

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**Original Application No. 64/2024 (SZ)**

**Earlier OA No. 758/2023(Principal Bench)**

**In the case of:**

**Manjunath D.S**

**....Applicant**

**And**

**CPCB & Ors**

**...Respondents**

**INDEX**

<b>Sl. No</b>	<b>Particulars</b>	<b>Page No.</b>
<b>1.</b>	<b>Reply on behalf of the Karnataka State Pollution Control Board – Respondent No. 3</b>	<b>1-3</b>
<b>2.</b>	<b>Verifying affidavit</b>	<b>4</b>
<b>3.</b>	<b>Document No. 1</b> Copy of the inspection report dated 22.05.2024	<b>5-6</b>

**Place: Bangalore**

**Date : 12.08.2024**

**Advocate for Karnataka State Pollution Control Board  
(Respondent No. 3)**

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**Original Application No. 64/2024 (SZ)**

**Earlier OA No. 758/2023(Principal Bench)**

**In the case of:**

**Manjunath D.S**

**....Applicant**

**And**

**CPCB & Ors**

**...Respondents**

**REPLY ON BEHALF OF KARNATAKA STATE POLLUTION CONTROL**  
**BOARD – RESPONDENT NO. 3**

1. The Applicant had filed a complaint before the Respondent No. 3 Board office against the noise pollution caused by the welding, and drilling operation caused by M/s HMS Engineering Works owned by one named Sri Mansoor S/o Rashid, located adjacent to the complainant's residence.
2. After reviewing the complaint, it was found that the unit operates in general engineering, an activity classified under the 'White Category' by the CPCB. Therefore, a letter was sent to the Panchayat Development Officer of the Gram Panchayat to proceed with the necessary actions.
3. While the further actions were pending by the Panchayat Development officer, the applicant had also lodged a complaint before the Hon'ble NGT, New Delhi (Principal Bench) on 07.07.2023 which came to be numbered as OA No. 758/2023.
4. On 19.01.2024, the Hon'ble Principal Bench, while looking into the complaint filed by the Applicant passed an order directing the formation of the Joint Committee to verify the factual position and suggest appropriate remedial action. The Joint Committee was directed to be constituted including the representative of Integrated Officer, MoEF & CC, Bangalore



and CPCB, Karnataka State Pollution Control Board (KSPCB) and Collector, Tumkur. The Joint Committee so formed was directed to look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action. Further, KSPCB was directed to act as a nodal agency and ensure coordination and compliance. The Hon'ble Principal Bench, further, in view of the facts and circumstances had directed the case to be taken before the Hon'ble Southern Bench, which came to be registered as the present case.

5. In view of the order passed by the Hon'ble Principal Bench, on 02.03.2024, the joint committee was constituted consisting of officers headed by the Deputy Commissioner of Tumkuru District to verify the factual position and suggest appropriate remedial actions.
6. Accordingly, on 22.05.2024, the Respondent No. 3 Board had visited the location of M/s HMS Engineering and an inspection was conducted. It was found out during the inspection that **the welding and drilling workshop in the name of M/s HMS Engineering works, owned by Sri Mansoor S/o Rashid was closed. The shed was dismantled and all the machineries has been shifted to another location for 2 months.** A copy of the inspection report dated 22.05.2024 has been enclosed as **Document No.1** for the kind perusal of this Hon'ble Court. During inspection, following observations were also made :
  - i. The welding and drilling shop in the name of M/s HMS Engineering Works was found shifted from the said premises.
  - ii. The complainant was present during inspection at his residence and he informed that the activity was closed down from last two months.
  - iii. During inspection, Mr Mansoor, the owner of M/s HMS Engineering works was not present at the site and when contacted through the mobile number, he informed that the unit has obtained the said land on rental basis from one named Mr. Siddagangappa, whose house is



located attached to the said land and established the engineering workshop by constructing a temporary shed. Due to the complaint from a neighboring resident Mr. Manjunath and non-issuance of a trade license from Gram Panchayat, M/s HMS Engineering had shifted its activity from the location nearly 6 months before by demolishing the unit's shed.

- iv. The land owner of the shed Mr Siddagangappa was also present during the inspection and he informed, that the land located adjacent to his house was given to Mr. Mansoor on rental basis since the local Gram Panchayat has not renewed the Trade License for their activity and hence, they have shifted their premises.
- v. During the inspection, the land owner was informed that the said land should not further be given to carry out such activity. The land should only be allotted for residential purposes.
- vi. The Compliant had informed that as the unit is no longer present, hence, no further problem persists.

7. In light of the aforesaid inspection conducted, it is relevant to state that the present application has become infructuous as M/s HMS Engineering Works has shifted its premises and the complainant is no longer aggrieved by the activities being carried out by M/s HMS Engineering Works.

**Place: Bangalore**



**Date : 12.08.2024**

**Advocate for Karnataka State Pollution Control Board  
(Respondent No. 3)**

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**Original Application No. 64/2024 (SZ)**

**Earlier OA No. 758/2023(Principal Bench)**

**In the case of:**

**Manjunath D.S**

**....Applicant**

**And**

**CPCB &Ors**

**...Respondents**

**VERIFYING AFFIDAVIT**

I, B.C Shivamurthy, aged 59 years S/o C. Mallappa, Regional Environmental Officer, the authorized representative of Karnataka State Pollution Board-in the instant application do hereby solemnly affirm and state on oath as follows:

1. I am the authorized representative of the Karnataka State Pollution Board as Respondent No. 3 in the instant petition. I know the facts of the case and hence swear to this affidavit.

2. I submit that the averments made in para-No. 1 to7 of the replies are true and correct to the best of my knowledge, information and belief.

3. I state that Annexure A produced, include certified copies and true copies of the originals.

I swear that the contents made out in the above paragraphs 1 to 3 are true and correct to the best of my knowledge, information, and belief.



Identified by  
**DEPONENT**

Advocate.  
Place:  
Date:

*B.C Shivamurthy*  
SWORN TO BEFORE ME  
**Regional Officer**  
Karnataka State Pollution Control Board,  
Tumakuru-572106.

SWORN TO BEFORE ME  
**M. SHAFIQ ANJUM, B.A., LL.B**  
**ADVOCATE & NOTARY**  
Govt. of Karnataka  
9th Cross, P.H. Colony, Tumakuru  
Mob. : 9113615345

*9.8.24*  
*Reg. No. 3* page. 10:  
*42- Book. No. 6*

NO: PCB/RO(TMK)IR/COMPLAINT/2024-25/

DATE:

**INSPECTION REPORT OF SRI B.C. SHIVAMURTHY, ENVIRONMENTAL OFFICER,  
K S P C B, REGIONAL OFFICE, TUMAKURU**

**Officer accompanied: Smt. Pallavi H.V. DEO.**

Name and address of the complaint premises	M/s. HMS Engineering Works, Owned by Sri. Mansoor S/o Rashid, Located next to Sadanna complex, Hebbur Road, C.S. Pura Village, Gubbi Taluk, Tumakuru dist.
Date of Inspection	22.05.2024.
Purpose of inspection	In view of the complaint filed by Sri. Manjunath D.S., CS Pura Village, Gubbi Taluk, Tumakuru Dist.
Persons Contacted	1. Sri. Siddagangappa, (9148409398) Land Owner. 2. Sri. Manjunath D.S., (9902797408) Complainant.

- Ref: 1. Complaint lodged by Sri. Manjunath D.S. through e-mail at Board Office was received at this office on 15.07.2023.
2. This office letter addressed to PDO, Gram Panchayath, C.S. Pura, Gubbi Taluk, Tumakuru Dist with a copy to Board Office vide No. 511 dated 05.08.2023.
  3. Order passed by Hon'ble NGT, Principal Bench, New Delhi vide OA No. 758/2023.
  4. Board Office letter No. KSPCB/09/NGT-LEH/2024 dated 01.02.2024.
  5. Board Office Memorandum No: KSPCB/ENF-CMP/2023-24/ 6123 dated 02.03.2024.
  6. This office letter No. 57 dated 16.04.2024.
  7. Inspection of the complaint premises by the officers of this office on 22.05.2024.

\*\*\*\*\*

**Preamble:**

This office has received a complaint from Board Office filed by Sri. Manjunath D.S, resident of Sadanna complex, Hebbur Road, C.S. Pura Village, Gubbi Taluk, Tumakuru district through e-mail on 15.07.2023. The complaint filed was regarding noise pollution caused from the welding, drilling operation caused by HMS Engineering Works, owned by Sri. Mansoor S/o Rashid vide ref (1) located adjacent to complainant residence. On verifying the said complaint, it was noted that, the complaint filed is against unit engaged in general engineering activity and the said activity is categorized under White Category as per CPCB re categorization. Hence, this office has addressed a letter to the Panchayath Development Officer of Gram Panchayath, C.S. Pura, Gubbi Taluk, Tumakuru District to take further course of action at Gram Panchayath level under public nuisance act vide ref (2).

Further, the complainant has lodged a complaint at Hon'ble NGT, New Delhi on 07.07.2023. The Hon'ble NGT, Principal Bench, New Delhi registered the said complaint vide OA No. 758/2023 and passed the order on 19.01.2024 vide ref.(3). On the basis of the Hon'ble NGT order the Law Officer of the Board vide ref.(4) has addressed a letter to the SEO, Enforcement Cell of the Board office with a copy to this office with direction to constitute a joint

committee to comply with the order of Hon'ble NGT and further to submit action taken report to legal cell for submitting to the same to Hon'ble NGT. Accordingly, Board Office vide ref (5) issued Office Memorandum constituting a joint committee consisting of officers headed by Deputy Commissioner of Tumakuru Dist to verify the factual position and suggest appropriate remedial actions.

In view of this, this office visited said location to verify the present status and to conduct noise monitoring on 22.05.2024. During this visit it is found that the said welding and drilling work shop in the name M/s. HMS Engineering Works, owned by Sri. Mansoor S/o Rashid was closed. The shed has been dismantled and all the machineries has been shifted to another location since 2 months.

**The following are the other observations made during inspection on 22.05.2024:**

1. The welding and drilling work shop established in the name of M/s. HMS Engineering Works, owned by Sri. Mansoor S/o Rashid at Hebbur Road, C.S. Pura village was found shifted from the said premises.
2. The complainant Sri. Manjunath D.S was present during inspection at his residence and he informed that, the activity has closed since last two months and they have shifted their activity to some other commercial place.
3. During inspection Sri. Mansoor Owner of M/s. HMS Engineering Works was not present at site and he was contacted through mobile phone and he informed that, they have obtained the said land on rental basis from Sri. Siddgangappa, whose house is located attached to the said land and established the engineering work shop by constructing temporary shed. Due to the complaint from neighboring resident Sri. Manjunath D.S and also non grant of trade license from Gram Panchayath the entire activity was shifted from said place nearly 6 months ago by demolishing the shed.
4. The land owner of the shed Sri. Siddgangappa was also present during the inspection and he informed that, the land located adjacent to his house was given to Sri. Mansoor on rental basis, since the local Gram Panchayath has not renewed the Trade License for their activity they have shifted to some other places. Accordingly, the shed has also been demolished.
5. During inspection it was informed the said land owner Sri. Siddgangappa to not to give the said land for this type of activities in future, other than residential purpose, since the area is meant for residential purpose.
6. The complainant Sri. Manjunath D.S. informed that, after closed down of the said unit there are no such problems now. During inspection it was informed to submit the letter regarding the same at this office.
7. Photographs taken during inspection are herewith enclosed for kind reference.

On the above observations, this office is of the opinion that, since the activity has been shifted from the present premises, there is no need of visiting the site by the committee constituted by the Board and the complaint may be treated as closed.

  
Environmental Officer  
KSPCB Officer.

Karnataka State Pollution Control Board  
TUMAKURU - 572 106