

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

APPLICATION NO. 01 OF 2017 (SZ)

R.L.Srinivasan
31/36 Porkall Amman Street,
Kaatukuppam, Ennore,
Chennai 600057

... Applicant

VERSUS

1. Union of India,
Through the Secretary,
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhavan
Jor Bag Road,
New Delhi - 110003
2. Tamil Nadu Pollution Control Board,
Through the Secretary,
76, Mount Salai,
Giundy, Chennai - 600 032
3. Tamil Nadu Generation and Distribution Corporation(TANGEDCO)
Through the Secretary,
NPKRR Maaligai
144, Anna Salai, Chennai - 600 002,
4. Tamil Nadu State Coastal Zone Management Authority.
Through the Chairman,
Department of Environment and Forests
Secretariat
Fort St.George
Chennai - 600 009
5. Thiruvallur District Coastal Zone Management Authority
Through the District Environmental Engineer, TNPCB Ambattur
77A, South Avenue Street
Ambattur Industrial Estate
Ambattur
Chennai - 600 058

... Respondents

**OBJECTIONS TO THE JOINT COMMITTEE REPORT FILED ON
BEHALF OF THE 3RD RESPONDENT**

I, S.Vivekanandam, Son of Mr.Subramanian, aged 54years, having office address at ETPS Expansion Project, Ennore, Chennai-57, working as Chief Engineer / Civil, do hereby solemnly affirm and sincerely state as follows:

1. I state that I am the Chief Engineer / Civil / ETPS Expansion Project, of Tamil Nadu Generation and Distribution Corporation (TANGEDCO), representing the 3rd Respondent herein and as such I am well acquainted with the facts of the case from the records and I am authorized to file these objections to the joint committee report on behalf of the third Respondent.

2. I humbly submit that the present application has been filed under Section 14 and 15 of the National Green tribunal, Act, 2010, by the Applicant for the following relief:

"(i) Direct that no construction of roads should take place at Buckingham Canal and the Kosasthalaiyar river and any of its tributaries on which the fisherfolk depend on for their livelihood.

(ii) Direct the TANGEDCO to remove all existing construction debris from the said area and restore the affected part of the river behind the Ennore Thermal Power Station in accordance with the Polluter Pays Principle.

(iii) Affix responsibilities on those responsible for the environmental damage so caused.

(iv) Pass any such other or further order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

3. I humbly Submit that this Hon'ble Tribunal in its order dated 13.12.2019 has directed inter alia as follows:

Corrections: Nil
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"to appoint a joint committee consisting of a senior officer from the Regional Office of Ministry of Environment, Forest and Climate Change (MoEF & CC) at Chennai, Tamil Nadu Coastal Zone Management Authority, Tamil Nadu State Pollution Control Board, NEERI and Indian Institute of Technology (IIT) Chennai to inspect the area in question where the alleged encroachments were made, ascertain whether the entire encroachments has been removed as directed, ascertain whether any damage has been caused to the environment on account of the encroachment, assess environment compensation which should include damage caused to environment, loss of ecological service and cost required for restoration and submit a factual and action taken report within one month."

4. I humbly submit that as directed by this Hon'ble Tribunal, the Joint Committee has inspected the site in question and filed its report before this Hon'ble Tribunal.

5. I humbly submit that nothing contained in this Objections shall be construed as an admission of any statement or averment made in the present Application save and except what has specifically been admitted by the answering Respondent herein.

6. I humbly submit that the answering Respondent denies each and every averment, which is contrary to and/or inconsistent with what is stated in this Objections, as if the same were specifically traversed.

7. I humbly submit that the instant objections are being filed in order to bring out the true and correct factual position and to specifically deal with the averments made in the Joint Committee Report.

8. I humbly submit that it is wrong to state that the work in the Ennore creek was carried before obtaining EC. The prior Environmental clearance was initially issued by the Ministry of Environment and Forest on 03.06.2009 for a period of 5 years and the validity of the

above EC was extended up to 02.06.2019. This apart, necessary prior CRZ clearance has also been granted by the Ministry of Environment and Forest on 23.12.2008 and the validity of this clearance was extended up to 22.12.2018.

9. I humbly submit that the subject temporary approach roads across the Ennore creek and the Buckingham canal were constructed and removed during August 2016 and May 2017 respectively, when the prior valid Environmental and CRZ Clearances were in operation. Therefore, the subject activity shall not be reckoned as a violation of rules pertaining to MOEF conditions. Also now fresh EC cum CRZ has been issued by the Ministry of Environment Forest and Climate Change on 11.12.2019 for a period of 07 years, which is valid till 10.12.2026

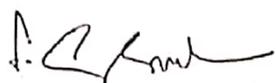
10. I humbly submit that as per the direction of this Hon'ble Tribunal, about 7,232 cum of soil (used for formation of the temporary approach road) was removed in totality during November 2017 from the Ennore Creek and filled in the low lying areas inside North Chennai Thermal Power Station. Also as per record, the entire temporary approach road formed across the Buckingham Canal was also removed during October 2016.

11. I humbly submit that from the bathymetry survey and sediment sampling done by IIT Madras (Department of Ocean Engineering), which is a third party agency, they have concluded that there are some traces of minor remnants of sediments which will not affect the free flow of water and also the Eco system in Ennore Creek area.

12. I humbly submit that the IIT Madras is a third party agency and the study by them also didn't establish any adverse impact of the Eco system & Flow of water in Ennore Creek & Buckingham canal, therefore the Joint Committee's recommendation for a further third party audit for investigation is not necessary.

13. I humbly submit that the Institute of Remote Sensing, Anna University, carried out the site study on mangroves in the said two

Corrections: Nil
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locations during July 2020 and has concluded in their report dated 24.08.2020 that no mangroves were present in the said locations prior to and after the construction of approach road.

14. I humbly submit that the Statistics of Fish catch for the past 5 years in Tiruvallur District obtained from the Fisheries Department, shows that there is steady increase of fish catch since 2014-15 onwards. Though the fish catch data provided is collectively for the entire Tiruvallur District, major fishing activity takes place only in and around Ennore creek and Lake Pulicat and this area contributes more fish catch in the above district. It was orally ascertained from the Fisheries Department officials, that the Fish catch quantity has substantially increased in Ennore Creek area for the past couple of years.

15. I humbly submit that with the above available data it is clearly established that the Fish catch was not impacted in this region and in fact, the Fish catch in Ennore creek is steadily increasing from the year 2014 onwards. Therefore there is no need for a socio - Economic survey of the said affected fishing region to evaluate this aspect.

16. I humbly submit that during the site visit the Joint Committee on 30.01.2020 did not observe any adverse impact on the Eco system in the said locations. Hence the recommendation to study the impact on the creek bed Eco system due to the formation/removal of temporary approach road, with importance to planktons community and also the Remote sensing and GIS study to determine the changes if any, in landscape, ecology and biodiversity is not required at this stage.

17. I humbly submit that the removed temporary approach roads will have to be necessarily formed once again in the same two locations, viz. in Ennore Creek and Buckingham Canal after obtaining necessary permissions from PWD and CRZ authorities to carry out the External Coal Handling System work and the same will be removed immediately including the old traces of minor remnants of impediments as observed

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by the joint committee after the successful completion and commissioning of External Coal Handling System. Hence there will be neither any marine nor environmental damage caused in the subject area.

18. I humbly submit that as the new EPC contract has been awarded, the project construction work is likely to resume soon. Hence temporary approach roads will have to be necessarily formed once again in the same two locations viz., in Ennore creek and Buckingham canal in order to carry out the Coal conveyor system, based on the guidelines of MOEF circular dated 27.05.2015 under para 2(ii), which reads as follows,

"In the projects in CRZ areas., permissible activities which are integral and ancillary to the operation of approved projects including that of construction of temporary bridges over creek or backwaters, temporary make-shift infrastructure/ constructions required for completing the main permitted activity, transportation of men and material by any mode, etc will not be deviated from the conditions of approval because the project proponents often undertake such work either on the direction of local authorities or necessitated during construction which are very minor in nature serving the public at large without damaging environment."

However these approach roads will be formed without affecting the free flow of water, without causing any environmental damage and without causing hindrance to the livelihood of the fisher folks and the same will be removed including the old traces of minor remnants of impediments after the completion of ECHS works, in co-ordination with PWD and CRZ officials.

19. I humbly submit that the impact assessment study due to the proposed formation of roads by the new EPC contractor will be done by engaging accredited agencies approved by the MoEF and CC, after obtaining necessary permission from the competent authority before

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resumption of the temporary approach road formation work and subsequent main work of ECHS.

For the reasons stated above, it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to dispose the above application and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai on this the 22nd day of March, 2021



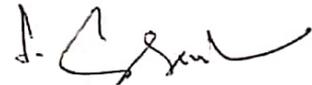
3rd RESPONDENT

**CHIEF ENGINEER/CIVIL,
ETPS Expansion Project,
TANGEDCO, Ennore,
Chennai-600 057.**

VERIFICATION

I, S.Vivekanandam, Son of Mr.Subramanian, aged 54years, having office address at ETPS Expansion Project, Ennore, Chennai-57, working as Chief Engineer / Civil, do hereby verify that the contents of Paragraph Nos. 1 to 19 are true to the best of my knowledge and Paragraph Nos. 1 to 19 are believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 22nd day of March, 2021



3rd RESPONDENT

**CHIEF ENGINEER/CIVIL,
ETPS Expansion Project,
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