

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI**

Original Application No.256 of 2020 (SZ)

IN THE MATTER OF

Tribunal on its own motion-SUO
MOTU based on The News item in
News Desk Magazine dated
11.11.2020, Air Pollution and
Industries, “These Six Industries in
North Chennai are polluting the air
for More than half the year, the North
Chennai Thermal Power Station alone
Ennore Port.”

Union of India
Ministry of Environment, Forest and
Climate Change & 15 Others

...Respondents

PAPER BOOK I

**REPLY STATEMENT FILED ON BEHALF OF
NTECL - 12TH RESPONDENT**

**M/s. KING & PARTRIDGE
M.KUMARESAN
ADVOCATES FOR 12TH RESPONDENT**

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North Chennai Thermal Power Station
alone Ennore Port."

1. Union of India,
Ministry of Environment, Forest and Climate Change,
Rep, by its Secretary, Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi – 100 003.
2. The Chief Secretary to Govt. of Tamil Nadu Govt.
Secretariat, Fort St. George Chennai,
Tamil Nadu – 600009.
3. The Secretary to Govt. of Tamil Nadu,
Department of Environment,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600009.
4. The principal Secretary to Govt. of Tamil Nadu,
Industries Department, Govt. Secretariat,
Fort St. George,
Chennai, Tamil Nadu – 600009.
5. Additional Chief Secretary to Govt. of Tamil Nadu
Municipal Administration and Water Supply Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600009.


V. BALAKUMAR
Dy. General Manager (EMG)
NTPC Tamil Nadu Energy Company Ltd.
Vallur Thermal Power Station
P.O.: Vellivoyal Chavadi, Chennai-600 103.

6. Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai 600 009.
7. The Chairman, Central Pollution Control Board (CPCB),
Parivesh Bhawan,
East Arjun Nagar,
Shahdara, Delhi 110 032.
8. The Chairman,
Tamil Nadu Pollution Control Board (TNPCB),
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu – 600032
9. The Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building, Chennai – 600 003.
10. The District Collector,
Chennai District, District Collectorate Office,
No. 62, Rajaji Salai, 4th Floor,
Chennai 600 001.
11. North Chennai Thermal Power Station
Rep by its Chairman cum Managing Director (TANGEDCO)
Attpattu Main Road, Thiruvallur District,
Athipattu, Tamil Nadu 600 120.
12. NTPC Tamil Nadu Energy Company Limited (NTECL)
Rep, by its General Manager (TS),
Vallur Thermal Power Project, P.O:
Vellivoyal Chavadi, Ponneri Taluk,
Thiruvallur District, Chennai 600 103.
13. Chennai Petroleum Corporation Limited (CPCL)
Rep, by its Managing Director,
New No. 536, Anna Salai,
Teynampet Chennai 600018.
14. Tamil Nadu Petro products Limited (TPL)
Rep, by its Chairperson

Manali Express Highway,
Manali, Chennai 600 068,

15. Manali Petrochemicals Limited (MPL)
Rep, by its Chairman,
SPIC House, VI Floor, No. 88 Mount Road,
Guindy, Chennai 600 032.
16. Madras Fertilizers Limited (MFL)
Rep by its Chairman & Managing Director,
SH 104, Harikrishna Puram,
Manali, Chennai. ...Respondents

REPLY STATEMENT FILED ON BEHALF OF

NTECL – 12th RESPONDENT

It is respectfully submitted as follows:

The address for service of all notices and processes on the 12th Respondent is that of its advocates M/s. King & Partridge, “Catholic Centre”, 108, Armenian Street, Chennai 600 001.

1. It is submitted that the Application No. 256 of 2020, has been taken up by this Hon’ble Tribunal on its own motion Suo moto based on the news item published in News Desk Magazine dated 11.11.2020 under the caption “These Six Industries in North Chennai are polluting the air for more than half the year”.
2. The allegations against the 12th Respondent reported in newspaper is factually not correct and has been made without verifying the facts and hence liable to be dismissed. It is submitted that main allegation in the newspaper report was six industries mentioned therein have been constantly violating the

conditions /consent/ permissions granted resulting in serious emission from the industries affecting the air quality in that area. The stack monitoring systems provided in these units are not proper and the pollution control mechanisms are also not properly maintained by these units. It is submitted that none of the allegation is correct in so far as the 12th Respondent is concerned.

3. M/s NTPC Tamil Nadu Energy Company Ltd. (NTECL), is a joint venture company of NTPC (Central Public Sector Undertaking) & TANGEDCO (Tamil Nadu State Govt. Undertaking). It has established a power project in the State of Tamil Nadu for generating 1500 MW of electricity at Vallur, Vellivoyal Chavadi, Ponneri Taluk, Thiruvallur District, Chennai. All the Southern States are beneficiaries of the power produced by this plant and State of Tamil Nadu is the major beneficiary of this Project with 70.71% of power generated has been allocated to Tamil Nadu.
4. The Vallur Thermal Power Project was implemented in two phases namely Phase-I and Phase-II. Phase-I comprises 2 x 500 MW plant and is called Unit - 1 and Unit - 2 in Phase- II comprises of 1 x 500 MW plant and is called Unit 3. NTECL obtained Environmental Clearance under the EIA Notification for Phase- I on 18.04.2007 and it is annexed as **Annexure-R12/I** and for Phase- II on 03.06.2009 and it is annexed as **Annexure-R12/II**.


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5. The CRZ clearance for the above project was obtained on 14.07.2009 and it is annexed as **Annexure-R12/III**. The unit - I, II & III were successfully commissioned on 27.02.2012, 10.05.2013 and 01.12.2014 respectively. As per EC conditions, the Flue gas from the thermal power plants are allowed to discharge through the stack of 275m height. The flue gas are generated during burning of coal inside the boiler and the exhaust flue gas is passed through the Electrostatic Precipitator (ESP), where the ash particles are removed and flue gas is being emitted through the stack of 275m height. As per CPCB direction & statutory requirement, flue gas emission is being monitored for three parameters namely PM, SO₂, NO_x by Continuous Emission Monitoring Systems (CEMS) and real time data are transmitted to TNPCB and CPCB for monitoring continuously.
6. It is submitted that for SO₂ and NO_x parameters in flue gas, Limits were not prescribed by the regulations/notifications in thermal plants at the time of establishment of the project in the year 2007 and 2009 respectively. As per the MoEF&CC Notification No. S.O.3305(E) dated 07.12.2015 by Ministry of Environment, Forest and Climate Change for the first time has ordered emission limit for Particulate Matter and notified new limits for Sulphur dioxide (SO₂), Oxides of Nitrogen (NO_x) and the said notification is annexed as **Annexure-R12/IV**.
7. It is submitted that in order to meet SO₂ emission norms, FGD system is required to be installed which takes around 36 months



for installation, owing to civil construction work and the work of installation and commissioning of many equipment /systems are involved. The Financial implications for the work of FGD and NOx control is around Rs.1000 crores which is more than 10% of total project cost. Considering the works involved as stated above, MOEF&CC in the meeting with MoP, CEA, NTPC & CPCB etc held on 01.09.2017 decided that FGD should be implemented by 12th Respondent by the year 2022. Accordingly, the CPCB has communicated to NTECL Vallur through CPCB letter B-33014 / 07/2017-18/1 PC-II / TPP/ December 11, 2017 is annexed as **Annexure-R12/V** that NTECL Vallur Thermal Plant shall install FGD by June 2022, September 2022 & December 2022 for unit 1, 2 and 3 respectively and to comply NOx emission limit by the year 2022.

8. It is further to submitted that MoP has forwarded the new proposed timeline for compliance of new norms for all operational units in the country vide Office Memorandum No No. 10/1/2019-St. Th. dated 22.01.2021 to MOEF&CC for consideration and to compensate the delay due to COVID-19 condition as per which proposed timeline for Compliance of SO₂ by installing FGD is December 2023 for all units (1 to 3) of NTECL Vallur is mentioned in the list as serial No. 29. The Copy of Office Memorandum dated 22.01.2021 and proposed FGD timelines for 448 operational units are annexed as **Annexure-R12/VIII**.

9. It is further submitted, NTECL has awarded the work of design, supply, erection and commissioning of FGD to M/S Tata


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Projects Ltd and NOx control work to M/s.GE Power India Ltd. The FGD work has already started at site and the civil works are in progress. The relevant photographs of the site works are annexed as **Annexure-R12/VI**.

10. The NOx control works have already completed in unit-1 and the NOx values in unit-1 are well within the prescribed limit value of 450 mg/Nm³ and the remaining works are expected to be carried out during the upcoming overhaul of Unit- 2 & 3 in the year 2021.
11. NTECL has also committed to implement all technical measures to maintain the emissions well within the applicable limits from the Station and to maintain the Ambient Air Quality in the surrounding area within the latest National Ambient Air Quality Standards (NAAQS) and also to comply with the latest emission standards for Thermal Power Plant dated 07.12.2015 and 19.10.2020.
12. It is submitted that Indian coal has average range of sulphur content of 0.3 to 0.7 %, whereas coal in other countries have very much higher range than the Indian coal. The technology and engineering for establishing FGD for the different varieties of coal are vastly different. The FGD is new introduction in India by MoEF&CC Notification dated 07.12.2015.
13. It is further submitted that the Ministry of Environment, Forest and Climate Change (MoEF&CC) has relaxed NOx emission norms to 450 mg / Nm³ from 300 mg / Nm³ for power stations commissioned between 2003 and 2015 by issuing latest

MoEF&CC Notification dated 19.10.2020 is annexed as **Annexure-R12/VII.**

14. The News report from the News Desk dated 11.11.2020 alleging that “NTECL Vallur disregarded emission standard for 41 % of the year” is not true as per the current limit. The emission parameter of Particulate Matter is complied, and the variation is SO₂ and NO_x parameters permitted by CPCB till the implementation of the Modification works of FGD and De NO_x control at NTECL Vallur, i.e., December 2022. It is submitted that allegation reported in Newspaper with regard to the pollution caused by 12th Respondent are totally false and baseless.

It is therefore most respectfully prayed that this Hon’ble Tribunal may be pleased to dismiss the above application as against the 12th Respondent and thus render justice.

Dated at Chennai on this 12th day of February 2021.

For King & Partridge

Partner.

Advocates for 12th Respondent


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NTPC Tamilnadu Energy Company Ltd.
Vallur Thermal Power Station
P.O.: Vellivoyal Chavadi, Chennai-600 103.
12th Respondent

VERIFICATION

I, V.Balakumar, working as Deputy General Manager (EMG) in NTPC Tamil Nadu Energy Company Limited, the 12th Respondent Company herein, do hereby declare that what is stated in the above paragraphs are true and correct to the best of my knowledge, information and belief.

Verified at Chennai on this 12th day of February, 2021



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Dy. General Manager (EMG)
NTPC Tamilnadu Energy Company Ltd.
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