in this regard.

It is therefore prayed that this Hon'ble court may be pleased to dismiss this OA with exemplary cost and thus render justice.

Solemnly affirmed at Chennai

This the 9th day of Jaunuary 2026

And signed his name in my presence



CHIEF ENGINEER
NORTH CHENNAI THERMAL POWER STATION
TNEB, CHENNAI-600 120.

BEFORE ME
S. Rishan
(MS. 762/24)
8/A, G. K. Colony, Chennai-82.
ADVOCATE - CHENNAI.