

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

O.A. No. 123 OF 2023

J. Manikandan

...Applicant

Versus

The District Collector,  
Tiruvallur District & 4 Ors.

...Respondents

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Dated at Chennai on this the 2<sup>nd</sup> Day of December, 2023



COUNSEL FOR THE 5<sup>th</sup> RESPONDENT

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

O.A. No. 123 OF 2023

**J. Manikandan**

S/o. Jayavel  
No. 208, Ambethkar street,  
Chithambakkam village,  
Monavedu post, Tiruvallur Taluk & District – 602021.

...Applicant

Versus

1. **The District Collector,**  
Tiruvallur District,  
Tiruvallur – 602003.
2. **The State Environmental Impact Assessment Authority**  
Represented by its Secretary,  
3<sup>rd</sup> Floor, Panagal Maligai,  
No. 1, Jennings Road, Saidapet,  
Chennai – 600 015.
3. **The Divisional Engineer,**  
Tamil Nadu Road Infrastructure Development Corporation,  
(TNRIDC), No. 735, 4<sup>th</sup> Floor, LLA Building, Anna Salai,  
Chennai – 600 002.
4. **The Executive Engineer,**  
Water Resource Department,  
Kosasthalaiyar Basin Division,  
Tiruvallur District.
5. **Larsen & Tourbo Limited,**  
Represented by its Project Manager,  
South Segment TI IC,  
TC3, Tower A, 6<sup>th</sup> floor, B Wing,  
Post Box No. 979, Mount Poonamalle Road,  
Manapakkam, Chennai – 600 089.

...Respondents

**AFFIDAVIT**

I, Mr.Sathyamurthy Rengarajan aged about 54 years, having office at Larsen and Toubro Ltd, South Segment, TIIC, TC 3 Building, Tower A, 6<sup>th</sup> Floor, B Wing, Post box No.979, Mountpoonamalee Road, Manapakkam, Chennai – 600 089, do hereby solemnly affirm and declare as under:



1. That I am the Mr.Sathyamurthy Rengarajan in the Respondent No. 5 in the above titled Application and am conversant with the facts and circumstances of the case and competent to swear this Affidavit.
2. That contents of the Reply filed by the Respondent No. 5 is true and correct to the best of my knowledge and drafted on my instructions and nothing material has been concealed therefrom.

  
Deponent 

**VERIFICATION**

Verified on this the 31<sup>st</sup> day of October, 2023 that the contents of the above affidavit are true and correct and nothing material has been concealed therefrom.

  
Deponent 



**COUNSEL FOR THE 5th RESPONDENT**

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...Respondents



**REPLY FILED BY THE RESPONDENT NO. 5**

The Respondent No. 5 respectfully submits as follows:

1. The Respondent No. 5 is a Limited Company, duly incorporated under the provisions of the Companies Act, 1956 and validly subsisting under the provisions of the Companies Act, 2013, having its registered office at Mount Poonamallee Road, Manappakam, Post Box No. 979, Chennai – 600 089. The Respondent No. 5 is a major technology, engineering, construction, manufacturing and financial services conglomerate, with operations in India and abroad. The Respondent No. 5 is one of India's largest engineering & construction companies and is involved in various spheres of engineering & construction – including civil, mechanical, electrical, instrumentation engineering and information technology - and its services extend to all core sector industries and infrastructure Works. The Respondent No. 5 is also one of the leading players in infrastructure works. This Respondent has established high standards of performance and credibility and has earned a peerless reputation in India and abroad, for the quality of the work that it produces. The present Reply Statement is restricted to addressing such of the averments raised in the Original Application as pertain to the Respondent No. 5, and the Respondent No. 5 is confining themselves to this. The Respondent No. 5 also craves leave of this Hon'ble Tribunal to deal with the contentions of the Petitioner, in greater detail, in the course of oral arguments.
2. The address for service of Notice and Process on Respondent No. 5 is that of its Counsel Ms. Preeti Mohan, P. Rajkumar Jhabakh and R.S. Pornima, 1<sup>st</sup> and 2<sup>nd</sup> Floor, No. 5, 8<sup>th</sup> Street, R.K. Salai, Chennai – 600 004.
3. At the outset, it is stated that the present Original Application filed under Sections 14 and 15 of the National Green Tribunal Act, 2010 is neither maintainable in law nor in facts. It is further stated that the above Original Application is frivolous and vexatious. The Respondent No. 5 denies and disputes all allegations and averments raised by the Applicant in the present Original Application, except those that are specifically admitted therein.



4. It is stated that before advertizing to the contentions and grounds raised by the Applicant, it is pertinent to briefly explain the factual background concerned with the involvement of Respondent No. 5, for a proper appreciation of the issue in hand as regards the Respondent No. 5.

a) The Tender for the development of the Chennai Peripheral Ring Road (CPRR) project was floated by Respondent No. 3 (through the Tamil Nadu Highway Department) as a solution to address the vexed issue of the existing road infrastructure in Chennai Metropolitan Area not being sufficient for the purpose of handling the increased road traffic/vehicle volume on a day to day basis. The CPRR project envisages the development of the road infrastructure in 5 sections/segments comprising of the following:

1. Northern Port Access Road – Ennore Port to Thatchur on NH 16
2. Thatchur on NH 16 to start of Thiruvallur Bypass
3. Start of Thiruvallur Bypass to Sriperumbudur on NH 48
4. Sriperumbudur on NH 48 to Singaperumal Koil on NH 32
5. Singaperumal Koil on NH 32 to Mahabalipuram

b) The present Project which pertains to the implementation of **Section 2 of the CPRR works**, in respect of which the Respondent No. 5 is the successful bidder, is an infrastructure project of great significance, expected to contribute to the further expansion of the radial-ring road network corresponding to the growing traffic demand. The Respondent No. 5 emerged the successful bidder in the tender floated for the Project by the Respondent No. 3. Accordingly, the Respondent No. 5 was awarded the work of “TNRIDC – Chennai Peripheral Ring Road Project- **Section 2 – Package EPC 02 – Formation of New Six Lane Road from Punappakkam to Thiruvallur Bypass** with paved shoulder and two-lane service roads on both sides in Section 2 of Chennai Peripheral Ring Road Project under Package – EPC on Engineering, Procurement and Construction (EPC) Model including



maintenance for 7 years” (**Project**). In furtherance thereto, the Contract dated April 13, 2022, was executed between the Respondent No. 3 and Respondent No. 5. A copy of the said Contract is hereto annexed as **Annexure A**.

- c) Since the Project contemplates requisite approvals to be obtained by the Respondent No. 5 from the authorities concerned, the Respondent No. 5 has acted in accordance with the applicable laws and regulations and obtained the Mining Lease dated March 15, 2023, bearing Reference No. Na.Ka.No. 389/2022, granted by Respondent No. 1, permitting Respondent No. 5 to quarry 20,000 cubic metres of ordinary earth from the Water Resources Department (Government of Tamil Nadu) Lake comprised in S. No. 379/1 Part – Chitambakkam Village, Thiruvallur District, for the purpose of meeting the raw material requirements of portion of earth to be utilised for the Project. A copy of the said Mining Lease is hereto annexed as **Annexure B**.
- d) The Applicant has now preferred the present Original Application on *inter alia* manifestly erroneous and specious ground that no Environmental Clearance has been obtained for carrying out excavation from the Chithambakkam lake.
5. Without prejudice to the above, it is submitted that the Respondent No. 5 denies each and every averment made in the Application as against them, except those which are specifically admitted herein, and further put the Applicant to strict proof of the same. The Respondent No. 5 may not be treated as having admitted or accepted the correctness of any of such averments by not specifically adverting to or denying the same.
6. In response to the general allegations raised by the Applicant in Paragraphs 1 to 12, it is stated that the present Application has been premised on baseless allegations, with no knowledge or appreciation of the regulatory compliances imposed by Respondent Nos.



1, 3 and 4 and duly met by the Respondent No. 5 for the Project, and has not been filed with any genuine public interest, is vitiated by ulterior motives and for this very reason, is required to be dismissed. Further, the entire Application is replete with factual inaccuracies, and seeks to raise averments with respect to Environmental Clearances required for an infrastructure project which the Petitioner cannot even claim to be aware of, or profess any expertise on.

7. In response to the averments contained in Paragraph 5 of the Original Application, it is reiterated that the Respondent No. 5 emerged the successful bidder in the tender floated for the Project by the Respondent No. 3 (through the Tamil Nadu Highways Department). However, it is not known as to on what basis the Petitioner has proceeded to allege that the margin that would accrue to the Respondent No. 5 is about Rs. 8 Crores for this Project and such a statement is arbitrary, baseless, irrelevant. It is also not known how the same is in any way relevant to the issues sought to be raised in the Original Application by the Applicant and for this reason, the same may be liable to be eschewed even at the threshold.
8. In response to the specific allegations as against the Respondent No. 5 comprised in Paragraphs 21 and 22, it is stated that it is manifestly erroneous and arbitrary to allege that the Respondent No. 5 has illegally mined to a depth of more than 5 feet. The Petitioner has purported to rely on certain photographs in evidence of the same and it is the submission of the Respondent No. 5 that the same ought to fail for the reason that the said photographs sought to be relied on failed to adduce any sufficient evidence in support of the said allegations. It is stated that the Respondent No. 5 was granted the Mining Lease on 15.05.2023 by the Respondent No. 1 and pursuant thereto, the Respondent No. 5 proceeded to commence the work of quarrying ordinary earth in the Chithambakkam lake in due compliance with the stipulations provided for in the mining lease. Further, the Respondent No. 5 has also prepared a Mining Plan for the project pursuant to which the Mining Lease was granted. In this backdrop, it is stated that such allegations are manifestly erroneous, absurd and belie the true intention of the Petitioner to stall the Project, with no public interest being served. Reference in this regard is made



to the Mining Plan dated 18.05.2023 prepared by the Respondent No. 5 for the mining of 'Chithambakkam Village Ordinary Earth Quarry Lease', prepared under Rule 7 and Rule 41(3) (i) of the Tamil Nadu Minor Mineral Concession Rules, 1959 for a fresh mining lease. The Mining Plan accounts for every ecological and environmental aspect/concern raised by the Petitioner and in view thereof, the attempt to make it appear as if there is gross violation of stipulated and mandated depth is absolutely false and baseless.

9. The fundamental basis and premise behind the Original Application is based on the allegation that quarrying of ordinary earth from the Chithambakkam Lake area is not being carried out on the strength of any separate Environmental Clearance obtained for the said purpose or that the EIA Impact Studies does not provide for the quarrying of ordinary earth from the Chithambakkam Lake area. In response thereto, it is submitted that as per Clause 3.1.7(a) the Contract dated April 13, 2022 executed between the Respondent No. 3 and Respondent No. 5, the Respondent No. 5 is only required to take such Applicable Permits as set forth in Schedule F to the Contract dated April 13, 2022, which is morefully detailed below.
10. The Respondent No. 5, in line with its obligations, have taken the necessary approvals as stipulated under Schedule F of the Contract dated 13.04.2022, which are detailed below-
  1. Certificate issued to the 8<sup>th</sup> Respondent by the Recognized Qualified Person that the provisions of Rule 7 (Quarrying for Public Purposes) of the TN Minor Mineral Concession Rules, 1959 have been duly observed in the Mining Plan submitted for the grant of Ordinary Earth Quarry Lease, over an extent of 2.23.20 Hectares in S.F. No. 379/1 (Part), WRD/ Chithambakkam Tank of Chithambakkam Village, Tiruvallur Taluk, Tiruvallur District, Tamil Nadu. A copy of the said Certificate is hereto annexed as **Annexure C**;
  2. Certificate issued to the 8<sup>th</sup> Respondent by the Recognized Qualified Person that all the provisions of the Mines Act, Rules and Regulations etc. made



thereunder have been covered in the preparation of the said Mining Plan. A copy of the said Certificate is hereto annexed as **Annexure D** ;

3. Mining Plan with final quarry closure plan has been prepared under Rule 7 and 41 (3) (i) and submission under Rule 41(8) (i) of the Tamil Nadu Minor Mineral Concession Rules, 1959. A copy of the said Mining Plan is hereto annexed as **Annexure E**.
11. Further, the Mining Lease clearly provides references to the necessary eco-friendly safeguards, which are being duly complied by the Respondent No. 5 and some of the significant safeguards imposed are enumerated below for ease of reference -
- i. Proposed total production of Ordinary Earth is 20000 Cubic Metre, upto a depth of 0.9m.
  - ii. Nature of Mining: Fresh Quarry Lease. Mining is open cast; no drilling or blasting is proposed for this type of ordinary earth quarry lease. It is an ecofriendly quarrying operation.
  - iii. Details of Top Soil/Overburden: No separate top soil shall be removed. Ordinary earth will be quarried right from the surface level itself.
  - iv. Mine Drainage: Present Mining lease shall be proposed above water table and hence, quarrying may not affect the ground water.
  - v. Waste Disposal: There is no mine waste
  - vi. Use of Mineral: to be put to use for the CPRR works from Punapakkam to Tiruvallur Bypass Project
  - vii. Section 11 - Environmental Management Plan:



- a. Flora and Fauna – No major flora and fauna in this area
  - b. Proposed area does not fall under notified areas under Water Prevention and Control of Pollution Act, 1974.
  - c. Air quality, water quality and noise levels will not be affected
12. In view of the above, it is submitted that all actions of the Respondent No. 5 are in due compliance with the terms of the Mining Plan and the Mining Lease granted, and the Respondent No. 5 has proceeded with the sourcing of ordinary earth in the Chithapakkam lake area only subject to the necessary approvals that were mandated to be applied and secured by the Respondent No. 5. Therefore, it is submitted that it is not known as to how the Petitioner has sought to allege that the same is illegal.
13. The Petitioner has further proceeded to speculate that the sourcing of earth could lead to several environmental concerns with no basis whatsoever and no necessary scientific evidence have been adduced in respect thereof. Therefore, it is submitted that such speculative allegations made purely on the basis of imaginary hypotheses, cannot even be taken cognisance of by this Hon'ble Tribunal, especially in an attempt to stop the Project which is of public importance. The imaginary and speculative nature of such allegations, without an ounce of substantiation is sufficient to dismiss the present Original Application, with costs.
14. It is submitted that no grounds whatsoever are made out in the present Original Application to interfere with the excavation of ordinary earth, and it is reiterated that it appears to be the intent of the Petitioner to hamper the implementation of the Project by filing such frivolous Petitions. In fact, the only thing obstructing public interest is the unnecessary delay caused by the Petitioner in the implementation of the Project by filing such baseless present Original Application.



In view of the submissions made hereinabove, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the present Original Application as being baseless and devoid of merits, impose exemplary costs and thus render justice.

Solemnly affirmed before me  
on this the 31<sup>th</sup> day of October 2023  
in Chennai and signed his name in  
my presence

  
**BEFORE ME**  
*Rajhasudha*  
*4588/21*  
**No. 37, 2C, 4C**  
**ADVOCATE, CHENNAI**



COUNSEL FOR THE 5th RESPONDENT

