

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

**Original Application No.224 of 2021**

Meenava Thanthai  
K.R.Selvaraj Kumar,  
Meenavar Nala Sangam,  
Chennai.

...Applicant

Vs

The State of Tamil Nadu  
Through the Chief Secretary,  
Chennai & others

...Respondents

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Filed by  
Thiru. S. Sai Sathya Jith  
Advocate, Chennai.



Joint Committee Report on Hon'ble NGT O.A. No. 224 of 2021 (SZ) – In the Matter of Meenava Thanthai K.R.Selvaraj Kumar, Meenavar Nala Sangam, Chennai versus State of Tamilnadu and others” in compliance with the Hon'ble NGT direction on 15/11/2021.

**1. Back Ground**

Thiru. Meenava Thanthai K.R.Selvaraj Kumar, Meenavar Nala Sangam, Chennai has filed a case vide O.A.No. 224 of 2021 (SZ) before the Hon'ble National Green Tribunal against the unit of M/s. M.R.F Limited- Tyre Testing Facility and warehouse, S.F.No.175(part) of Ernavoor Village, S.No.6/1A1 of Tiruvottiyur Village in T.S.No.3,5/1A,5/2A, Block No.1, Ward No.1 of Thiruvottiyur, Thiruvottiyur Taluk, Chennai District alleging that the unit is in operation without obtaining Environmental Clearance, CRZ clearance, CTE and CTO.

**2. Hon'ble NGT Order dated 15.11.2021**

In this connection, the Hon'ble NGT (SZ) has passed an order dated 15.11.2021 appointing a joint committee consisting of (1) The District Collector, Chennai District, (2) a Senior Officer from State Environment Impact Assessment Authority, Tamilnadu,(SEIAA,TN), (3) a Senior officer from Tamilnadu State Coastal Zone Management Authority (TNSCZMA), Chennai, (4) a senior Officer from Ministry of Environment, Forest and Climate Change (MoEF &CC), Integrated Regional Office, Chennai, and (5) The District Environmental Engineer (DEE), Tamilnadu Pollution Control Board, Chennai District to inspect the area in question and to ascertain the following:

- 1. Whether the 5<sup>th</sup> respondent unit is having necessary Environmental Clearance (EC) or the permissions including for the area in dispute where allegedly, manufacturing activities were extended in a clandestine manner as alleged by the applicant,*
- 2. Whether any construction has been made in CRZ- Zone without obtaining any necessary permission under the CRZ Notification,2011 or 2019 whichever is applicable,*

3. *Whether there was any illegal extraction of water by drilling bore wells in the alleged CRZ-Zone without obtaining necessary permission, if the unit is an unauthorized user, then, what is the nature of action taken by them in this regard.*
4. *If there is any violation found, what is the nature of action taken by the regulators in respect of the same,*
5. *Whether any damage has been caused to environment on account of any alleged illegal activities and if so, assess the environmental compensation as directed by this Tribunal including the cost or restoration required for restoring the environment to its original state, apart from assessing compensation for the violations of conditions and environmental laws,*
6. *Whether the Hazardous Waste Management Rules, 2016, Hazardous and other wastes (Management and Transboundary Movement) Rules, 2016 which are applicable to that unit are being strictly complied with, if not what is the deficiency found and the action taken on this regard including recommending the methods by which the deficiency can be set right.*

Further, the Hon'ble NGT in its order dated 15.11.2021 has stated that the Tamil Nadu Pollution Control Board (TNPCB) will be the nodal agency for co-ordination and for providing necessary logistics for this purpose. The committee is also directed to submit the report to this Tribunal on or before 17.12.2021.

### **3. Formation of Joint Committee**

The above concerned departments were requested to nominate a Senior official to form a Joint Committee and to carry out the joint inspection of the Unit M/s. M.R.F Limited - Tyre Testing Facility and warehouse, Tiruvottiyur so as to submit the report before the Hon'ble NGT (SZ), Chennai. In this regard, after receiving the nominations the Joint Committee was formed with the following members vide Procs No TNPCB/DEE/AMB/F. NGT O.A. No. 224 of 2021 (SZ)/ 2022 dated 14.02.2022.

S.No	Department	Name and designation of the nominated officials
1.	The District Collector, Chennai District	Thiru K.Kannappan, RDO(North Chennai Division)
2.	Tamil Nadu Pollution Control	Er. S.Indiragandhi, M.E

	Board	District Environmental Engineer/Nodal officer
3.	State Environment Impact Assessment Authority, Tamil Nadu (SEIAA, TN)	Thiru D.Velalagan, Member SEAC-TN
4.	Tamilnadu State Coastal Zone Management Authority (TNSCZMA)	Dr.L.Elango, Professor & Head Dept of Geology, Anna University, Chennai.
5.	Ministry of Environment, Forest and Climate Change (MoEF &CC)	Dr.R.Sridhar, Scientist-D Integrated Regional Office (IRO)/MoEF&CC, Chennai

#### 4. Joint Committee Inspection:

The committee members inspected the unit of M/s. MRF Limited - Tyre Testing Facility and Warehouse, S. No. 175 (part) of Ernavoor Village, S.No. 6/1A1 of Tiruvottiyur Village in T.S. No. 3, 5/1A, 5/2A Block No. 1, Ward No. I of Thiruvottiyur Village, Thiruvottiyur Taluk, Chennai District on 02.03.2022. The Unit has made a presentation before the Joint Committee members about the project construction. Based on the site inspection and inputs provided by the Unit, the Committee made the following observations;

1. The said unit has constructed a warehouse facility (with a builtup area of 26186.52 Sq.M for storage of materials) and alongside established a Tyre Testing facility cum Research and Development facility (with a builtup area of 3136.98 Sq.M).
2. The R&D facility is established in order to carry out the testing on tyres so as to verify whether they meet the required specifications/standards.
3. The R&D centre located adjacent to the warehouse does not have any manufacturing facility in its premises.
4. The unit has established combined sewage treatment plant for the treatment and disposal of sewage generated from both the warehouse and R&D centre.
5. The unit has provided compound wall around the unit in all three directions and in the northern direction the compound wall works is not completed and the work is under progress.

6. Further, the unit has provided temporary arrangements of metal sheet dividers in the northern direction.

## 5. Establishment and Approvals

### a) Applicability of Environmental Clearance:

During 2017, the unit of M/s. M.R.F Limited- Tyre Testing Facility and warehouse had proposed to construct the centralized warehouse for storing raw materials and finished goods at S.F.No.175(part) of Ernavoor Village, S.No.6/1A1 of Tiruvottiyur Village in T.S.No.3,5/1A,5/2A, of Thiruvottiyur, Ambattur Taluk, Thiruvallur District and applied to State Level Environment Impact Assessment Authority(SEIAA)-Tamilnadu for Environmental Clearance(EC) as per EIA Notification 2006 since all the construction projects with built up area greater than 20,000sq.m.

The SEIAA vide Letter No.SEIAA-TN/F.No.6227/2017, dated 21.07.2017(*copy enclosed-Annexure-I*) had stated that as per MoEF Notification No.S.O.3252 (E) dated 22.12.2014(*copy enclosed-Annexure-I*), the construction of industrial shed, school, college, hostel for educational institution has been exempted for obtaining EC. As per notification "The word 'industrial shed' implies building (whether RCC or otherwise) which is being used for housing plant and machinery of industrial units and shall include godowns and buildings connected with production related and other associated activities of the units in the same premises". Since the project is an industrial shed which involves housing of raw materials and finished products, the proposed project is exempted from getting prior Environmental Clearance and it was inferred from the proponent's presentation that the project might attract CRZ regulation and hence the SEIAA has directed the proponent to submit the application for seeking CRZ Clearance and only on receipt of the recommendation from TNCZMA for the issue of CRZ clearance, the withdrawal of the EC application will be considered.

### b) CRZ Clearance:

Subsequently, the unit had applied to Tamilnadu State Coastal Zone management Authority (TNSCZMA) & Director of Environment, Chennai for

clearance under CRZ Notification 2011 for the proposed project of "Construction of industrial shed, for raw material and finished products with allied facilities, which consisting of one block of ground floor plus first floor ware house, one block of ground Floor plus first floor office and 9 blocks of Ground floor Amenity buildings. The total Plot Area is 48,206.59 Sqm and the total Built up Area is 29515.80 Sqm. Total project cost is Rs.116.13Crores".

The TNSCZMA vide letter Proc.No.P1/2327/2017, dated 12.02.2018 (*copy enclosed-Annexure-II*) has stated that the project area is falling on the landward side of the existing road at Thiruvottiyur and the project site is falling in CRZ-II and Buildings shall be permitted on the landward side of the existing and proposed roads or existing authorized structures subject to the existing local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio, which shall be as per 1991 level; Further vide para 4(i) (d), prior recommendations of the concern Coastal Zone Management Authority(CZMA) shall be essential for considering the grant of Environmental Clearance under EIA Notification, 2006 or grant of approval by the relevant planning authority, for construction involving more than 20,000 sqm built –up area in CRZ-II.

However without the consent of the TNSCZMA, the Chennai Metropolitan Development Authority (CMDA) has issued planning permission to the above project vide permit No.11342 dated 03.04.2017 vide CMDA Lr.No.B3/10471/2015 dated 03.04.2017 and hence the project proponent informed to the DCZMA for CMDA areas, that they commenced the project constructions. Then the CMDA vide Letter No.B3/10471/2015, dated 17.11.2017(*copy enclosed-Annexure-III*) revoked the planning permission and requested the project Proponent not to proceed with construction as the project proponent has not obtained Clearance under EIA Notification 2006, as indicated in the planning permission. However the project proponent has informed that vide Notification S.O No.3252 (E) dated 22<sup>nd</sup> December 2014, the Industrial shed (including go-downs) has been exempted for obtaining Clearance under EIA Notification 2006, and hence they commenced the construction and informed to the DCZMA for CMDA areas accordingly.

The CMDA has also informed that the construction is in various stages and have not indicated any violation by the Project Proponent in respect of the construction, except non getting of the EC under EIA Notification 2006., but the same is not required as per the Notification S.O.No.3252 (E) dated 22<sup>nd</sup> December 2014. By considering these, the DCZMA for CMDA areas resolved to recommend the above project for clearance under CRZ Notification 2011 to TNSCZMA subject to certain conditions. Accordingly, the TNSCZMA issued clearance under para 8(i) II CRZ II (ii) of CRZ Notification 2011 for the above project subject to certain conditions.

**c) Land use reclassification from CMDA**

Thereafter the project proponent has obtained reclassification from CMDA Lr No. R2/21813/18-2 dated 16.04.2019 (*copy enclosed Annexure-IV*) by changing the project area as special and Hazardous industrial use zone [from primary residential use zone].

**d) 1<sup>st</sup> Amendment to CRZ Clearance:**

The TNSCZMA vide Proc. No.P1/1721/2019, dated 31.07.2019 (*copy enclosed Annexure-V*) has stated as per the CRZ Notification, 2011 vide Para1, the restrictions apply on the settling up and expansion of industries, operations or process and the like in the CRZ. Further vide Para 3(i), settling up of "Tyre Testing Unit" may be allowed, only if it is considered as R&D activity and if the said "Tyre testing Unit" is considered as a part of operations, process or expansion activity, then the said unit shall not be allowed. In this connection the unit has informed in the meeting held on 25.07.2019 that the " Tyre testing Activity" is purely meant for Research and Development activity and the said activity is not under the part of any process/ operations/expansion activities. Accordingly, the Tamil Nadu State Coastal Zone Management Authority issued Clearance under para 8(i)II, CRZ II(i),(ii) &(iii) of CRZ Notification 2011 for the above project subject to certain conditions

**e) Consent to Establishment from TNPCB**

Based on the above CRZ clearance, the Project proponent applied for Consent to Establish of the Tamilnadu Pollution Control Board in the name of the

unit of M/s. MRF Limited - Tyre Testing Facility and Warehouse, S. No. 175 (part) of Ernavoor Village, S.No. 6/1A1 of Tiruvottiyur Village in T.S. No. 3, 5/1A, 5/2A Block No. 1, Ward No. I of Thiruvottiyur Village, Thiruvottiyur Taluk, Tiruvallur District and Consent to establish has been issued vide Procds NO.F.1849AMB/ OL/DEE/ TNPCB/AMB/ A/2019 DATED: 17/09/2019 with valid upto 31.03.2024 (*copy enclosed Annexure-VI*).

**f) 2<sup>nd</sup> Amendment to CRZ Clearance:**

The unit has obtained CRZ clearance under CRZ Notification, 2011 to make constructions to the extent of 29542.16 SqM instead of 29515.80 SqM vide TNSCZMA Proc.No.P1/1721/2019, dated 03.10.2019 (*copy enclosed Annexure-VII*) subject to the existing specific conditions issued in the clearance vide Proc.No.P1/2327/2017, dated 12.02.2018 and vide Proceedings No.P1//1721/2019, dated 31.07.2019.

**g) Revised Planning Permission and Building Permission from CMDA**

The unit has obtained planning permission from CMDA vide Permit No.C/13103/50-A to J/2019, File no.C2/3718/2018, dated 18.12.2019 (*copy enclosed Annexure-VIII*) for the proposed/existing construction of Industrial Building

The unit has obtained Building Permission from CMDA vide CEBA/WDCN01/00091/2020 dated 20.02.2020(*copy enclosed Annexure-IX*) for proposed/existing construction of Industrial Building comprising Block-1:Ground Floor + First Floor Warehouse for storing Whell Rims, Block-2:Security Cabin(Ground Floor), Block - 3: Time Office(Ground Floor), Block-4: Security Control room(Ground Floor), Block-5:Workers Toilet(Ground Floor), Block-6: Driver's Rest Room(Ground Floor), Block-7:Electrical Room(Ground Floor), Block-8:Pump Room (Ground Floor), Block-9: Ground Floor + First Floor Research development and office building, Block-10: Compressor room, Block-11: Fire Hydrant pump room, Block-12:Store Room with an installation of 2917KW (3910HP) for Tyre testing activity and research development activity at S.No.6/1A1(part) of Thiruvottiyur Village and S.No.175 part of Ernavoor Village, T.S.No.3,5/1A,5/2A, Block No.1, Ward- "I" of Thiruvotriyur, Wimco Nagar, Ennore Express Road, Chennai.

h) **Construction completion certificate from CMDA**

Further, the unit has obtained construction completion certificate from the CMDA vide Lr No CMDA/CC/NHRB/N/307/2021 dated 07.12.2021 (*copy enclosed Annexure-X*) which states that the building has been completed as per approved plan and satisfies the norms for issue of completion certificate approved by the monitoring committee.

**6. Observations and conclusions of the Joint Committee members on the Hon'ble NGT order dated 15.11.2021;**

*A. Whether the 5<sup>th</sup> respondent unit is having necessary Environmental Clearance (EC) or the permissions including for the area in dispute where allegedly, manufacturing activities were extended in a clandestine manner as alleged by the applicant.*

(I) The Joint Committee noted that the 5<sup>th</sup> respondent M/s. MRF Limited has applied vide application dated 30.01.2017 for Environmental Clearance (EC) as per EIA Notification 2006 to State Level Environment Impact Assessment Authority (SEIAA) - Tamilnadu for their proposed construction of warehouse project since their built up area is of 29542.16 sq.m which is greater than 20,000sq.m.

The Joint Committee, further noted the following clarifications:

**a) Clarification issued by SEIAA-TN dated 21.07.2017 to M/s. MRF Tyre Testing and Warehouse.**

The SEIAA vide Letter No.SEIAA-TN/F.No.6227/2017, dated 21.07.2017(*copy enclosed-Annexure-I*) had stated that it was inferred from the proponent's presentation that the project might attract CRZ regulation and hence directed the proponent to approach TNSCZMA for seeking CRZ Clearance and also informed that as per MoEF Notification No.S.O.3252 (E) dated 22.12.2014(*copy enclosed-Annexure-I*), the construction of industrial shed, school, college, hostel for educational institution has been exempted for obtaining EC. As per notification *the word "industrial shed" implies building (whether RCC or otherwise) which is being*

used for housing plant and machinery of industrial units and shall include godowns and buildings connected with production related and other associated activities of the units in the same premises”.

The SEIAA has also mentioned that the project is an industrial shed which involves housing of raw materials and finished products and hence the proposed project is exempted from getting prior Environmental Clearance. Since the project is an industrial shed which involves housing of raw materials and finished products, the proposed project is exempted from getting prior Environmental Clearance and it was inferred from the proponent's presentation that the project might attract CRZ regulation and hence the SEIAA has directed the proponent to submit the application for seeking CRZ Clearance and only on receipt of the recommendation from TNCZMA for the issue of CRZ clearance, the withdrawal of the EC application will be considered.

**b) Clarification issued by MoEF&CC dated 06.09.2016 to the Principal Secretary, Environment Department, Maharashtra.**

Further, on clarification on applicability of EIA notification, 2006 to industrial sheds and information technology park/software development units/parks issued by the MoEF&CC vide F.No.22-68/2016-IA-III dated 06.09.2016 (copy enclosed-Annexure XI) to the Principal Secretary, Environment Department, Maharashtra it was clarified that the “ industrial shed “ mentioned in notification S.O. No 3252(E) on 22.12.2014 meant as

- i. “the industrial shed for industries which are not covered under the EIA notification 2006 has been exempted from the requirement of prior environment clearance under item 8 of schedule. The principle here is of dominant purpose. If an industry is not covered under EIA, 2006 for obtaining prior EC, it shall not be required to obtain prior EC under item 8 if the size of industrial shed under which that industry is proposed to be house is  $\geq 20000$  Sq.M”

ii. "The above exemption of industrial shed from prior EC is available to all such industrial sheds irrespective of size ( even more than 150000 Sq.M)"

c) Clarification issued by SEIAA-TN dated 03.07.2020 to M/s. Indospace Industrial Park Panruti Private Limited, Kanchipuram.

Likewise, the unit of M/s. Indospace Industrial Park Panruti Private Limited has requested the SEIAA, Tamil nadu vide their Lr dated 03.07.2020 to issue necessary clarification on the applicability of EC for Heavy, Light Engineering. Assembling, Industrial Storage, Logistics Park with Two (2) Nos of Industrial Sheds along with amenity structures having cumulative threshold Built-up Area of 1,50,000 Sq.M, which does not house any Industry attracting Category "A" and "B of EIA Notification 2006 stating as follows;

In this regard, the Member Secretary, State Level Environment Impact Assessment Authority-Tamilnadu in their Lr No SEIAA-TN/F.NO.1490/2020 dated 07.07.2020 has issued clarification which is as follows;

1. As per the EIA notification 2006 as amended, item No. 8 (a) Building and >20000 sq.mi Note 1. The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain-water harvesting and may use recycled materials such as fly ash bricks.
2. As per the EIA notification 2006 as amended item No. 7 (c). Note-2. If the area is less than 500 ha. But contains building and construction projects 20,000 Sq mts and or development area more than 50 ha it will be treated as activity listed at serial no. ar 8(b) in the Schedule, as the case may be.
3. The same has been reiterated through GO vide SO 3252 (E) Dated 22 12 2014 and subsequent OM vide FNo. 19- 2/2014-1A-III Dated 06.03.2015 which states that "The word 'Industrial Shed implies building (whether RCC or Otherwise) which is being used for Housing Plant and Machinery of Industrial Units and shall include Godowns and Buildings connected with production related and other associated activities of the Unit in the same premises

4. The project proponent also informed that the proposed Industrial shed for Light Engineering, Assembling Industrial Storage, and Logistics Park with Two (2) Nos of Industrial Sheds along with amenity structures 5. The project proponent also stated that the total Built-up Area will be less than 1,50,000 Sq.m and shall not house any Industry attracting Category "A" and "B" of EIA Notification, 2006 under any circumstances.
5. Considering the above facts, it is informed the proposed activities does not require prior environmental clearance and no industry / activity covered under the schedule of EIA Notification. 2006 and its subsequent amendment attracting prior environmental clearance shall be carried out with the total built-up area not exceeding 1,50,000 sqm

**Conclusion on applicability / obtaining of necessary Environmental Clearance:**

(i) Based on the above facts/clarifications, the Joint Committee members concluded that even though the SEIAA-TN in its Lr dated 21.07.2017 stated that the proposed project is exempted from getting prior Environmental Clearance under EIA notification 2006 with a direction that the unit shall obtain CRZ clearance the withdrawal of EC application will be considered and also the MoEF&CC has clarified the above. Likewise the SEIAA-TN has also issued a latest clarification on the non-applicability of Environmental Clearance for the project related to an industrial shed vide their Lr dated 07.07.2020, "since the application filed by the unit for EC is pending with SEIAA, the 5<sup>th</sup> respondent may be directed to ascertain the withdrawal of application for EC submitted with SEIAA".

(ii) One of the members of the Joint Committee (Thiru D.Velalagan, Expert Member SEAC-TN) has expressed dissenting views on the applicability / obtaining of Environmental Clearance regarding industrial shed in the present MRF Tyre Unit, as below:

Views of the Joint committee member Thiru D.Velazhagan, Member SEAC-TN nominated by SEIAA:

- *The unit of M/s MRF LTD should obtain environmental clearance because that land survey number cannot be used for industrial activity, since that land SF NO: falls on CRZ ZONE area. So that construction activity should be considered as separate ware housing, testing and office purpose operation. At this juncture m/s MRF LTD should obtain environmental clearance.*
- *As per the SEIAA office letter dated (No.SEIAA-TN/F.No.6227/2017, Dt: 21.07.2017(copy enclosed-Annexure-I) stated in its operative portion last para m/s MRF was directed to obtain CRZ zone clearance , and then only withdrawal of the EC application will be considered.*
- *As on date m/s MRF Ltd, Environmental Clearance (EC) application NO: 6227/2017 was pending with SEIAA office.*
- *Hence EC application was still pending with SEIAA office, its state environmental impact assessment expert committee alone to decide whether this m/s MRF LTD requires EC or not.*

***B. Whether any construction has been made in CRZ- Zone without obtaining any necessary permission under the CRZ Notification, 2011 or 2019 whichever is applicable.***

The Joint Committee noted that the Chennai Metropolitan Development Authority (CMDA) vide permit No.11342 CMDA Lr.No.P3/10471/2015 dated 03.04.2017 has accorded approval for establishment of warehouse to the project proponent with a condition that the construction shall be commenced only after obtaining Environmental Clearance from SEIAA. Upon the condition, the project proponent has applied for EC, where it was clarified that EC is not required for such project. However, SEIAA directed to get clearances from CRZ. Thereafter, the project proponent has applied and obtained CRZ clearance from TNSCZMA vide letter Proc.No.P1/2327/2017, dated 12.02.2018. The Joint committee has noted a briefing point in CRZ clearance, which is stated as below;

*“iv. However without the consent of the TNSCZMA, the Chennai Metropolitan Development Authority (CMDA) has issued planning*

*permission to the above project vide permit No.11342 dated 03.04.2017 vide CMDA Lr.No.B3/10471/2015 dated 03.04.2017 and hence the project proponent informed to the DCZMA for CMDA areas, that they commenced the project constructions. Then the CMDA vide Letter No.B3/10471/2015, dated 17.11.2017 revoked the planning permission and requested the project Proponent not to proceed with construction as the project proponent has not obtained Clearance under EIA Notification 2006, as indicated in the planning permission. However the project proponent has informed that vide Notification S.O No.3252 (E) dated 22<sup>nd</sup> December 2014, the Industrial shed (including go-downs) has been exempted for obtaining Clearance under EIA Notification 2006, and hence they commenced the construction and informed to the DCZMA for CMDA areas accordingly. The CMDA has also informed that the construction is in various stages and have not indicated any violation by the Project Proponent in respect of the construction, except non getting of the EC under EIA Notification 2006., but the same is not required as per the Notification S.O.No.3252 (E) dated 22<sup>nd</sup> December 2014”.*

In view of the above, it is observed that the CMDA has revoked the planning permission on receipt of the letter from the Member Secretary, TNSCZMA and Director, Department of Environment in letter No.R.C.No.P1/2327/2017 dated 07.11.2017. It is clear that the project proponent has commenced the construction activity after obtaining CMDA approval and thereafter stopped the construction upon the revoking order.

Further, the unit has obtained 1<sup>st</sup> amendment to its CRZ clearance from the TNSCZMA vide Proc. No.P1/1721/2019, dated 31.07.2019 for including the tyre testing facility. Again the unit has obtained 2<sup>nd</sup> amendment vide TNSCZMA Proc.No.P1/1721/2019, dated 03.10.2019 to its CRZ clearance under CRZ Notification, 2011 to make constructions to the extent of 29542.16 Sq.M instead of 29515.80 Sq.M

**C. Whether there was any illegal extraction of water by drilling bore wells in the alleged CRZ-Zone without obtaining necessary permission, if the unit is**

*an unauthorized user, then, what is the nature of action taken by them in this regard.*

During inspection, the unit has informed that the requirement of water for the project was outsourced through CMWSSB supplied through mobile water lorry. The unit has furnished the CMWSSB letter No. CMWSSB/Area-I/AE-5/Spl/2017 dated 21.04.2017 (copy enclosed-Annexure XII) stating that, the requirement of 6 KLD of water is to be supplied through mobile water lorry.

*D. If there is any violation found, what is the nature of action taken by the regulators in respect of the same,*

It is evident that the project proponent has commenced the construction activity after obtaining CMDA approval vide Lr dated 03.04.2017 and thereafter the CMDA has revoked the planning permission on receipt of the letter from the Member Secretary, TNSCZMA and Director, Department of Environment in letter No.R.C.No.P1/2327/2017 dated 07.11.2017, Since the unit has carried out the construction activity without obtaining CRZ clearance from TNSCZMA.

*E. Whether any damage has been caused to environment on account of any alleged illegal activities and if so, assess the environmental compensation as directed by this Tribunal including the cost or restoration required for restoring the environment to its original state, apart from assessing compensation for the violations of conditions and environmental laws,*

It is noted that there is no definitive methodology for Assessing Environment compensation for the violations under the CRZ notifications.

Thus the joint committee has quoted the following from the THE ENVIRONMENT (PROTECTION) ACT, 1986

....15. Penalty for contravention of the provisions of the Act and the rules, orders and directions.—(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with

imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention....

CMDA has revoked the planning permission vide their Lr dated 17.11.2017 for not obtaining Environmental Clearance and requested the unit to stop its construction activity and the unit has reported that they had stopped the construction activity immediately. Later on, the unit has obtained requisite approval from TNSCZMA. Then the unit has again obtained planning permission from CMDA vide Permit No dated 18.12.2019 and has resumed its construction activity. The unit subsequently obtained construction completion certificate upon completion of its construction activity.

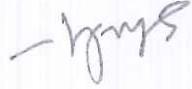
The joint committee is of opinion that the unit has carried out the construction activity without obtaining CRZ clearance which is clear violation of environmental law. However, the unit has taken cognizance and applied and obtained CRZ clearance with subsequent amendments.

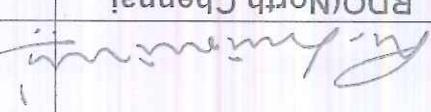
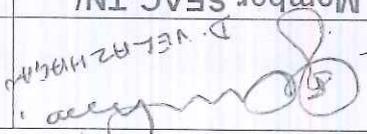
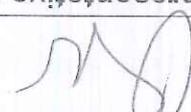
In view of the above, the Environmental compensation for the unit is arrived as follows;

**Environmental Compensation (EC) =** As per Section 15 of the E(P) Act, 1986 i.e Rs.1,00,000/-  
In addition to that Rs 5000/- per day for No of days for which the violation took place.

It is considered that the No of days violation took place is between the issue planning permission (i.e 03.04.2017) by CMDA until the revocation of the same by the CMDA (. i.e 20.11.2017) = 232 days.

EC = 1,00,000 + 5,000 x 232 days = Rs 12,60,000 (Rupees twelve lakh sixty thousand only.)

Chennai Scientist-D, MoEF&CC,	Nodal Agency/ DEE/TNPGB/ Ambattur
	

RDO(North Chennai Division)	SEIAA Member SEAC-TN/	TNSCZMA Representative of
	 D. VELAZHAGAN	

The unit has obtained Consent to Establish (CTE) from the Tamilnadu Pollution Control Board vide Procs No. F.1849AMB/OL/DEE/TNPGB/AMB/W&A/2019 DATED: 17/09/2019 with valid upto 31.03.2024. Now, unit has made application for Consent to Operate(CTO) through online and the application is under scrutiny. Upon issuance of CTO the unit will be instructed to apply for authorization under Hazardous and other wastes (Management and Transboundary Movement) Rules, 2016 for Generation and disposal of wastes from its activity, if any.

This is submitted for kind perusal.

F. Whether the Hazardous Waste Management Rules, 2016, Hazardous and other wastes (Management and Transboundary Movement) Rules, 2016 which are applicable to that unit are being strictly complied with, if not what is the deficiency found and the action taken on this regard including recommending the methods by which the deficiency can be set right.

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

**Original Application No.224 of 2021**

Meenava Thanthai  
K.R.Selvaraj Kumar,  
Meenavar Nala Sangam,  
Chennai.

...Applicant  
Vs

The State of Tamil Nadu  
Through the Chief Secretary,  
Chennai & others

...Respondents

**Joint Committee Report on the  
Hon'ble NGT O.A.No.224 of  
2021 – In compliance with the  
Hon'ble NGT direction on  
15.11.2021.**

**Advocate for Respondent: TNPCB  
Thiru. S. Sai Sathya Jith,  
Advocate, Chennai.**

**Date:31.03.2022.**