

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHER ZONE, CHENNAI**

O.A. No. 35 of 2025

Between

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.
Email: legalsigamani@gmail.com
Ph: 9597600171

... Applicant

And

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.
Email: secy-moef@nic.in
Ph: 011-20819220, 011-20819280
2. The Central Pollution Control Board,
Rep. by its Chairman,
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032.
Email: ccb.cpcb@nic.in
Ph: +91-11-43102030
3. The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
76, Mount Salai, Guindy,
Chennai - 600 032.
Email: tnpbcocmms@gmail.com
Ph: 044 - 2235 3134 to 2235 3136
4. The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai - 600 032.
Email: tnpbcocmms@gmail.com
Ph: 044- 22353145
5. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore North, DEE Office,
No. 5, Ramasamy Nagar, Near Fire Service Station,
Kavundampalayam,

E. Ashok Raj

Coimbatore - 641030.
Email: deecbn@tnpcb.gov.in
Ph: 0422 - 2444608, 2433826

6. The Joint Chief Environmental Engineer,
Tamilnadu Pollution Control Board,
JCEE Monitoring Office,
No. 216, Thadagam Road,
Opp to GCT College,
Coimbatore - 641 013.
Email: jceemcbe@tnpcb.gov.in
Ph: 0422-2445007
 7. The District Collector,
District Collector Office,
State Bank Road,
Coimbatore - 641018.
Email: collrcbe@nic.in
Ph: 0422-2301114
 8. The Chairman & Managing Director,
ITC Limited,
Virginia House,
No. 37, J.L. Nehru Road,
Kolkata - 700071.
Email: marketing.itcpspd@itc.in,
Ph: +91-33-22889371
 9. The Unit Head,
ITC Limited,
Paper Boards & Specialty papers Division Unit, (PSPD),
Vivekanandapuram Post, Thekkampatti Village,
Mettupalayam Taluk,
Coimbatore District - 641 113.
Email: marketing.itcpspd@itc.in,
Ph: Nil
- ... Respondents

REJOINDER FILED BY THE APPLICANT TO THE COUNTER
FILED BY THE 3RD, 4TH, 5TH & 9TH RESPONDENTS

1. The Applicant states that he is stoutly denying the allegations made by the Respondents No. 3,4,5, & 9 in the above case and the same is put to strict proof of the same.
2. The Applicant states that the connected main original application filed before this Hon'ble Tribunal may be read as part and parcel of this rejoinder

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in order to avoid the reiteration of the same. The Petitioner states that he reserve his rights to file Additional rejoinder in the above case, if necessary, with the due permission of this Hon'ble Court.

3. The Applicant stoutly denies the allegation of the 9th Respondent that the present application is filed by the applicant in respect of same issue which got concluded by this Hon'ble Tribunal's order dated 28.05.2021 in O.A. No. 26 of 2019 and order dated 12.04.2023 in W.P. No. 10495 of 2020 by the Hon'ble Madras High Court and the same is put to strict proof of the same. The Applicant states that this Hon'ble Tribunal and our Hon'ble High Court, Madras has not passed any order in respect of compensation to the applicant. Moreover, this Hon'ble Tribunal has also granted liberty to the applicant in the event of non-compliance by the 9th Respondent. Therefore, it is clear that there is no legal bar for hearing the present application.

4. The Applicant stoutly denies the allegation of the 9th Respondent that the present application is filed with a malafide intent and ulterior motive in order to coerce the 9th Respondent to buy land from the applicant and/ or to provide employment to him and / or to make some payment to him, which in any case are untenable and amounts to gross abuse of process of this Hon'ble Tribunal and the same is put to strict proof of the same. The Applicant states that he has good faith in judicial forums and he is law abiding person and the applicant believes and have huge trust and confidence on this Hon'ble Tribunal and it is the last step for the applicant to redress for his grievance. The Applicant states that he did not have any malafide intent and ulterior motive to coerce the 9th Respondent as alleged by them. The Applicant states that he neither has intention to sell his land to the 9th Respondent nor to get employment under the 9th Respondent. Nowadays, it has become a fashion statement for the corporate tycoon like 9th Respondent to make such a blunder allegation against the weaker section of the people.

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5. The Applicant states that his agricultural land has been highly affected due to the pollution caused by the 9th Respondent and thereby, it has caused heavy loss to the applicant. Hence, the applicant's livelihood is highly affected. The Applicant states that till this date, the 9th Respondent is discharging the untreated effluents into the applicant's agricultural land and boiler ashes are deposited in the banana leaves and thereby, the 9th Respondents is highly polluting the applicant's agricultural land, hence his irrigation is highly affected. It is the statutory right of the applicant to pray for the environmental compensation before this Hon'ble Tribunal in order to restore his land and also to cure his monetary loss. Hence, it is a fit and valid case wherein this Hon'ble Tribunal may be pleased to mould appropriate relief to the farmers like the applicant.

6. The Applicant states that the 9th Respondent has filed a counter stating that they have not caused pollution and there is no violation of Environmental Preventive laws and the Standards, rules and regulations of the TNPCB. The Applicant states that the 9th Respondent mainly relied upon the reports filed by the Tamilnadu Agricultural University, Coimbatore (TNAU) and also the reports given by the private labs but the official 3rd and 4th Respondents are still mute spectators.

7. The Applicant states that previously, he has made an application under the RTI Act, 2006 requesting to furnish the results of water and soil analysis in the farmers field in and around ITC Industries, Thekkampatti, Mettupalayam Taluk, Coimbatore District for year 2017, 2018, 2019 and 2020 and also requested to furnish the findings about the result from the staring to till date on the quality of soil and water around ITC company Thekkampatti and for the same, the Public Information Officer, TNAU, Coimbatore - 3 has given a reply letter dated 19.02.2021 refused to reveal the information stating that the result of the water and soil analysis could not be revealed as per the Memorandum of Understanding between TNAU and ITC - PSPD, Thekkampatty and it is also refused to give the reveal and publish about the findings about the result, as it is from the sponsored

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scheme work as per the Memorandum of Understanding between TNAU and ITC - PSPD, Thekkampatty Village Mettupalayam Taluk, Coimbatore District - 641113.

8. The Applicant states that the 9th Respondent itself admitted in the counter stating that the TNAU has been retained as consultant that too without any specified authorization from the Governor of Tamilnadu who is the Chancellor of the Tamilnadu Agriculture University, Coimbatore. The Applicant states that moreover, there is a Memorandum of Understanding between the TNAU and the 9th Respondent and in order to prove the same, he is filing the Reply letter dated 19.02.2021 given by the Public Information Officer, TNAU, Coimbatore - 3 under the RTI, Act, 2006. The Applicant states that as per the above RTI Reply Letter dated 19.02.2021, the Petitioner/ Applicant has understood that there was a close relationship between the TNAU and the 9th Respondent by virtue of the said Memorandum of Understanding. It is settled principles of law that a person cannot be permitted to rely upon his own version as evidence in order to prove his case, as it is a self-serving evidence. Further, the result of water and soil analysis and the findings on the quality of soil and water is not a public document and it is not accessible to the general public. Hence, the burden of proof is upon the 9th Respondent to prove the genuineness and authenticity of the above reports provided by the TNAU.

9. The Applicant states that the alleged test samples of soil, air and water has not been collected in a proper manner from his land and the procedures has not been properly followed by the TNAU as to be done by TNPCB. The Applicant states that the underground water is polluted due to storage tank basement floor which has not been cleaned and dried at least for once in a month as we were not able to visualise. Due to seepage, the untreated effluents are mixed along with rain water during the rainy season and they are flowing into his agricultural land and underground water well and in turn, it has polluted my agricultural land and thereby the applicant's coconut trees and banana trees in his land are highly affected and yield is completely dropped. The Applicant states that the soil test samples has

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been collected from the upper level in only one portion, the TNAU has not excavated entire from his land and soil test samples has been not taken from the remaining extent of his land hence the test report and findings given by the TNAU cannot be relied upon. The Applicant states that since there is an agreement (Memorandum of Understanding) between the Tamilnadu Agricultural University, Coimbatore (TNAU) and the 9th Respondent and based upon the MOU, remuneration to the TNAU by the 9th Respondent is silent, hence it clearly proves the truth that the TNAU is an Interested Party. Therefore, the reports and findings provided by the TNAU is not reliable as it is a self-serving evidence, hence the TNAU's report is liable to be rejected.

10. The Applicant states that in order to ascertain the real facts, he has made an Application dated 23.10.2025 under the RTI Act, 2006 to the Public Information Officer, Tamil Nadu Agricultural University, Directorate of Research, TNAU, Coimbatore requesting to furnish the information in respect of authorization/ concurrence to sign Memorandum of Understanding with 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 and to participate in the day to day affairs of the company. The Applicant states that the Special Officer (V & DP) & Public Information Officer (Unit - 1), TNAU, Coimbatore - 3 has sent a reply letter dated 20.11.2025 stating that there is no Memorandum of Understanding between Tamil Nadu Agricultural University and ITC Limited, Paper Boards & Specialty papers Division Unit, (PSPD), Manufacturing Unit at Vivekanandapuram Post, Thekkampatti Village, Mettupalayam Taluk, Coimbatore District - 641 113 with respect to the day to day affairs.

11. The Applicant states that the 9th Respondent has making a false representation before this Hon'ble Tribunal and making a foul play in order to escape from the clutches of law and also to evade its statutory liability under the of Polluter Pays Principle. It seems that the 9th Respondent is making acute contradictory and inconsistent statement before this Hon'ble

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Tribunal. Therefore, the reports and findings provided by the TNAU is not reliable as it is a self-serving evidence, hence the TNAU's report is liable to be rejected.

12. The Applicant states that he has also made representation dated 03.11.2025 to the Joint Director of Agriculture, Tamil Nadu Agricultural University Campus, P N Pudur, Coimbatore - 641 003, and the Deputy Director of Horticulture, 1422, Thadagam Road, GCT post, Coimbatore - 641 013 requesting to inspect the applicant's agricultural land in Survey Nos. 407/2A1, 407/2A2, Thekkampatti (PO), Thekkampatti Village, Mettupalayam Taluk, Coimbatore - 641 113 and assess the loss and damages caused to the coconut trees and banana trees on account of the environmental pollution caused by the 9th Respondent and determine its yielding capacity and thereby furnish a detailed report. The Applicant states that the Joint Director of Agriculture has sent a letter dated 13.11.2025 to the applicant stating that his representation has been forwarded to the Deputy Director of Horticulture as it belongs to the said department. But, thereafter, neither proper action taken nor response given by them.

13. The Applicant states that he has also made representation dated 03.11.2025 to the Respondents No. 3, 5 & 6 requesting to inspect the applicant's agricultural land in Survey Nos. 407/2A1, 407/2A2, Thekkampatti (PO), Thekkampatti Village, Mettupalayam Taluk, Coimbatore - 641 113 and assess & determine the air pollution caused by the 9th Respondent and thereby furnish a detailed report but as on date, there is ill response and no proper action has been taken by them.

14. However, it is a classic case where the very same authorities repeatedly visited and inspected the premises of the 9th Respondent and filed the report in favour of the 9th Respondent. On the other hand, those authorities has not even come forward to raise their little finger to help the poor farmer like the applicant. Therefore, the reports and findings filed by the Respondents No. 3, 4 & 5 is liable to be rejected as it is done in favour of the 9th Respondent.

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15. The Applicant states that in so far as the reports filed by the Enviro Solutions & Labs, Coimbatore which is running a private laboratory are concerned, the 9th Respondent on its own motion has approached the said Laboratory without any judicial order from this Hon'ble Tribunal. Moreover, only upon the request of the 9th Respondent, the said reports and findings were provided to the 9th Respondent, hence the above private laboratory is also an Interested Party, therefore it has given report in favour of the 9th Respondent on its own version. In the absence of any Judicial Order, the 9th Respondent ought not to have approached the private laboratory requesting for Test Report. The Applicant states that the alleged test samples of soil, air and water has not been collected from his land and alleged test samples are collected from the 9th Respondent's land, hence the reports and findings given by the Enviro Solutions & Labs, Coimbatore cannot be relied upon. Therefore, the reports and findings provided by the Enviro Solutions & Labs, Coimbatore is not reliable as it is a self-serving evidence, hence it is liable to be rejected.

16. The Applicant states that in so far as the Report of Analysis dated 30.12.2024 which deals with the ETP Outlet [Treated], and the Report of Analysis dated 11.11.2024 in respect of Ambient Air quality/ Stack Monitoring / Ambient Noise Level Survey filed by the TNPCB, the Applicant is not able to enlighten about the technical facts by the TNPCB, as it was conducted in the premises of the 9th Respondent's Industry and it was not done in the applicant's agricultural land and the said test report has not been served on him. The Applicant states that the above Report of Analysis dated 11.11.2024 has been conducted only in respect of Stack-1 60 TPH Boiler and there is no whisper about the functioning of the Stack-2 44 TPH Standby Boiler. The standard limit of emission of SO² is 100 mg/M³ and as per the consent order of the 9th Respondent the prescribed level is only 80 mg/M³. However, the emission of SO² level is 140 mg/M³ to 200 mg/M³ which is the beyond the prescribed limit of SO² level as recorded in CPCB website OCEM's recordings for the period from 07.10.2025 to 14.10.2025. It is pertinent to mention that as per the consent order of the 9th

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Respondent, the tolerance limit of NO² is 80 mg/M³. However, the emission of NO² level from the Stack-2 44TPH Standby boiler is 180 mg/M³ to 210 mg/M³ which is beyond the prescribed limit of NO² level as recorded in CPCB website OCEM's recordings for the period from 22.07.2024 to 31.08.2024. Therefore, it is clear that the 9th Respondent is not maintaining the Ambient Air Quality level.

17. The Applicant states that he have given a Complaint dated 30.09.2024 to the TNPCB and other Department and Institutions against the environmental pollution caused by the 9th Respondent but no proper action has been taken by the TNPCB. The Applicant states that to his shock and surprise, the 6th Respondent (TNPCB) has sent a letter dated 10.02.2025 to Dr.P.Dhevagi, Ph.D., Professor and Head Department of Environmental Sciences, Taminadu Agricultural University, Lawley Road, P N Pudur, Coimbatore who is MOU partnership of the Polluting Company (9th Respondent/ ITC Company) to collect water and soil samples from his agricultural land with the assistance for collection of sample and field visit by the 5th Respondent. The Applicant states that he is not able to understand the reason behind which the TNAU has been roped in by the TNPCB authorities. The Applicant states that the statutory duty is casted upon the Respondents No. 1 to 8, to take necessary action based on the complaint given by the general public. The Applicant states that for the reason best known to the Respondents No. 3 to 6, they have evaded to visit and failed to conduct test in the applicant's agricultural land, however, they have chosen to visit and conduct test in the 9th Respondent's premises. Moreover, by virtue of the above letter dated 10.02.2025 issued by the 6th Respondent, the TNAU has been stepped into the shoes of the TNPCB and usurped their powers.

18. The Applicant states that even the reports filed by the Respondents No. 3 to 6 before this Hon'ble Tribunal, are merely reflection of the reports filed by the TNAU who is a consultant of the 9th Respondent and there is no proper application of mind by the Respondents Nos. 3 to 6 in the proper manner. It seems that the Respondents Nos. 3 to 6 are acting in collusion

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with the 9th Respondent and secretly, they have become a party to the Memorandum of Understanding between TNAU and 9th Respondent/ ITC – PSPD, Thekkampatty. Therefore, the Report of Analysis dated 30.12.2024 which deals with the ETP Outlet [Treated], and the Report of Analysis dated 11.11.2024 in respect of Ambient Air quality/ Stack Monitoring / Ambient Noise Level Survey filed by the TNPCB which has been submitted by the 9th Respondent before this Hon'ble Tribunal and the Reports filed by the Respondents Nos. 3 to 6 in the above case before this Hon'ble Tribunal cannot be relied upon by the Respondents Nos. 3 to 6 and the 9th Respondent and the same is liable to be rejected in limine as it is highly illegal.

19. The Applicant states that he is having fit and valid case and the balance of convenience is also in his favour. Unless and until, the above said O.A. is allowed as prayed for, the applicant will be put to heavy loss and hardships.

20. The Applicant states that he reserves his rights to add, alter, amend or delete any averments or statements in the above rejoinder, if necessary, at the later stage of the case, with the due permission of this Hon'ble Tribunal.

Therefore, it is humbly prayed and it is just and necessary that this Hon'ble Tribunal may be pleased to **allow** the above O.A. as prayed for 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.

Dated at Chennai on this the 7th day of January, 2026


Counsel for Applicant



Signature of the Applicant

VERIFICATION

I, E. Ashok Raj Kumar, son of Easwara Gowder, aged about 37 years old, residing at Door No. 5/92, Thekkampatti Post, Seeliyur (Via), Mettupalayam Taluk, Coimbatore District - 641113, the Applicant do hereby verify that the contents of Paras No. 1 to 20 are true to my personal knowledge and are believed to be true on legal advice and that I have not suppressed any material facts.



Signature of the Applicant

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL,
SOUTHER ZONE, CHENNAI**

O.A. No. 35 of 2025

Between

E. Ashok Raj Kumar, M/37 years,
S/o. Easwara Gowder,
Coimbatore District - 641113.

... Applicant

And

The Ministry of Environment, Forest and Climate Change,
Government of India, Rep. by its Secretary (EF&CC),
New Delhi - 110003
And 8 others.

... Respondents

**REJOINDER FILED BY THE
APPLICANT TO THE COUNTER
FILED BY THE 3RD, 4TH, 5TH & 9TH
RESPONDENTS**

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