

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
Original Application No. 44 of 2020 (SZ)**

**IN THE MATTER OF:**

Jeganathan

...Applicant(s)

Versus

The District Collector,  
Ramanathapuram and others.

...Respondent(s)

**RUNNING INDEX**

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Place: Chennai

Date: 6-10-2020

**REPORT OF THE JOINT COMMITTEE IN THE MATTER OF ORIGINAL APPLICATION NO.44 OF 2020 (SZ) TITLED AS JEGANATHAN VS THE DISTRICT COLLECTOR, RAMANATHAPURAM AND ORS IN COMPLIANCE OF HON'BLE NGT (SZ) ORDER DATED 26-02-2020**

**1. BACKGROUND**

**Hon'ble NGT Order dated 26-02-2020:** The Hon'ble NGT, Southern Bench in the matter of OA No. 44 of 2020 (SZ) vide order dated 26-02-2020 has constituted a *Joint Committee comprising of the District Collector, Ramanathapuram, Senior Scientist from Regional Office, Ministry of Environment, Forest and Climate Change (MoEF), Chennai and Divisional Forest Officer, Ramanathapuram* to consider the allegations in the application and to inspect the area in question and submit a factual and action taken report, including any violation, if any within a period of two months. The Ministry of Environment, Forest and Climate Change (MoEF) Regional Office, Chennai has been designated as nodal agency for coordination and for providing all necessary logistics for the purpose of Joint Committee (ANNEXURE-1).

**Hon'ble NGT Order dated 26-07-2020:** The Hon'ble NGT vide order dated 26-07-2020, considering the present pandemic situation prevailing, granted two months-time, i.e., on or before 09-10-2020, to the committee to submit the report through e-mail or by e-filing at [ngtszfilng@gmail.com](mailto:ngtszfilng@gmail.com) and posted the matter on 09-10-2020 for consideration of report.

**2. DESCRIPTION OF THE PROJECT**

The project of Pipeline laying from Ramanathapuram to Tuticorin is executed by Indian Oil Corporation Limited for supply of natural Gas from ONGC fields at Ramanathapuram to anchor customers namely SPIC, DCW and City Gas Distribution at Tuticorin. The trunk pipeline of this section is laid for 142Km. The pipeline is implemented as a part of Ennore-Tiruvallur-Bengaluru-Puducherry-Nagapattinam-Madurai-Thoothukudi Natural Gas pipeline and establishment of National Gas Grid in the Southern part of India. The pipeline passes through two districts namely Ramanathapuram and Tuticorin for 75Km & 67.5Km respectively. The pipeline laying works have been completed for 75Km in Ramanathapuram District and 62.5Km in Tuticorin Dist. The balance works in Kulayankarisal & Mullakadu villages of Tuticorin Taluk are in progress.

**3. JOINT COMMITTEE INSPECTION**

To compliance with the NGT order dated 26-02-2020, the Joint Committee met on 16-9-2020 at the District Collector's office (Ramanathapuram) and prayed the order of NGT related to the Ramanathapuram – Thoothukudi Gas Pipeline Project of the Indian Oil Corporation (IOC) Ltd. The following members were present in the meeting:

1.	Shri Veera Raghava Rao I.A.S The District Collector Ramanathapuram District
2.	Shri. Arun Kumar I.F.S District Forest Officer Ramanathapuram District, TN
3.	Dr. R. Sridhar Scientist 'D', Regional Office, MoEFCC, Chennai

In addition to Committee members, the other officials namely Dr. K.G. Prijilal, Research Officer, RO, MoEFCC, Chennai, Shri Satish, Forest Range Officer, District Forest Office, Ramanathapuram, DRO, Ramanathapuram District and AD (Land), Ramanathapuram District were also present in the meeting. List of members / officials attended in the meeting is given at **ANNEXURE-2**.

The Joint Committee noted that the petitioner, in his application, complained that “3. the said project is proposed to pass through notified eco-sensitive areas (ESZs), inter alia the buffer zone of Sakkarakottai Bird Sanctuary, Keelaselvanur- Melaselvanur Bird sanctuary, Chithrangudi Bird Sanctuary, Marine National Park (Gulf of Mannar) and Biosphere Reserve (Gulf of Mannar) in the State of Tamil Nadu” and “to obtain Environmental Clearance (EC) from the Central Government (MoEFCC) as per the EIA Notification, 2006 and also to obtain approvals and clearances under the Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972”. The Committee noted that the petitioner has prayed NGT for a stay on illegal laying of gas pipeline from Ramanathapuram - Thoothukudi by IOC until environmental clearance granted by the Central Government and removal of illegal constructions and digging works by the authorities.

During the Joint Committee meeting, IOC made a presentation on overview of the laying of gas pipeline from Ramanathapuram to Thoothukudi. The committee asked the IOC to provide copies of all necessary clearances and consent and other permissions. The joint Committee flanked by forest department officers, RDO and AD (Land) inspected the bird sanctuaries viz., Sakkarakottai Bird Sanctuary, Keelaselvanur- Melaselvanur Bird Sanctuary and Chithrangudi Bird Sanctuary on 16&17 Sep 2020 and verified the gas pipeline rout with the notified boundaries of Sanctuaries and Eco-Sensitive Zone (ESZ) around the Sanctuaries in accordance with the extant Rules/Notifications.

#### **4. OBSERVATION OF THE JOINT COMMITTEE**

Based on the information provided to the Committee by IOC and findings of the ground truth verification, the following observations are made:

#### 4.1. Environmental Clearances:

(i) The Committee noted that the Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986 mandates the requirement of prior environmental clearances to the projects/activities listed in the Schedule to the Notification. These include the projects **“Oil & Natural Gas transportation pipeline (crude and refinery/petrochemical products), passing through National parks, Sanctuaries, Coral reefs/ecological sensitive areas including LNG Terminal”** under the Category A of item 6 (a) of the said schedule and thus requiring prior environmental clearance from the concerned regulatory authority.

(ii) As per the details given to the Committee, the IOC earlier submitted its application to the MoEFCC on 5-5-2018 for seeking Environmental Clearances (EC) after completing ToR and public hearing process. IOC obtained ToR from the Ministry on 31-01-2017 after making presentation to the Expert Appraisal Committee on 10-11-2016. Thereafter, the IOC approached the MoEFCC vide letter 21-8-2018 with a request to provide clarification and to withdraw their EC application for Ramanathapuram – Thoothukudi section of ETBNMTPL stating that *“the pipeline is not passing through any national parks/sanctuaries/coral reefs/ecologically sensitive areas and passing only through the default eco-sensitive zone i.e., within 10 kms from the boundaries of those bird sanctuaries and Gulf of Mannar”* (Copy of the IOC’s letter 21-8-2018 is given at **ANNEXURE-3**).

(iii) The MoEFCC, vide letter No. J-11011/337/2014-IA-II (I) dated 23.08.2018, has clarified to IOC and conveyed that *“on examination of the above proposal vis-à-vis the statutory provisions, and the information made available regarding the proposed R-LNG pipeline in Ramanathapuram-Tuticorin Section (161 km long) not passing through national parks/sanctuaries/coral reefs/ecologically sensitive areas, the said project would not fall under the ambit of the EIA Notification and there shall be no requirement of prior environmental clearance to the project”* (Copy of the MoEFCC’s letter dated 23-8-2018 is given at **ANNEXURE-4**)

#### 4.2. Eco-Sensitive Zone (ESZ) Notifications:

(i) It was observed by the Committee that when the project was applied for seeking EC from the MoEFCC in the year 2018, the extent of eco-sensitive zone around a Protected Area was upto 10 kms as a general principle as per the guidelines issued by the MoEFCC in 2011. The Committee noted that MoEFCC has recently issued Eco-sensitive Zones (ESZ) notifications under the Environment (Protection) Act, 1986 notifying the extent and total area of ESZs for Sakkarakottai Bird Sanctuary, Melaselvanoor -Keelaselvanoor Bird Sanctuary, Chithrangudi Bird Sanctuary and Gulf of Mannar Marine National Park (GOMMNP). The Committee observed that the extent and total area of ESZ for above-mentioned Sanctuaries & GOMMNP as given below:

<b>Bird Sanctuary</b>	<b>Eco-Sensitive Zone around Sanctuary /National Park</b>
Sakkarakottai Bird Sanctuary	As per the Sakkarakottai Bird Sanctuary Eco-Sensitive Zone Notification dated 10 <sup>th</sup> Dec 2019 issued under the Environment (Protection) Act, 1986, the Eco-sensitive Zone shall be to an extent of 0 (zero) kilometre to 2.0 kilometres around the boundary of Sakkarakottai Bird Sanctuary and the area of the Eco-Sensitive Zone is 19.0387 square kilometres. <i>(Zero extent of Eco-sensitive Zone toward eastern side developing site of SIPCOT).</i> (ANNEXURE-5)
Melaselvanoor - Keelaselvanoor Bird Sanctuary	As per the Melaselvanoor -Keelaselvanoor Bird Sanctuary Eco-Sensitive Zone Notification dated 9th Oct 2019 issued under the Environment (Protection) Act, 1986, the Eco-Sensitive Zone shall be to an extent of 0.019 kilometre to 2.00 kilometre around the boundary of Melaselvanoor - Keelaselvanoor Bird Sanctuary and the area of the Eco-Sensitive Zone is 11.5108 square kilometres. (ANNEXURE-6)
Chithrangudi Bird Sanctuary	As per the Chithrangudi Bird Sanctuary Eco-Sensitive Zone Notification dated 7th June 2019 issued under the Environment (Protection) Act, 1986, the extent of Eco-Sensitive Zone varies from 0.08 kilometres to 1.88 kilometres around the Chithrangudi Bird Sanctuary. The area of the Eco-Sensitive Zone is 4.7972 square kilometres. (ANNEXURE-7)
Gulf of Mannar Marine National Park Eco-Sensitive Zone	As per the Chithrangudi Bird Sanctuary Eco-Sensitive Zone Notification dated 1 <sup>st</sup> January 2020 issued under the Environment (Protection) Act, 1986, the extent of Eco-Sensitive Zone varies from 0.73 kilometer to 5.57 kilometer around the Gulf of Mannar Marine National Park. The area of the Eco-sensitive Zone is 720.89 square kilometers. (ANNEXURE-8)

(ii) The layout of the IOC pipeline traversing Ramanathapuram-Thoothukudi Sector was verified against the notified boundaries of the Bird Sanctuaries and GOMMNP and extent of ESZs around through geo coordinate points and locations which are accessible for ground verification. It was observed that the IOC pipeline does not pass through the above-mentioned Bird Sanctuaries and GOMMNP and any notified ESZs around them (Maps depicting the boundaries of Sanctuaries & ESZ and gas pipeline of IOC are given at ANNEXURE-9). Hence, it is observed that the gas pipeline project is not covered under the purview of ESZ Notifications.

#### **4.3. CRZ Clearance:**

The project does not attract the provisions of CRZ Notification, 2011 as conveyed by the Tamil Nadu State Coastal Zone Management Authority vide letter dated 3-11-2017 (ANNEXURE-10)

#### 4.4. Consent to Establish/Operate:

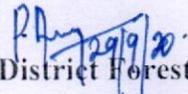
The IOC Gas Pipeline Project has Consents under Air and Water Act valid upto March 31, 2023 from the Tamil Nadu State PCB (ANNEXURE -11)

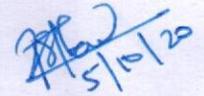
#### 4.5. Forest and Wildlife Clearance

The IOC obtained NOC from District Forest Officer for non-involvement of forest land for the proposed laying of gas pipeline vide letter No. C3279/2016/D dated 3-2-2017 and No. D/4955/2016 dated 20-9-2017 (ANNEXURE-12). Wildlife Clearance was obtained vide letter No. WL5(A)/22284/2017 dated 6-8-2018 from the Standing Committee for National Board of Wildlife (ANNEXURE-13).

By considering the above facts and observation of the Joint Committee, the Hon'ble Tribunal may pass appropriate Order(s)/Direction(s) as deemed fit.

  
29.09.2020  
The District Collector  
Ramanathapuram District

  
29/9/20  
District Forest Officer  
Ramanathapuram District

  
5/10/20  
Scientist 'D'  
RO, MOEFCC,

Photos showing IOC pipelines nearby Bird sanctuaries in Ramanathapuram field visited by District Collector, Ramanathapuram on 16.09.2020.

Sakkarakottai BS ESZ



IOC pipeline nearby Sakkarakottai BS



S.I.No	Name of point	GPS Co-ordinates	
		N	E
1.	At Sakkarakottai BS ESZ	9°20'07.386"	78°50'23.215"
2.	IOC pipeline nearby Sakkarakottai BS	9°18'13.852"	78°50'14.610"

## Mela-kela selvanoor BS ESZ



## IOC pipeline nearby Mela-kela selvanoor BS



S.I.No	Name of point	GPS Co-ordinates	
		N	E
1.	At Mela-kela selvanoor BS ESZ	9°14'35.542"	78°33'21.125"
3.	IOC pipeline nearby Mela-kela selvanoor BS	9°15'18.480"	78°33'31.812"

**Chithirankudi & Kanjirankulam BS ESZ - 17.09.2020**

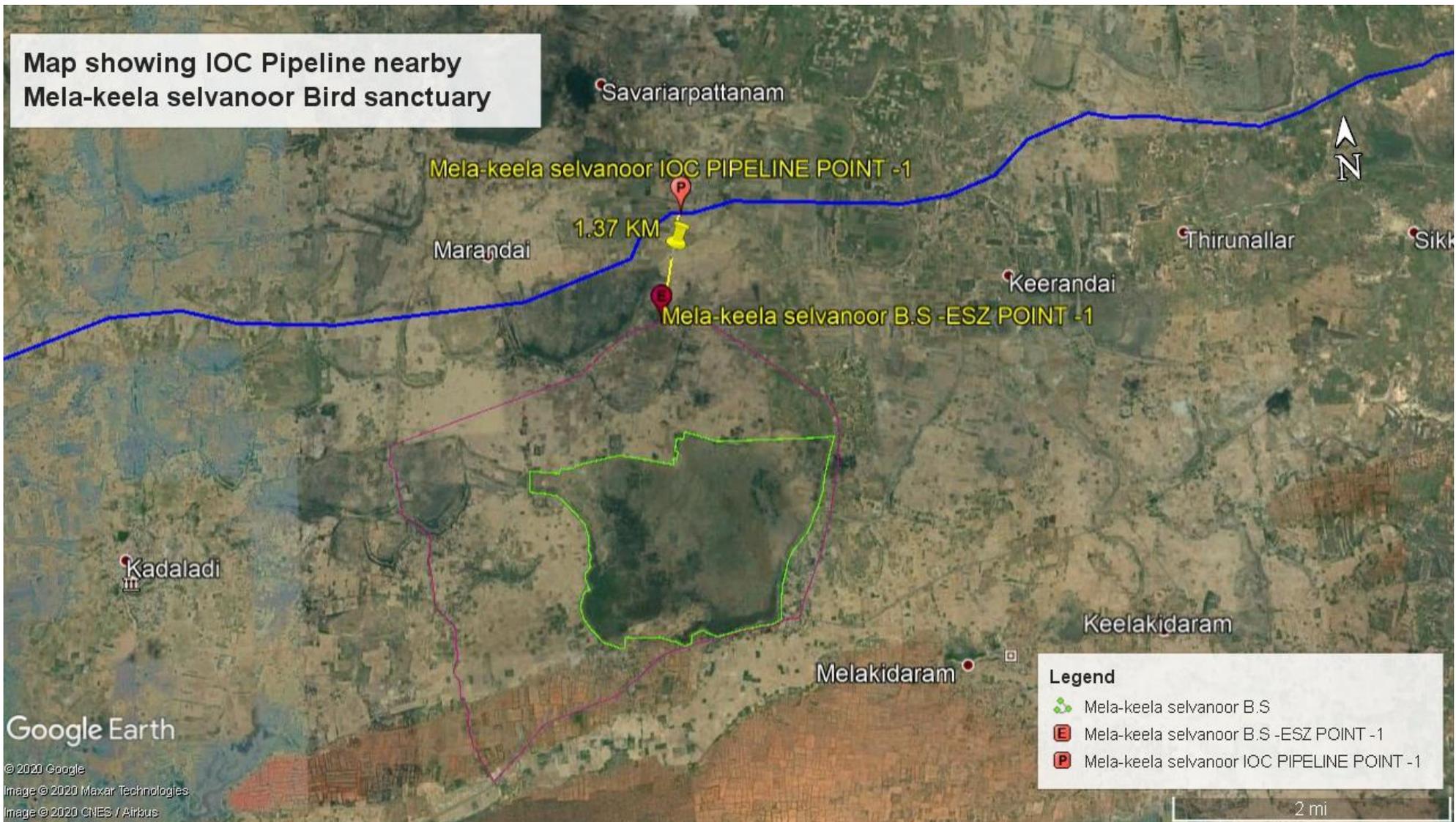


**IOC pipeline nearby Chithirankudi BS**



S.I.No	Name of point	GPS Co-ordinates	
		N	E
1.	At Chithirankudi BS ESZ	9°19'31.358"	78°28'58.439"
3.	IOC pipeline nearby Chithirankudi BS	9°14'54.129"	78°29'45.446"

Map showing IOC Pipeline nearby  
Mela-keela selvanoor Bird sanctuary



Map Showing IOC Pipe line nearby Sakkarakottai Bird sanctuary

