

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI  
APPEAL NO 14 of 2022**

M. Yuvadeeban

S/o.Margaret Lawrence

aged about 26 years

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...Appellant

Versus

1. Department of Fisheries

Government of Tamil Nadu

Rep by its Executive Engineer

Fishing Harbor Project Division

Nandanam, Chennai – 600035

Email: [tnfisheries@nic.in](mailto:tnfisheries@nic.in)

2. Tamil Nadu State Environment Impact Assessment

Authority, Rep by its Member Secretary,

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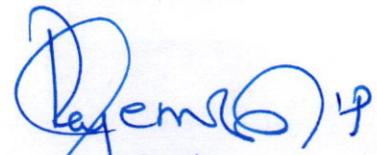
3. Principal Chief Conservator of Forests & Chief Wild Life Warden

Forest Department

Government of Tamil Nadu

Tel: 044 – 24321738

E-Mail-ID: [pccf-tn@nic.in](mailto:pccf-tn@nic.in)



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## 4. Union of India

Represented by its Secretary to Government,  
Ministry of Environment and Forests and Climate Change  
Paryavaran Bhavan, Jorbagh Road  
New Delhi – 110003  
Ph: 011 – 24695132  
Email: [secy-moef@nic.in](mailto:secy-moef@nic.in)

## 5. The Tamil Nadu Coastal Zone Management Authority,

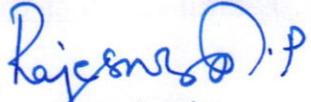
Represented by the Member Secretary,  
Department of Environment  
No.1, Jeenis Road, Panagal Building  
Ground Floor, Saidapet, Chennai – 600015  
Ph: 044 – 24336421, 24336928  
Email: [tndoe@tn.nic.in](mailto:tndoe@tn.nic.in)

... Respondents

**COUNTER AFFIDAVIT FILED BY SECOND RESPONDENT**

I, Tmt.P.Rajeswari, I.F.S., working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Buildings, Saidapet, Chennai – 600015 solemnly affirm and sincerely state as follows

1. I respectfully submit that I am filing counter affidavit on behalf of 2<sup>nd</sup> Respondent herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
2. I respectfully submit that at the outset, I deny the averments stated in the writ petition as false except those that are specifically admitted hereunder and put the applicant to strict proof of the same.

  
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3. I respectfully submit that, the Environmental Impact Assessment Notification, 2006 mandates prior Environmental Clearance (EC) for new projects or activities including expansion, or modernization of existing projects listed in its Schedule. The Category 'A' projects shall obtain EC from the Central Government and Category 'B' projects from the concerned State Level Environment Impact Assessment Authority (SEIAA)/Union Territory Environment Impact Assessment Authority (SEIAA). The proposal will be placed before the State Expert Appraisal Committee (SEAC) for screening, scoping and appraisal, Based on the recommendations of SEAC, the proposal is placed before the State Environment Impact Assessment Authority (SEIAA) for the consideration of issue of Environmental Clearance. After detailed discussion and based on the documents furnished, Environmental Clearance is issued by the Authority.
4. I respectfully submit that the Executive Engineer, Fishing Harbor project division, Fisheries Department, Chennai has obtained CRZ clearance from Tamil Nadu State Coastal Zone Management Authority for the development of Fishing Harbour at Kaluveli waters at Azhagankuppam Village, Marakkanam Taluk, Villupuram District and Alamparaikuppam Village, Cheyyur Taluk, Chengalpattu District. The project falls in CRZ-IB, CRZ - II, CRZ-IV (A) & CRZ-IV (B) vide Proc.No.P1/525/2020 dated: 15.06.2020 subject to one of the conditions Environmental Clearance from the State Level Environment Impact Assessment Authority (SEIAA) shall be obtained with reference to the EIA Notification 2006.
5. I respectfully submit that, based on the above CRZ Clearance, the Executive Engineer of M/s.Tamil Nadu Fisheries Department has applied to State Level Environment Impact Assessment Authority – Tamil Nadu

  
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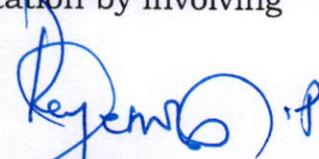
seeking Terms of Reference thorough online in PARIVESH portal vide proposal No.SIA/TN/MIS/54845/2019 dated 17.07.2020 and submitted the hard copy to SEIAA-TN on 05.08.2020 for the proposed Fishing Harbour at S.F.No.49/2 in Alamparaikuppam Village, Cheyyur Taluk, Chengalpattu District, Tamil Nadu & S.F.No.23/I, 23/II in Azhagankuppam Village, Marakkanam Taluk, Villupuram District, Tamil Nadu.

6. I respectfully submit that the project proposal was placed in the 172<sup>nd</sup> meeting of the SEAC held on 05.09.2020. SEAC noted CRZ clearance was issued to this proposal by Tamil Nadu State Coastal Zone Management Authority vide Proc.No. P1/ 525/ 2020 dated 15.06.2020. Based on the presentation made by the proponent and the documents furnished, the SEAC decided to prescribe ToR for the preparation of EIA report along with Public Hearing. The detailed EIA shall include standard ToR along with the following additional ToR:

- i. One of the major environmental issues concerning the project is that sea bed material will be dredged and the disposal mechanism shall be furnished. The characteristics of the dredged materials should be furnished along with the possible adverse impact of the same.
- ii. The proponent should ensure that the boats are maintained properly and also should ensure that there are no oil spillages.
- iii. The proponent should prepare a comprehensive line diagram in which all the facilities to be created should be marked. Then for each facility, the probable effluent generation and waste generation should be indicated with quantity and quality. Finally, the

  
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- methodology for collection, treatment and reuse/disposal of the liquid and solid waste should be indicated. Specific attention should be paid to the marine discharges.
- iv. Within 10km radius all the parameters like air, sediment and biology including coastal ecology should be studied in detail.
  - v. The impact of dredging should be evaluated in detail with the comprehensive EIA report.
  - vi. The sampling should be done in grid pattern and every one kilometer the samples (air, water, sediment and biological samples) within the 10km of radius.
  - vii. Heavy metal studies in water and sediments shall be conducted.
  - viii. Proponent should submit the proposal for proper treatment for waste water generated from the fish handling platforms so as to ensure no pollution to the ground water as well as the sea water from the harbour operation.
  - ix. The proposal for disposal of solid wastes both municipal and fish related waste should be properly collected, treated and disposed.
  - x. The project proponent shall submit a comprehensive monitoring plan for coastal ecology covering coastal ecosystem and riverine system for both construction and operation period. All physical, chemical and biological parameters including plankton, productivity, benthic fauna and flora, fishery, etc shall be covered in monitoring plan. Monitoring during construction period will be on weekly basis and during the operational period on seasonal basis (4 times in a year, for a minimum of 5 years).
  - xi. There should not any damage/ impact on these resources and associated biodiversity. The project proponent shall submit the detailed proposal to implement mangrove afforestation by involving

  
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- reputed institution like Annamalai University (Marine Biology Centre) and a detailed plan with budget shall be prepared for Mangrove afforestation and monitoring for a period of minimum 5 years in consultation with the said institution and submit a copy of the same along with the EIA Report. The proponent shall also sign an MOU and submit a copy of the same along with EIA report
- xii. A study shall be conducted on reputed institutions like Annamalai University, etc the impact on the proposed fishing harbour on movement of turtles.
  - xiii. A detail study on impact of oil spillage from the operation of the harbour and its mitigation measures shall be part of EIA study.
  - xiv. Impact on the Distortion effects on the construction of the fishing harbour shall be part of EIA.
  - xv. Impact on the clay deposition shall be studied.
  - xvi. The proponent shall study the Impact of the proposed harbours on the kalvali wetland by a reputed institution like Annamalai University (Marine Biology Centre), etc and the report of the same shall be submitted along with the EIA report.
  - xvii. The proponent shall obtain the NOC from the archaeology department since it is nearby.

7. I respectfully submit that the proposal was placed in the 401<sup>st</sup> SEIAA meeting held on 30.09.2020. After detailed discussion the Authority decided to grant standard Terms of Reference and additional Terms of Reference with public hearing for the preparation of EIA Report as recommended by SEAC and subject to general conditions in addition to the following conditions vide this office Letter No.SEIAA-TN/F.No.7709/SEAC/7(e)/ToR-791/2020 dated: 17.10.2020



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- i. Details of study on social impact, including livelihood of local people.
- ii. A specific study should include impact on flora & fauna, disturbance to migratory pattern of animals.
- iii. A detailed plan on plastic waste management shall be furnished. Further, the proponent should strictly comply with, Tamil Nadu Government Order (Ms) No.84 Environment and forests (EC.2) Department dated 25.06.2018 regarding ban on one time use and throw away plastics irrespective of thickness with effect from 01.01.2019 under Environment (Protection) Act, 1986. In this connection, the project proponent has to furnish the action plan.
- iv. A detailed post-COVID health management plan for workers as per ICMR and MHA guidelines or the State Govt. guideline may be followed and report shall be furnished.

8. I respectfully submit that the Public Hearing were conducted by TNPCB on 12.01.2021 (S.F.No. 23/I, 23/II of Azhagankuppam Village, Marakkanam Taluk, Villupuram District) and 29.01.2021 (S.F.No. 49/2 of Alamparaikuppam Village, Cheyyur Taluk, Chengalpattu District).

9. I respectfully submit that the project proponent Executive Engineer M/s.Tamil Nadu Fisheries Department has applied to State Level Environment Impact Assessment Authority – Tamil Nadu for seeking Environmental Clearance thorough online in PARIVESH portal vide proposal No.SIA/TN/MIS/62222/2020 dated on 30.03.2021 for the proposed construction of Fishing Harbour in Kaluveli waters at S.F.No.49/2 of Alamparaikuppam Village, Cheyyur Taluk, Chengalpattu District & S.F.No. 23/I, 23/II of Azhagankuppam Village, Marakkanam

  
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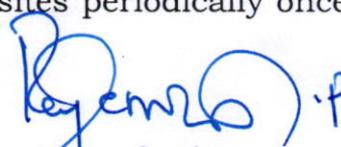
Taluk, Villupuram District, Tamil Nadu under Category "B1" of item 7(e) "Ports, Harbour projects" under the Environment Impact Assessment Notification, 2006, as amended.

10. I respectfully submit that, the proposal was placed in the 217<sup>th</sup> SEAC meeting held on 06.07.2021. Based on the presentation and documents furnished by the project proponent, SEAC noted the PP has not complied with all ToR conditions. Hence the PP shall comply all the conditions and revise the report as,

- (i) The project proponent shall study heavy metals present in the sea water through an accredited lab.
- (ii) The project proponent shall re-design the waste water treatment plant.
- (iii) The project proponent shall re-design the sewage water treatment plant.
- (iv) The project proponent shall submit in writing about the action report in case of oil spillage.
- (v) The project proponent shall revise water balance and the consultant should properly prepare the water balance diagram. The water balance diagram is completely unrealistic and unacceptable.
- (vi) The project proponent shall submit a note on sea animals, tortoise and birds migrating to the site and shall study the effect of fishing harbour operations on these animals.
- (vii) As per the MoEF&CC Office Memorandum F.No. 22-65/2017-IA.III dated: 30.09.2020 and 20.10.2020 the proponent shall furnish the detailed EMP mentioning all the activities as proposed in the CER.

  
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11. I respectfully submit that the project proponent has submitted additional details vide letter dated 16.08.2021 received by office of SEIAA-TN on 18.08.2021.
12. I respectfully submit that the proposal was again placed with additional details from the proponent vide its letter dated 16.08.2021 in the 234<sup>th</sup> SEAC meeting held on 22.09.2021. Based on the presentation and documents furnished by the project proponent, SEAC after detailed deliberations decided to recommend the proposal for the grant of issue of Environmental Clearance subject to the following specific conditions in addition to normal conditions stipulated by MoEF & CC:
- i. The project proponent shall adhere to all the conditions stipulated in CRZ clearance issued vide Proc.No.P1/525/2020, dated: 15.06.2020.
  - ii. The proponent shall carryout dredging activity only during non-nesting period of turtles.
  - iii. The proponent shall analyze the dredged sediments and to obtain concurrence from the concerned department before utilizing the said dredged sediments for land filling within the proposed project site.
  - iv. The project proponent shall provide adequate capacity of the sewage treatment plant to treat the waste water generated from activities of the proposed fishing harbor activity and to continuously operate and maintain the proposed STP to achieve the standards prescribed by the TNPCB/CPCB.
  - v. The project proponent shall provide DG set with stack height as per CPCB Norms.
  - vi. The project proponent shall measure the criteria regarding ambient air quality and ambient noise data due to proposed activity & traffic in the vicinity of the proposed harbor sites periodically once in a year and submit the report to TNPCB.

  
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- vii. The total green belt area should be minimum of 33% of the total area and the same shall not be used for vehicle parking.
- viii. The proponent shall provide proper waste water drain arrangements for the infrastructural facilities of the harbor to STP.
- ix. The proponent shall provide proper storm water drain & rain water harvesting facilities within the proposed project site.
- x. The proponent shall periodically update and adhere to disaster management plans including emergency preparedness plans, storm surge & cyclone management, fire hazard management, oil spill management plan, onsite emergency plans in concurrence with the concerned departments.
- xi. The project proponent shall periodically conduct risk assessment study once in a year and to frame a guideline to avoid untoward accidents and emergency response mitigation measures for oil spill/ oil leak/discharge of waste water from the vessels due to untoward accidents in regard to improper vessel traffic control and monitoring of the vessels.
- xii. The project proponent shall periodically conduct awareness programs to the operators/workers of vessels regarding ill effects of improper vessel traffic control, discharge of oil leak/ spill & waste water from vessels & dumping of SWM on marine ecology etc and emergency response activities towards untoward accidents.
- xiii. The sludge generated from the sewage Treatment plant shall be collected and dewatered using filter press and the same shall be utilized as manure for green belt development after composting.
- xiv. The Proponent shall provide rainwater harvesting sump of adequate capacity for collecting the runoff from rooftops, paved and unpaved roads as committed. The project proponent shall restrict

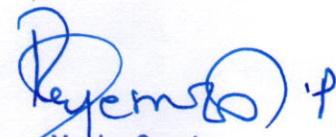


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the usage of plastics within proposed harbor adhering to the Plastic Waste Management Rules, 2016 as amended.

- xv. The project proponent shall allot necessary area for the collection of E-waste and strictly follow the E-Waste Management Rule. 2015, as amended for disposal of the E- waste generation within the premises.
- xvi. The project proponent shall appoint permanent medical officer in the proposed harbor for continuous monitoring the health of construction workers during COVID and Post - COVID period.
- xvii. The project proponent shall obtain the necessary authorization from TNPCB and strictly follow the Hazardous & Other Wastes (Management and Trans-boundary Movement) Rules, 2016, as amended for the generation of Hazardous waste within the premises.
- xviii. All the mitigation measures committed by the proponent for the disaster management and to avoid pollution in Air, Noise, Solid waste disposal, Sewage treatment & disposal, etc., shall be followed strictly.
- xix. All the mitigation measures committed by the proponent regarding to preservation marine ecology, flora & fauna, turtle etc.
- xx. Solar energy should be at least 10% of total energy utilization. Application of solar energy should be utilized maximum for illumination of common areas, street lighting, etc.
- xxi. As per the MoEF &CC Office Memorandum F.No. 22-65/2017-IA.III dated: 30.09.2020 & 20.10.2020 the proponent shall furnish the detailed EMP mentioning all the activities, as proposed in the CER and furnish the same before placing the subject to SEIAA.



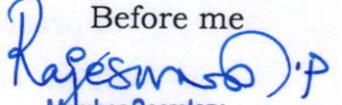
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13. I respectfully submit that, the proposal was placed in the 476<sup>th</sup> SEIAA meeting held on 27.10.2021. After detailed discussions, the Authority accepted the recommendation of SEAC and decided to grant Environmental Clearance subject to the conditions as recommended by SEAC & normal condition in addition to the following condition vide this office Letter No. SEIAA-TN/F.No.7709/EC/7(e)/87/2021, dated: 03.11.2021

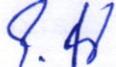
- i. As per the MoEF&CC office memorandum F.No.22-65/2017-IA.III dated: 30.09.2020 and 20.10.2020 the proponent shall furnish the detailed EMP, mentioning all the CER activities for Rs. 7.66 Crores as committed. All the CER activity shall be carried out before obtaining CTO from TNPCB.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to consider the above said facts and pass such order or orders as this Hon'ble Tribunal may deem fit and proper and thus render justice.

Solemnly affirmed at Chennai  
On this 30<sup>th</sup> day of March 2022  
and signed his name in my presence.

Before me  
  
Member Secretary  
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN  
Panagal Maligai, No.1, Jeenis Road,  
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Attested Officer

  
Assistant Environmental Engineer  
State Level Environment Impact Assessment Authority-Tamilnadu  
Third Floor, Panagal Maligai  
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