

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

(Under Section 16 (h) read with Section 18 (1) of the  
National Green Tribunal Act, 2010)

Appeal No.11 of 2020

K. Saravanan  
S/o Kasinathan

...Appellant / Applicant

-Vs-

The Tamilnadu Polymer Industries Park Limited  
Rep. by its Managing Director,  
19-A, Rukmani Lakshmipathy Road,  
P.O. Box No.7223, Egmore, Chennai  
E-mail : [info@tnpolymerpark.com](mailto:info@tnpolymerpark.com)  
Ph : 91-44-28554479  
& Others

...Respondents / Respondents

**ADDITIONAL WRITTEN ARGUMENTS BY THE 1<sup>ST</sup> RESPONDENT IN  
REPLY TO THE REJOINDER FILED BY THE APPELLANT**

During the course of hearing the Counsel of the appellant filed a rejoinder and made their submissions before the Hon'ble Tribunal. Since new grounds were raised by the Counsel for the appellant leave was sought before the Hon'ble Tribunal for filing additional written submissions for the averments raised by the appellant in their rejoinder.

1. The location of proposed project, which is part of petrochemical park, was originally evaluated by **National Environmental Engineering Research Institute** (NEERI), an expert body functioning under the Council of Scientific Industrial Research, Government of India, who have undertaken a study to protect, monitor and control the environmental hazards emitted from the proposed industries. They have justified in their report, the proposal for setting up of the Petrochemical Park, its location and

the protection and improvement of environment, socio economic benefit etc., The Government vide GO MS No.232 dated 18.06.1998 issued order to acquire lands in the said villages including the lands classified as Salt Pans.

2. A batch of Writ Petitions filed challenging the cancellation of lease deeds executed by Salt Commissioner by private individuals and those Writ Petitions was disposed of by this Hon'ble Court by order dated 26.04.2007. The Hon'ble Division Bench of this Hon'ble High Court dismissed the batch of writ petitions challenging the acquisition proceedings with observations in the Hon'ble Division Bench of Madras High Court in judgement reported in 2007 (2) CTC 369 has already dealt with averments raised by the appellant in the rejoinder. The relevant paragraphs in the reported judgement answers the query of the appellant. Para-7.7(v) to ix,8.1,8.2,8.3,8.4 & 8.5. The Division Bench has assessed the report filed by NEERI an Expert body functioning under the Counsel for Scientific and Industrial Research held that the Salt Pans are a man-made salt plant and it is not a natural water body as claimed by the appellant. Various Environmental hazards relating to setting up of Petro Chemical Park has been discussed in detail and dismissed the Writ Petitions .The appellant without reference to the judgement of the Hon'ble Court is trying to reincarnate the issues decided by the Division Bench before this Hon'ble Tribunal which is barred by the Principles of *Res Judicata*.
3. The appellant further had raised issue relating to the data collection based on the 2008 map which is not being approved. It is submitted that the original environmental impact assessment for the entire extent of 1513 Acres done based on the 1996 map and the Tamil Nadu Polymer Industries Park the 1<sup>st</sup> respondent herein has sought for environmental clearance for 265 Acres within the extent of 1513 Acres already assessed by the environmental impact authorities for development of Petro Chemical parks. It is pertinent to state that the proposed site is surrounded by public sector industries like North Chennai Thermal Power Station (NCTPS) and Ennore Satellite Port, Indian Oil Pipeline Division, TANGEDCO

(Phase-IV) and Private Sector Industries like Chettinad Cement Corporation and Chennai Petroleum Corporation Limited. The 2<sup>nd</sup> respondent while assessing the 1<sup>st</sup> respondent's proposal has recommended to maintain the green belt development to be maintained in the project site in 10% of the total area of the Park with trees as recommended by the Department of Forest. The 2<sup>nd</sup> respondent has also directed the 1<sup>st</sup> respondent to instruct its member industries to maintain 33% of their allotted land to be maintained as Open Space Reservation (OSR) for green development. The appellant submits that through this project mandates to maintain sustainable development balancing with ecological rehabilitation of the existing industrial sites.

4. The appellant has further alleged that the EIA Report submitted by the consultant of the project proponent is not an accredited consultant. This respondent submits that a perusal of the Environmental Impact Assessment prepared by Centre for Environment, Health & Safety (CEHS), Annamalai University, ITCOT Consultancy & Services Limited, Chennai & Hubert Enviro Care System (P) Ltd., Chennai and the accreditation for Environmental Impact Assessment was available during the relevant period for Hubert Enviro Care. The project proponent has not suppressed these details and as such there is no suppression of records as claimed by the appellant.
5. The averment raised by the appellant that one of the project consultants viz. ITCOT has SIPCOT as a shareholder and the project proponent being a Special Project Vehicle (SPV) between TIDCO and SIPCOT the project consultant is classified as an interested party by the appellant and has raised allegation against the project proponent on the grounds of conflict of interests. The 1<sup>st</sup> respondent submits that the project consultant and the project proponent both are State owned corporations and there is no private interest in both undertakings and both the corporations are fully owned by the State Government of Tamil Nadu managed by the administrative heads appointed by the State and there is no individual personal interest in both the corporations and there is no scope for conflict of interest while considering the welfare of the

state. Attributing conflict of interest on the 1<sup>st</sup> respondent the appellant without specific allegations is opposed to public policy and administrative law.

6. The averments raised by the appellant that the project site is a low-lying area and is nearby the high tide zone and the same has been classified as a waterbody the 1<sup>st</sup> respondent refers to the report filed by NEERI before the Hon'ble Division Bench which is referred in Para-3 of the Division Bench Order which is extracted below:

- i) There are only four small villages where mostly fishermen live. There is no agricultural activity in the project site. The villages are Kattupalli, Puzhuthivakkam, Voyalur and Kalanji covering an area of nearly 5569 acres. The site is closer to Athipattu village which is 8 km away. There no pukka approach roads to and within the proposed site. There are some salt pans in the banks of Buckingham canal. The pans are leased out by Salt Commissioner, Government of India to private owners. Besides salt pans there are few private aqua farms near the project site.
- ii) The soil salinity in the coastal tract is due to mainly chlorides, bicarbonates of sodium, calcium, potassium and magnesium. The factors responsible for the increase of salinity are due to influence of back water and lack of drainage in the area. The soil were found to be deficient in Nitrogen and Phosphorus. Due to the intrusion of salinity in many of the surrounding villages ground water extraction for irrigation is not recommended.
- iii) Though ground water table is very close and yield is also high, the area is mostly restricted for ground water extraction, due to intrusion of sea water into the ground water table. In general ground water table is available at 2m depth and goes down in 20m in summer. In the TIDCO's proposed Petrochemical Park some of the project proponents plan to draw water from the Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB), whereas others have proposals to

use sea water after desalination for their process and other needs.

iv) The other allegations relating to the data collection and non-conduction of bio-diversity study has been addressed in our written submissions filed on 18.09.2021.

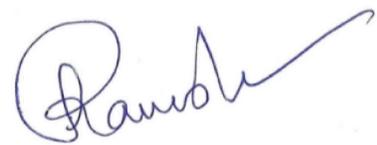
v) It is submitted that in the written submissions filed on 18.09.2021 due to oversight the following factual errors have been submitted and it is prayed that the same may be rectified as follows:

<b>ParaNo.</b>	<b>Description</b>	<b>Correction</b>
5	“Since the project was to house within 500 industries it mandates under categorization under the category 8 (b)”	As per the Notification 2006, “Industrial estates of area below 500 ha, and not housing any industry of Category ‘A’ or ‘B’ does not require clearance.  If the area is less than 500 ha, but contains building and construction projects more than 20,000 sq.mtrs, and or development area more than 50 ha it will be treated as activity listed at serial no. 8(2) or (b) as the case may be.”  Hence, As per the Notification, 2006, the project is classified under Category 8(b)
12	Two paper publications were given, one in English and another in vernacular language, for the purpose of calling for objections from the public. Since no objections were received, the work was commenced by leveling the earth. The Government has already invested huge money and none of the averments raised by the appellant in this regard, are true.	As per the conditions of the Environmental Clearance, the project proponent has advertised in two paper publications, one in English and another in vernacular language. The work was commenced. The Government has already invested huge money and none of the averments raised by the appellant in this regard, are true.
	“...the project study was done by EAA report was not	“...the project study was not prepared by accredited

	prepared by Accreted agencies.”	agencies”
	“...SIPCOT has less than 10% of shares in ITCOT which is a separate entity which is also a 100% state owned corporation.”	“...SIPCOT has 10% of shares in ITCOT which is separate entity and is also a state owned corporation.”
13	“Since the lands identified for the said project are not categorized under any Primary Residential Zone, getting public opinion is unwarranted.”	“Since the project activity is covered in 8 (b) of the Schedule and is of B1 Category. It does not require public consultation as per 7 III Stage (3) (i) (d) of EIA Notification 2006.”

It is prayed that the Hon'ble Tribunal may taking into consideration above submissions made by the 1<sup>st</sup> Respondent may dismiss the Appeal No. 11 of 2020 before this Hon'ble Tribunal as devoid of merits and pass such further orders as this Tribunal mat deem fit and thus render justice.

Dated at Chennai on this the 6<sup>th</sup> day of December, 2021



**Counsel for the 1<sup>st</sup> Respondent**