

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI  
O.A.No.67 of 2022**

Kumaresan Sooluran

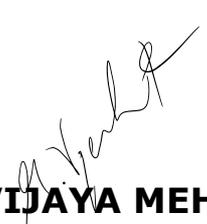
...Applicant

Vs

Tamilnadu Transmission Corporation and Ors.

... Respondents

**COMMON REPLY STATEMENT FILED BY 1<sup>st</sup> RESPONDENT**

  
**Mr. VIJAYA MEHANATH**

**COUNSEL FOR RESPONDENT No.1**

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

**O.A.No.67 of 2022**

KumaresanSooluran,  
S/o. Sooluran,  
C-9, 1<sup>st</sup> Street,  
Ramamoorthy Nagar Ennore,  
Kathivakkam,  
Ennore Thermal Station,  
Thiruvallur – 600 057.

... Applicant in O.A.No.67 of 2022.

-Versus-

1. M/s. Tamilnadu Transmission Corporation  
Rep By its Chairman,  
A-10, Thiru Vi Ka Industrial Estate,  
SIDCO Industrial Estate,  
Guindy, Chennai – 600 032.
2. The Union of India,  
Rep by its Secretary to Government,  
Ministry of Environment & Forest & Climate Change,  
Indra Paryavaran Bhavan, Jor Bagh,  
New Delhi.
3. Tamil Nadu Pollution Control Board,  
Rep By its Member Secretary,  
No.76, Mount Salai, Guindy,  
Chennai – 600 032.
4. The Public Works Department,  
Rep by its Engineer in Chief,  
Water Resources Organisation,  
Chepauk, Chennai 600 005.
5. Tamil Nadu State Coastal Zone Management Authority,  
Represented by Member Secretary,  
Director of Environment,  
Chennai – 600 015.

... Respondents in O.A.No.67 of 2022.

**O.A.No.93 of 2022**

R.L.Srinivasan,  
31/36, Porkali Amman Street,  
Kattukuppam, Ennore,  
Chennai – 600 057.

... Applicant in O.A.No.93 of 2022

  
Superintending Engineer  
GCC-I TANTRANSO  
Guindy, Chennai - 600 032.

-Versus-

1. M/s. Tamilnadu Transmission Corporation  
Rep By its Chairman,  
A-10, Thiru Vi Ka Industrial Estate,  
SIDCO Industrial Estate,  
Guindy, Chennai – 600 032.
2. The Union of India,  
Rep by its Secretary to Government,  
Ministry of Environment & Forest & Climate Change,  
Indra Paryavaran Bhavan, Jor Bagh,  
New Delhi.

... Respondents in O.A.No.93 of 2022.

**COMMON REPLY FILED BY THE RESPONDENT No.1**

I, A.Pushpanathan, S/o.V.R.Annamalai, aged about 59 years, having office at General Construction circle-I, Guindy, Chennai-32 do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am officiating as the Superintending Engineer in the Tamil Nadu Transmission Corporation Limited (TANTRANSCO), i.e., the 1<sup>st</sup> Respondent herein and as such well acquainted with the facts and circumstances of the case from records. I am swearing this reply in my official capacity as I am authorized to do so. I further reserve the right to file an additional reply statement by TANTRANSCO at a later stage if required. I submit that since the issue involved both the Applications are one and the same a common reply is being filed on behalf of TANTRANSCO and crave leave of this Hon'ble Tribunal to permit TANTRANSCO to file a common reply in the above applications.

2. I humbly submit that I have read the contents of the above applications and at the outset, I deny all the averments contained in these Applications except those that are specifically admitted therein. At foremost, the Applications are not maintainable as against the answering Respondent as the Applicants had failed to point out the violations committed by the answering Respondent which resulted in damage to the environment.

  
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3. I humbly submit that the Tamil Nadu Electricity Board was formed on July 1, 1957, under section 54 of the Electricity (Supply) Act 1948 in the State of Tamil Nadu as a vertically integrated utility responsible for power generation, transmission, and distribution. The electricity network has since been extended to all villages and towns throughout the State. TNEB was restructured on 01.11.2010 into TNEB Limited; Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) and Tamil Nadu Transmission Corporation Limited (TANTRANSCO).

4. Before traversing on the issue raised in the Applications, I hereby place the following legal submissions for consideration:

- a. That TANTRANSCO is a Deemed Transmission Licensee in the capacity of Transmission Utility as envisaged under Sections 39 and 40 of the Electricity Act, 2003. TANTRANSCO is competent and empowered to discharge all functions of planning and coordination relating to intra-state transmission systems as per Section 39 of the Electricity Act, 2003. Under Section 40 of the Electricity Act, 2003, TANTRANSCO being a transmission licensee is empowered to build, maintain and operate an efficient, coordinated, and economical intra-state transmission system.
- b. That by G.O.(Ma).No.16 Energy (C.3) Department dated 23.02.2012, the State Government has conferred upon this Licensee, the powers under Section 164 of the Electricity Act, 2003, i.e., the power of a Telegraph Authority possesses under the Indian Telegraph Act 1885, for the placing of electric lines or electrical plant for the Transmission of Electricity or for the purpose of telephonic or telegraphic communications necessary for the proper coordination of works.
- c. I state that Part III of the Indian Telegraph Act 1885 relates to the power to place Telegraph Lines and Posts. Section 10 of the Act, reads as follows:

  
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*"10 Power for telegraph authority to place and maintain telegraph lines and posts.—The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon, any immovable property: Provided that—*

*(a) the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the 1 [Central Government], or to be so established or maintained;*

*(b) the [Central Government] shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telegraph authority places any telegraph line or post; and*

*(c) except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and*

*(d) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers."*

- d. The statutory provisions referred to supra, clearly empower this Respondent to place and maintain Transmission Lines under, over, along, or across and Posts / Towers in or upon any immovable property and to cause as little damage as possible in the exercise of its powers.
- e. The route of the transmission line as well as the tower positions are finalized purely on the merits of techno-economic consideration. While optimizing the transmission line project, it is highly essential to take care of the permanent features such as roads, power lines, railway lines, communication lines, dwelling units, and the crossing stipulations and statutory clearances as per Central Electricity Authority (Measures

  
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relating to Safety and Electric Supply) Regulations, 2010, are strictly adhered to.

- f. By virtue of the provisions contained in subsection (2) (a) of section 185 of the Electricity Act, 2003, the Board being the Transmission utility and Licensee will exercise the powers of the Telegraph Authority under the provisions of section 164 of the Electricity Act, 2003.
- g. I state that this Hon'ble Court and the Hon'ble Apex Court on various instances had upheld that the power of the authority exercised under the Indian Telegraph Act and under the Indian Electricity Act 2003 had upheld the exercise of such powers contemplated under the respective Acts. The Hon'ble Supreme Court in the matter of Power Grid Corporation of India Vs Century Textiles and Industries Limited and others reported in 2017 (5) SCC 143 while upholding the power exercised under the above Acts, the Hon'ble Court has further observed as follows:

*"As per the provisions of the Telegraph Act, 1885, unobstructed access to lay down telegraph and/or electricity transmission lines is an imperative in the larger public interest. Electrification of villages all over the country and availability of telegraph lines are the most essential requirements for growth and development of any country, economy and the well-being/process of citizens. The legislature has not permitted any kind of impediment/obstruction in achieving this objective and through the scheme of the Telegraph Act, 1885, empowering the licensee to lay telegraph lines, applied the same, as it is, for laying down transmission lines."*



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h. As per the powers conferred under Section 16 (1) of the Indian Telegraph Act 1885, the Board is empowered to lay the transmission line for the overall public welfare and development of the nation.

5. I state that the facts involved in the present case are as follows:

a. TANTRANSKO is in the process of executing the following tower line projects:

1. 400kV Power Evacuation line

i) Ennore SEZ 400/230 kV SS to ETPS Expansion 400/230 kV SS.

ii) Ennore SEZ 400/230 kV SS to North Chennai pooling station 765/400 kV SS

iii) ETPS Expansion 400/230 kV SS to North Chennai Pooling station 765/400 kV SS

2. 765kV Power evacuation line

i) 765 kV DC line on DC towers with Hexa zebra conductor from proposed North Chennai Stage III plant to the North Chennai 765 kV Pooling station.

**The sketch of site information and the routing plan is annexed herewith.**

b. The said projects have been approved by the State Government under Section 68 of the Electricity Act 2003 which are as follows:

1. 400kV Power evacuation Scheme has been approved by Tamil Nadu Government vide GO (Ms.) No.47 dt.27.09.2017

2. 765 kV power evacuation scheme has been approved by Tamil Nadu Government vide G.O.Ms.No.35 Energy (A1) department dt.24.05.2019

  
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**The Copy of the Government Orders is annexed herewith.**

c. The total length of the 400 kV project is 37.467kms and the total length of the 765 kV project is 6.45kms.

d. For the said project, clearance and approval from the Public Works Department to erect towers in Ennore creek and backwater have been obtained and G.O. has been passed vide G.O.(Ms.)No.191, Public works(R1) Department, dated 17.08.2020. Further necessary enter upon permission has also been obtained from the District Collector on 03.11.2021.

**The Copy of the G.O and the Enter upon permission are annexed herewith.**

e. The no of towers approved in each project is as follows:

Sl.No.	Name of the project	No. of Towers
1.	SEZ to ETPS Expansion	22
2.	SEZ to NCPS	51
3.	EPTS Exp To NCPS	09
4.	NCPTS III to NCPS	20

f. Since the execution of the project is proposed in CRZ areas TANTRANSCO applied for CRZ clearance from the 2<sup>nd</sup> Respondent herein. In compliance with the rules and regulations, necessary approvals were sought from the District and State Level Committee of TNCZMA and the Principal Secretary to Government, State of Tamil Nadu, Environment & Forests Department, by letter dated 19.08.2019 forwarded the papers for clearance under CRZ Notification to the National Coastal Zone Management Authority. It is necessary to point out that along with the proposal for approval TANTRANSCO has made a detailed representation with regard to the projects and location of towers and the since the proposal

  
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was in strict compliance with the rules and regulations the same was forwarded for clearance.

- g. That considering the proposal of the TANTRANSOCO and the recommendations of the State Authority, the 2<sup>nd</sup> Respondent herein vide MoEF&CC Lr. No. F. No. 11 -33 / 2019-IA-III, dated 01.11.2019 with conditions granting clearance for 71 towers proposed in CRZ area.
- h. In strict compliance with the conditions imposed, the project is being established and the present status of the project is as follows:

### **SEZ to ETPS Expansion Project**

1.	Total number of Towers	22
2.	Total number of Tower foundations made	21
3.	Total number of Towers erected	19
4.	Stringing completed	4.653km
5.	No. of towers in water bodies	-
6.	No. of foundations made in water bodies	-
7.	No. of tower adjoining to river	-
8.	No. of foundations made adjoining to river	-
9.	Project Schedule	Mar'23

### **SEZ to NCPS**

1.	Total number of Towers	51
2.	Total number of Tower foundations made	39
3.	Total number of Towers erected	36
4.	Stringing completed	7.383km
5.	No. of towers in water bodies	13
6.	No. of foundations made in water	10

  
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	bodies	
7.	No. of tower adjoining to river	10
8.	No. of foundations made adjoining to river	7
9.	Project Schedule	Mar'23

### EPTS Exp to NCPS

1.	Total number of Towers	09
2.	Total number of Tower foundations made	08
3.	Total number of Towers erected	08
4.	Stringing completed	1.887km
5.	No. of towers in water bodies	-
6.	No. of foundations made in water bodies	-
7.	No. of tower adjoining to river	-
8.	No. of foundations made adjoining to river	-
9.	Project Schedule	Mar'23

### NCPTS III to NCPS

1.	Total number of Towers	20
2.	Total number of Tower foundations made	18
3.	Total number of Towers erected	17
4.	Stringing completed	4.433km
5.	No. of towers in water bodies	04
6.	No. of foundations made in water bodies	04
7.	No. of tower adjoining to river	03
8.	No. of foundations made adjoining to river	03
9.	Project Schedule	Dec'22

  
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- i. That while granting CRZ clearance the 2<sup>nd</sup> Respondent considering the nature of the work, imposed the following conditions:

*"PART A - SPECIFIC CONDITIONS:*

*iii) Any physical infrastructure setup during construction period shall be removed simultaneously with the completion of laying of each segment of the erection project."*

- j. For the execution of the project wherever there is no motorized path, a temporary approach road is laid using hume pipes and in compliance with the above condition, the approach road is being removed as and when the erection work is complete. It is necessary to point out that it is ensured that no hindrance is caused in the flow of water, to the fisherman in the erection of towers and if any hindrance is pointed out by the fishermen the same is removed without any delay.
- k. Approach road has been laid for the following locations AP 15, AP 17, AP 30, and AP 07 under 400 kV project and for AP 3 and AP 8 in 765kV project. The said approach roads have been removed upon the completion of the said towers.
- l. Though the project is established in a sensitive area, it is ensured that the Mangroves in the project area are not disturbed, and for the establishment of the towers, no Mangrove has been uprooted/destroyed. Further, it was presented before the authorities that if towers had to be laid in Mangroves areas, then Mangroves will be removed and replanted in the ratio of 1:6 and the same has been accepted and CRZ clearance has been granted by the 2<sup>nd</sup> Respondent. To date, no Mangroves have been uprooted / destroyed for the erection of towers.



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- m. While submitting the proposal for approval, the tower locations have been mentioned and the same has been approved by the Authorities. In such case, an approved route and location cannot be altered / deviated by TANTRANSCO, and any such alteration / deviation would amount to a violation of all statutory clearances as well as the CRZ clearance. In the present case, TANTRANSCO has not laid any tower in violation of the statutory clearances.
- n. That in so far as the specific claim of the Applicant in O.A.No.93 of 2022 is concerned, that the tower location mentioned in the Application is not an approved location as per CRZ Clearance, it is submitted that the said location has been approved by the PWD and as well in CRZ clearance and the Applicant is put to strict proof of the allegation leveled in the said Application.
- o. It is reiterated that TANTRANSCO has not violated the CRZ clearance and other statutory clearances and the work is being carried on in strict compliance with the said clearances.
- p. Towers are being laid ensuring that there is no hindrance/ disturbance to the free flow of water and movement of fishermen. Any hindrance that is caused during the erection of the tower are being immediately removed and the temporary approach road is also removed once the work is complete. Hence, the allegation of the Applicant is without any basis and hence liable to be rejected.
- q. The work carried on by TANTRANSCO is always under the scrutiny of the 2<sup>nd</sup> Respondent and other statutory authorities and deviation if any would be considered serious by the authorities. Further, the erection of the towers cannot be deviated from the approved locations as alleged by the Applicants for the reason any such deviation would damage

  
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the stability of that particular tower and would in turn damage the entire grid.

- r. The above would stand as evidence that TANTRANSO is carrying out the project in strict compliance with the CRZ clearance and other statutory clearances.
- s. Though the clearance has been granted by the 2<sup>nd</sup> Respondent, nevertheless, the 2<sup>nd</sup> Respondent always has the right to revoke the clearance for non-compliance as per Clause viii Part B General Conditions of the CRZ clearance dated 01.11.2019.

6. I state that as explained above, there is no violation of the clearance or deviation from the approved location as contended by the Applicants. I state that in any case, the Applications are not maintainable for the reason that these Applications indirectly intend to challenge the CRZ clearance which is impermissible since as per the CRZ clearance any appeal against the clearance would lie to this Hon'ble Tribunal within a period of 30 days.

7. I state that the project is of great importance to the public at large and would help the industries in and around Chennai and mitigate the ever-increasing demand for electricity. I further state that as explained above, TANTRANSO had secured all statutory approvals before initiating of the project and has not violated or deviated from the established procedures in the erection of high-tension electric towers. I further submit that this scheme will improve low voltage problems, and uninterrupted power supply and also will cater to the growing power demand, besides improving the system stability in the transmission network for the benefit of the State.

8. I humbly submit that the answering Respondents have always ensured the strictest compliance with the norms and will further comply with all norms prescribed in the future.

  
Senior Attending Engineer  
GCC-I TANTRANSO  
Guindy, Chennai - 600 032.

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

Dated at CHENNAI on this the 8<sup>th</sup> day of October 2022



RESPONDENT  
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### VERIFICATION

I, A.Pushpanathan, Son of V.R.Annamalai, aged 59 years, having an office at General Construction circle-I, Guindy, Chennai-32 ,do hereby verify that the contents of para 1 to 8 are true to the best of my knowledge and I have not suppressed any material fact.

Verified at Chennai on this the 8<sup>th</sup> day of October 2022.



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