

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

APPEAL NO. 144 OF 2016 (SZ)

U. Kalimuthan,  
S/o. Ulagan,  
& 4 Others

... Appellants

Versus

The Union of India,  
Rep. by its Secretary to Government,  
Ministry of Environment, Forest and Climate Change,  
Government of India,  
& 4 Others

... Respondents

INDEX TO TYED SET OF PAPERS FILED ON BEHALF OF THE 3<sup>RD</sup>  
RESPONDENT

VOLUME – II

E-filing No. :  
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M/S.ABDUL SALEEM  
S. SARAVANAN

COUNSEL FOR THE 3<sup>RD</sup> RESPONDENT

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

APPEAL NO. 144 OF 2016 (SZ)

1. U. Kalimuthan,  
S/o. Ulagan,  
Uppoor South,  
Uppoor Post,  
Thiruvadanai Taluk,  
Ramanathapuram District 623 525
2. R. Kathiresan  
S/o. Ramaiya,  
No. 1/1358 Valamavoor (South) Kothiyarkottai Post,  
Thirupalaikudi (Via),  
Thiruvadanai Taluk,  
Ramanathapuram District 623 525
3. P. Thivakaran,  
S/o. Panchavarnam,  
No. 1/116, Naganendal Village Uppoor Post,  
R.S. Mangalam (Via),  
Thiruvadanai Taluk,  
Ramanathapuram District 623 525
4. G. Tamilmaran,  
S/o. Ganapathi,  
No. 9/6, Naganendal Village Uppoor Post,  
R.S. Mangalam (Via),  
Thiruvadanai Taluk,  
Ramanathapuram District 623 525
5. Anaithu Vivasayikal Paathukapu Nalasangam,  
Represented by its President R. Karunanidhi,  
Registration No. 60/2016,  
Naganendal Village Uppoor Post,  
R.S. Mangalam (Via),  
Thiruvadanai Taluk,  
Ramanathapuram District 623 525

... Appellants

Versus

1. The Union of India,  
Rep. by its Secretary to Government,  
Ministry of Environment, Forest and Climate Change,  
Government of India,  
Indira Paryavaran Bhavan,  
Jorbagh Road, New Delhi 110 003.
2. The State of Tamil Nadu,  
Rep. by its Additional Chief Secretary to Government,  
Energy Department,  
Fort St. George, Secretariat,

Chennai 600 009

3. The Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO Limited)  
Rep. by its Chairman Cum Managing Director,  
10<sup>th</sup> Floor, NPKRR Maaligai,  
144, Anna Salai, Chennai 600 002.
4. The Tamil Nadu Pollution Control Board,  
Rep. by its Member Secretary,  
76, Mount Road,  
Guindy,  
Chennai 600 032.
5. The District Collector,  
Ramanathapuram.  
O/o District Collector,  
Ramanathapuram

... Respondents

INDEX TO TYED SET FILED BY THE 3<sup>RD</sup> RESPONDENT  
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SL. NO.	DATE	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE NO.
1	06.04.2015	Test Report	R – 23	1 – 3
	01.04.2020	Letter issued by the Coal India Limited to the Government of Tamil Nadu	R – 24	4
2	28.04.2020	Notification issued by the Ministry of Power, Government of India, to all the Generating Companies (Gencos)	R – 25	5 – 6
3	30.07.2020	Letter issued by the 5 <sup>th</sup> Respondent to the 3 <sup>rd</sup> Respondent	R – 26	7 – 8
4	11.11.2020	Office Memorandum issued by the 1 <sup>st</sup> Respondent	R – 27	9 – 11

Dated at Chennai on this the 23<sup>rd</sup> day of November, 2020

COUNSEL FOR THE 3<sup>RD</sup> RESPONDENT



# MONARCH BIOTECH PVT. LTD.

UNIT : MONARCH LABORATORY SERVICES

ORIGINAL

## TEST REPORT

Report Number: MBT / CL / 0129

Date: 06.04.2015

### PART - A: PARTICULARS OF SAMPLE SUBMITTED

Sample Described by customer as : Imported Coal  
Customer Name : The Chief Engineer/ Projects,  
TANGEDCO (A Successor entity of TNEB)  
Customer Address : 5<sup>th</sup> Floor Western Wing, NPKRR Malligai,  
144, Anna Salai  
Chennai-2.  
Postal Code : 600 002  
State : Tamilnadu  
Country : India  
Sample Code No : 1504001  
Sample Type : ---  
Sample Received Date : 01/04/2015  
Sample Qty. Recd. : 100gm  
Batch No : ---  
Brand Name : ---  
Mfg Date : ---  
Exp. Date : ---

#### Terms and Condition

This report in full or in part shall not be published, advertised, used for any legal action, unless prior permission has been secured. This test report pertains only for the sample tested and such samples are retained for 7 days (in case of perishable) and 15 days for all other samples. In case of Complaint received from customers sample will be kept for 30 days. The samples from regulatory bodies are to be retained as specified. Sample Not Drawn by Laboratory.



For MONARCH BIOTECH PVT. LTD.

Page 1 of 2

*Avula Mallikarjun*  
AVULA MALLIKARJUN  
Mg. Director

Regd. Office & Sample Collection Centre : New No. 17/1, Sadullah Street, T. Nagar, Chennai - 600 017, INDIA.  
Phone : 91-44-24352756 / 24312656 Tele Fax : 91-44-24312759. E-mail : info@monarchnuclearlab.com  
Website : www.monarchnuclearlab.com

LAB : 37-A, SIDCO Industrial Estate, Thirumazhisai, Chennai - 600 124, INDIA.

## RADIOACTIVITY MEASUREMENT / TEST REPORT

Test Report No. MB / 1504004 / NCL / Original / 13268

Date: 03 / 04 / 2015

1. Sample identification : 012310
2. Sample received from : M/s. TANGEDCO (A Successor Entity of TNEB), Ch-2
3. Nature of sample : Imported Coal
4. Volume / weight : 2200 g
5. Sample received on : 01 / 04 / 15
6. Testing completed on : 03 / 04 / 15

S.No	Nuclides Analyzed	Activity Determination Limit Of Instrument MDA (3σ)	Method Of Testing	Result (Bq / kg)	Exemption levels as per IAEA BSS
1.	Nat Th	16.4 Bq/kg	AERB – Standard Analytical method (Clause 4.3.4 : 2003)	≤ 16.4 Bq/kg (BDL)	1000 Bq/kg
2.	Nat U	11.4 Bq/kg	AERB – Standard Analytical method (Clause 4.3.4 : 2003)	≤ 11.4 Bq/kg (BDL)	1000 Bq/kg
3.	K - 40	68.4 Bq/kg	AERB – Standard Analytical method (Clause 4.3.4 : 2003)	≤ 68.4 Bq/kg (BDL)	1,000,000 Bq/kg

**BDL: Below Detection limit**

**Remarks:** The above sample was analyzed for the radioactivity content. This is to certify that the activity level of Nat Th, Nat U, K-40 in the sample was found to be well below the minimum detectable limit of our counting system. The level of activity found in the sample is well below the IAEA Basic safety series limits.

The spectrum / result files are stored as part of Nuclear Counting Facility Records.

**Sample return:** The sample will be kept for one month and disposed-of or returned on request after one month. If there is any discrepancy / complaint received from the customer within one month from the date of report, the sample will be kept for two months.

This report pertains to only for the sample given to this laboratory.

**Disclaimer:** This certificate should not be produced in any court of law as part or in full without the written approval of this Laboratory

To

The Chief Engineer/ Projects,  
TANGEDCO (A Successor entity of TNEB),  
5<sup>th</sup> Floor Western Wing, NPKRR Malligai,  
144, Anna Salai, Chennai-2.



*M. Saravanan*  
**M. SARAVANAN**  
Authorised Signatory

Regd. Office & Sample Collection Centre : New No: 17/1, Sadullah Street, T. Nagar, Chennai - 600 017, INDIA.  
Phone: 91-44- 24352756 / 24312656. Tele Fax : 91-44-24312759. E-mail : info@monarchnuclearlab.com  
Website : www.monarchnuclearlab.com

LAB : 37-A, SIDCO Industrial Estate, Thirumazhisai, Chennai - 600 124, INDIA.

TEST REPORT

**PART - B : SUPPLEMENTARY INFORMATIONS :**

Sample No : 1504001  
 Job Card No : 261  
 Report No : MBT/CL/0129

Date : 06.04.15

- a) Reference to sampling procedure, wherever applicable : **Not applicable**  
 b) Deviation from the test methods as prescribed in relevant ISS/Work Instructions, if any : **Nil**

Test Commenced On : **03.04.15**  
 Test Completed On : **06.04.15**

**PART C. TEST RESULTS**

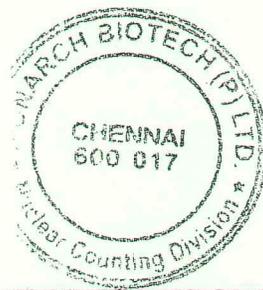
Tested Parameters	Test Method	Result	Unit
Nickel as Ni	MBT/CL/SOP/ 091	2.11	mg/kg
Iron as Fe		2712	mg/kg
Arsenic as As		BLQ (LOQ : 0.01)	mg/kg
Lead as Pb		1.37	mg/kg
Zinc as Zn		9.12	mg/kg
Mercury as Hg		BLQ (LOQ : 0.01)	mg/kg
Selenium as Se		BLQ (LOQ : 0.01 )	mg/kg
Sulphur as S	IS 1350 (Part-III) 1969 (RA : 2000)	0.41	%
Chromium (VI)	Eurasian J Anal Chem 8(1) : 10-16, 2013	6.05	mg/kg

**BLQ - Below Limit of Quantification; LOQ – Limit of Quantification**

**PART D REMARKS**

\*\*\*\*\*End of Report\*\*\*\*\*

H. Sanyal  
 Report Prepared & Verified By



  
 Authorized Signatory  
 Page 2 of 2

Regd. Office & Sample Collection Centre : New No. 17/1, Sadullah Street, T. Nagar, Chennai - 600 017, INDIA.  
 Phone : 91-44-24352756 / 24312656 Tele Fax : 91-44-24312759. E-mail : info@monarchnuclearlab.com  
 Website : www.monarchnuclearlab.com

LAB : 37-A, SIDCO Industrial Estate, Thirumazhisai, Chennai - 600 124, INDIA.



(A Maharatna Company)

No.CIL/CH/ 1809

To,  
Principal Secretary (Energy),  
Government of Tamil Nadu  
Namakkal Kavignar Maaligai,  
Fort St. George,  
Chennai-600 009

Dear Sir,

**Sub: Elimination of import of coal by Power Generating Companies during 2020-21**

Coal India Limited (CIL) has begun this fiscal with the highest pithead stock of around 75 MT. CIL is also planning to increase its production to 710 MT of coal during the year 2020-21.

With increase in production and with comfortable stocks at the pitheads, we are quite confident that the entire coal requirement of the thermal power plants in the country can be met with domestic coal and there may not be any need for the Power generators to depend upon imported coal towards their generation requirement.

It is an objective of Government of India to reduce country's dependence on imports for saving foreign exchange outflow. Towards this objective, import substitution measures are being undertaken by CIL and many power generators have availed benefit of these measures by substituting imports with allocations of domestic coal from CIL.

In view of the above, we request you to advise the Generating Companies of coal based power stations in the State of Tamil Nadu not to import coal in the coming fiscal. These plants may be advised to submit their actual requirement of domestic coal from CIL for drawing out the supply plan for 2020-21.

Thanking you,

Yours faithfully,

  
(Pramod Agrawal)  
Chairman, Coal India Ltd.

Copy to: Managing Director, TANGEDCO  
: Managing Director, NTPL  
: Managing Director, NTECL

c.c: JS (LA), Ministry of Coal, Govt. of India, New Delhi  
: JS (Power), Ministry of Power, Govt. of India, New Delhi  
: Director (Marketing), CIL



सत्यमेव जयते

**F.No. FU-21/2020-FSC**  
Government of India  
Ministry of Power

5

Shram Shakti Bhawan, Rafi Marg  
New Delhi dated 28.04.2020

To

**Generating Companies (As per list Annexed)**

**Subject: Reducing import of coal for blending purpose and replacing it with domestic coal - reg**

It is hereby advised that all the Generating companies (Gencos) who are importing coal for blending purpose may make best efforts to replace their imports with domestic coal. In case of difficulty in getting the requisite quantity and quality of coal from the coal companies or any logistical bottlenecks, the Ministry of Power /Central Electricity Authority (CEA) may please be informed by the concerned Gencos. The matter will be taken up with the appropriate institution so that the problem can be resolved. Thermal Power Plants are exhorted to import coal for blending purposes, if and only if, the requisite quantity and quality of domestic coal is not made available.

2. Shri Mohammad Afzal, Director (Fuel Management), CEA (Contact details Cell Number: 9868061039, Email: afzal\_mdp@nic.in) is hereby nominated as Nodal Officer from CEA to coordinate with Gencos and all concerned agencies in this endeavour.

3. This issues with the approval of Hon'ble MoS(IC) for Power.

(S. Majumdar)  
Under Secretary to the Govt. of India  
Tel: 2335 6938

Copy to:

- I. Chairman, CEA
- II. Member, Planning, CEA
- III. Md. Afzal, Director (FM), CEA, the Nodal Officer.

**Generating Companies**

1. CMD, NTPC
2. CMD, MPPGCL
3. CMD, GSECL
4. CMD, MSPGCL
5. CMD, APPDCL
6. CMD, WBPDC
7. CMD, TANGEDCO
8. KPCL
9. TORRENT Power
10. Adani Power
11. VEDANTA Power
12. TSPL
13. NABHA POWER
14. GMR Energy
15. Reliance Power
16. JINDAL POWER
17. Haldia Energy Ltd
18. THERMAL POWERTECH
19. KSK
20. RATTAN INDIA
21. ADHUNIK POWER
22. HNPCL
23. Sembcorp Power
24. Vedanta-Balco
25. GVK
26. Tata Power
27. Dhariwal Infrastructure Ltd.
28. MB Power
29. Hindustan Power
30. TRN Energy

\*\*\*



SECRETARY	SECRETARY	SECRETARY	SECRETARY
FC	EE/PMG	EA	ADD
H. S. S. S. S.			
CE / CIVIL / DISTRICT			

From  
Thiru. K. Veera Raghava Rao, I.A.S.,  
District Collector,  
Ramanathapuram.

To  
The Director/Projects,  
TANGEDCO,  
X Floor, NPKRR Maaligal,  
144, Anna Salai,  
Chennai - 2.

Roc. No. B1/20138/2020, dt. 07.2020

Sir,

Sub: UPPUR Super critical Thermal Power Project(2X800 MW) -  
Sea Water Intake and Outfall structures works in offshore  
area -Raising the height of Approach Trestle -Fishermen  
issue - reg.

- Ref:
1. Peace Committee Meeting held at the District Collectorate on 16.08.2019;
  2. Peace Committee Meeting held at the District Collectorate on 22.08.2019.
  3. Inspection to Uppur site by the Deputy Director/Fisheries dt 21.05.2020.
  4. R.C.No 4026/A3/2019 dt 03.06.2020 from DD/Fisheries/Ramnad.

\*\*\*\*\*

With reference to the above, I wish to inform you that the Peace committee meetings were held at the District Collectorate on 16.08.2019 and 22.08.2019 which were attended by the TANGEDCO officials, Revenue officials, Fisheries department, Forest department, Police department and fishermen and representatives of fishermen from local fishing villages regarding the issues raised by the fishermen on the construction of bridge in the sea for drawal of water to Uppur Thermal Power project, Ramanathapuram. In the meeting the local country boat fishermen informed that, since they are using traditional fishing method using sails in the area where the bridge is constructed, there will be difficulty to cross if the bridge is constructed to the proposed height of 6m.

SHOT ON PEARLY

Hence with the consultation of the respective officials and village people, it was directed by the District Administration to carry out inspection at the site by Fisheries and TANGEDCO officials to assess the height of the masts of the fishing boats available in Morepannai to Thiruppalaikudi fishing area.

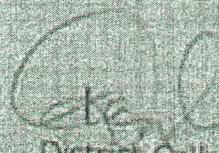
Assessment of height of the masts in the country boats and possibility of raising the height of the bridge without affecting the masts of the country boats was carried out by the team of Fisheries department officials and report was submitted to this office by the Deputy Director of Fisheries, (Regional) Ramanathapuram vide the reference cited (4).

The Deputy Director/Fisheries opined that since many of the country crafts fitted with motorized engine as well as sail with mast would move from North to South and South to North direction for their fishing activities, the height of the bridge may be raised to 10 metre in between 4.00 km to 5.00 km which may enable them to go sea voyage with minimal fuel requirement and may not disturb their livelihood.

From the reports submitted by the Fisheries department and subsequent discussions with Deputy Director/Fisheries and CE/USTPP it is ascertained that based on the technical feasibility, raising the height of the bridge from 6m to 10m for a stretch of about 150 metres between 3.50km and 4.50 km with the required slope is found to be more beneficial to the fishermen and to sort out the local issues.

Hence, M/S TANGEDCO is hereby requested to raise the height of the bridge from 6m to 10m for a stretch of about 150 metres between 3.50km and 4.50 km with the required slope may be taken into consideration for the benefit of the fishermen community and for smooth implementation of the project.

Copy to the Chief Engineer/Civil/USTPP ✓  
Copy to the Deputy  
Director/Fisheries/Ramanathapuram.

  
20.7.2020  
District Collector,  
Ramanathapuram.



SHOT ON REDMI Y3  
AI DUAL CAMERA



9

Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi-110 003

Dated 11<sup>th</sup> November, 2020

**Office Memorandum**

**Sub: Amendment in Environmental Clearance for change in coal source by Thermal Power Plants- reg.**

The Environment Impact Assessment (EIA) Notification dated 14<sup>th</sup> September, 2006 under the Environment (Protection) Act, 1986 mandates the requirement of prior Environmental Clearance to the projects/activities listed in the schedule to the said Notification. The Environmental Clearances are granted for Thermal Power Projects as per the capacities mentioned in the Schedule of the EIA Notification, 2006.

2. The Environmental Clearance (EC) has been granted based on a specific coal source such as a specific coal mine (domestic coal), or Imported coal, or blend of Imported coal and domestic coal. The Environmental Clearance has stipulated a condition that an amendment in EC is to be sought from the Ministry in case of change in fuel source.

3. The Ministry has been receiving several proposals regarding change in coal source, viz. change in domestic coal due to change in fuel linkages/auctions, and switching from imported coal to domestic coal. The linkage period granted through short-term linkage and e-auctions vary from 3 months to 1 year, making Project Proponents to approach the Ministry for granting amendment in EC each time there is change in coal source. In each amendment process, new conditions are being stipulated by making old conditions redundant.

4. The Ministry of Power (MoP) vide Policy Advisory dated 28.4.2020 encouraged all the power generating companies who are using imported coal (part/full) to switch over to domestic coal to the extent possible. The MoP has also set up a mechanism to deal with difficulties faced by the power companies in obtaining required quantity, quality of domestic coal including logistic bottlenecks.

5. The present process of dealing with change in coal source is to apply at PARIVESH, subsequent appraisal by the Expert Appraisal Committee (EAC), processing of EAC recommendations and granting the amendment to the EC. The whole process would approximately take about 2-3 months.

6. The various environmental impacts due to change in coal source viz. increased ash quantity and its management, increased emissions, and impacts of transportation have already been addressed and adequate mitigation measures have been stipulated by the Ministry vide Notifications dated 7.12.2015, 28.6.2018 and 21.5.2020.

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7. In order to simplify the procedure for change in coal source and encourage Thermal Power Plants to use domestic coal, **the Ministry has decided the following procedure:**

All the Thermal Power Plants (including Captive Power Plants) having Environmental Clearance can change the coal source (from imported to domestic, domestic to domestic, and domestic to imported) including Lignite, directly through e-auctions/short term linkage/long term linkage/other linkage options of Ministry of Coal or any organisation recognised for allotting coal linkages, without seeking the amendment in Environmental Clearance, subject to the following conditions and thereby making earlier conditions in the EC regarding coal source redundant:

- a) Details regarding change in source (location of the source, proposed quantity, distance from the power plant and mode of transportation), quality (Ash, Sulphur, Moisture content and Calorific value) shall be informed to the Ministry and its concerned Regional Office. The quantity of coal transported from each source along with the mode of transportation shall be submitted as part of EC Compliance Report.
- b) The applicable flue gas emissions standards for Particulate Matter, Sulphur Dioxide, Oxides of Nitrogen and Mercury shall be complied inline with Ministry's Notification vide S.O. 3305(E) dated 7.12.2015 and subsequent emissions. A progress of implementation and its compliance shall be submitted as part of Compliance Report.
- c) Ash content in the Coal and Coal transportation is governed by the Ministry's Notification vide S.O. 1561(E) dated 21.5.2020. As far as possible, Coal transportation shall be done by rail/conveyor or other eco-friendly modes. However, road transportation is allowed with tarpaulin covered trucks till the railway/conveyor belt infrastructure is made available. A progress (Physical and financial) of rail connectivity from nearest railway siding or conveyor connectivity to the power plant shall be submitted in the EC compliance report.
- d) Additional ash pond is not allowed due to increase in ash content in the raw coal as against the ash pond permitted in the Environmental Clearance. The 100% flyash utilisation is to be achieved within 4 years in line with Flyash Notifications dated 14.9.1999, 27.8.2003, 3.11.2009 & 25.1.2016 and amended time to time or extant regulations on Fly ash Utilisation.
- e) In case of exceptional circumstances, project proponents may approach the Ministry for seeking permission to use an emergency ash pond with cogent reasons, if any.
- f) The details regarding monthly generation, utilisation and disposal of flyash (including bottom ash) shall be submitted to the Ministry and its Regional Office.

This issues with the approval of the Competent Authority.



**(Dr. S. Kerketta)**  
**Director, IA Division**

To

1. All the Thermal Power Plants.

- 11
2. The Chairman/Member Secretaries of all the Expert Appraisal Committees.
  3. The Chairman /Member Secretaries of all the SEIAAs/SEACs.
  4. The Chairman/Member Secretaries of all SPCBs/UTPCCs.
  5. The Deputy Director General of Forest of all ROs of MoEF&CC.
  6. All the Officers of I.A. Division.

**Copy for information to:**

1. PS to Hon'ble Minister for Environment, Forest and Climate Change.
2. PS to Hon'ble MoS (EF&CC).
3. The Joint Secretary, Ministry of Coal.
4. The Joint Secretary, Ministry of Power.
5. Sr. PPS to Secretary (EF&CC).
6. Sr. PPS to AS (RA) / AS (RSP).
7. Sr. PPS to JS (GM)/ JS (SKB)/JS (AKN).
8. Website of MoEF&CC/ Guard file.

Sir E. K. G.

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

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M/S.ABDUL SALEEM  
S. SARAVANAN

COUNSEL FOR THE 3<sup>RD</sup>  
RESPONDENT

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Email: saleemattorney@gmail.com