

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

**APPLICATION NO.224 OF 2021**

**IN THE MATTER OF:**

MEENAVA THANTHAI K.R.SELVARAJ KUMAR  
MEENAVAR NALA SANGAM  
(Registered under section 10 of the Tamil Nadu  
Societies Act, in Sl.No.205 of 2015 dated 26.06.2015)  
Represented by its President,  
M. R. Thiyagarajan,  
S/o Late C. Rajalingam,  
Office at No.48, East Madha Church Street,  
Royapuram, Chennai-600 013

...Applicant

AND

1. State Of Tamil Nadu  
Through the Chief Secretary,  
Government of Tamil Nadu, Secretariat,  
Chennai-600 009 Ph.25671555, email:- [cs@tn.gov.in](mailto:cs@tn.gov.in)
2. State Environment Impact Assessment Authority, Tamil Nadu  
Through the Chairman  
3<sup>rd</sup> Floor, Pangal Maligai,  
No.1, Jeenis Road, Saidapet, Chennai-600 015,  
Tamil Nadu. [mstnseiaa@yahoo.com](mailto:mstnseiaa@yahoo.com). Ph.044-25671555.
3. Tamil Nadu State Coastal Zone Management Authority  
Through the Chairman  
Ground Floor, Panagal Maligai,  
No.1 Jeenis Road, Saidapet, Chennai-600 015,  
Tamil Nadu. 044-24336421  
[tndoe@tn.nic.in](mailto:tndoe@tn.nic.in)
4. Tamil Nadu Pollution Control Board,  
Through the Chairman,  
76, Mount Salai,  
Guindy, Chennai-600 032  
Tel: 044 - 22353134 - 139  
Email-ID: [tnpcb-chn@gov.in](mailto:tnpcb-chn@gov.in)

**For MRF LIMITED**

  
**JACOB C CHACKO**  
**GENERAL MANAGER**  
**Tiruvottiyur Plant**

**For MRF LIMITED**  
  
**JACOB C CHACKO**  
**GENERAL MANAGER**  
**Tiruvottiyur Plant**

5. M.R.F Limited  
Through the Director,  
Registered Office:  
No.114, Greams Road, Chennai-600 006  
PROJECT SITE:  
Survey No.175(Part) of Ernavoor Village &  
Survey No.6/1A1 of Thiruvottiyur Village in  
T.S.No.3,5/1A,5/2A, Thiruvottiyur,  
Ambattur Taluk, Tiruvallur District,  
Tamil Nadu-600 019  
Email: [mrfsport@mrfmail.com](mailto:mrfsport@mrfmail.com). ... Respondents

**REPLY STATEMENT FILED ON BEHALF OF MRF LIMITED - 5<sup>th</sup>**  
**RESPONDENT**

It is respectfully submitted as follows:

The address for service of all notices and processes on the 5<sup>th</sup> Respondent is that of its advocates M/s. King & Partridge, "Catholic Centre", 108, Armenian Street, Chennai 600 001.

1. This Respondent denies all the averments and allegations contained in the application except those that are specifically admitted hereunder as true and put the applicant to strict proof of the rest.

2. This Respondent MRF Limited, having its Registered Office at 114, Greams Road, Chennai-600 006 and factory at Tiruvottiyur which was established in the year 1946. MRF was originally incorporated in the year 1961 under the name Madras Rubber Factory Ltd. MRF Limited is an Indian tyre manufacturing company and is one of the reputed manufacturers of automotive tyres, tubes, flaps, tread rubber, etc. It has factories in many places in India and supplies to Defence Sector, exports to various countries and has a large sales network through its dealership/Franchisees.

For MRF LIMITED

JACOB C CHACKO  
GENERAL MANAGER  
Tiruvottiyur Plant

For MRF LIMITED  
*Jacob*  
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### **Background of the Case**

3. MRF Limited, 5<sup>th</sup> Respondent in order to undertake a warehouse project adjacent to Factory submitted application to SEIAA for seeking Environmental Clearance on 16.11.2016, (it was uploaded in the portal on 30.11.2016) which was taken on record by the 2<sup>nd</sup> Respondent 30.1.2017. The 2<sup>nd</sup> Respondent (SEIAA) called for the presentation of proposal on 11.07.2017 and advised to withdraw the Environmental Clearance application submitted to SEIAA and asked to submit Application for CRZ approval with the concerned authority for project clearance. SEIAA vide letter dated SEIAA-TN/F.No. 6227/2017 dated 21.07.2017 stated that as per MoEF Notification S.O.3252 (E) dated 22.12.2014, the construction of industrial shed has been exempted for obtaining EC. "The word 'Industrial shed' implies Building (Whether RCC or otherwise) being used for housing plant and machinery of Industrial unit and shall include godowns and buildings connected with production related and other associated activities of the units in the same premises".

4. On 01.08.2017, this respondent submitted letter to SEIAA for the withdrawal of Environmental Clearance based on the SEIAA letter dated 21.07.2017. Thereafter MRF Ltd submitted application to the Tamil Nadu State Coastal Zone Management Authority (TNSCZMA) & Director of Environment, Chennai (3<sup>rd</sup> Respondent herein) for the clearance under CRZ notification 2011 and obtained approvals. TNSCZMA vide letter Proc. No. P1/2327/2017 dated 12.02.2018 approved the Industrial shed projects such that project area is falling on the landward side of the existing road of Tiruvottiyur and the projects area is falling in CRZ II and buildings shall be permitted on the landward side of the existing road. This Respondent submitted the application to CMDA on 30.11.2018 for the land reclassification from primary residential zone to special hazardous zone. Subsequently CMDA approved the land reclassification

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and approve the inclusion of Tyre facility with 3350 HP vide letter no. R2/21813/18-2 dated 16.04.2019 and insisted this respondent to get the approval from TNSCZMA

5. Further this respondent has submitted the Application to TNSCZMA on 27.06.2019 and 10.07.2019 and made Powerpoint presentation on 25.06.2019 vide TNSCZMA vide letter dated P1/2200/2018-6 dt 22.07.2019 for the approval of Tyre testing Facility with 3350 HP for tyre testing machines and DG Set with 1250 KVA, 25% power backup of 3910 HP, subsequently TNSCZMA approved the facility vide proceedings No.P1/1721/2019 dated 31.07.2019 based on the commitment tyre testing facility is only meant for research and development and not related to production activity.

6. It is submitted that no bore well is drilled in the project facility and also withdrawal ground water. This respondent had obtained permission from Chennai Metropolitan Water Supply and Sewage Board for supply of water vide letter no. CMWSSB/Area-1/AE-5/SPL/2017 dated 21.04.2017.

7. It is submitted that the following are permissions or approval obtained by the MRF Limited for this facility

1. Planning permit from CMDA dated 03/04/2017 & 18/12/2019
2. CRZ Approval from TNSCZMA dated 12/02/2018, 31/07/2019,03/10/2019
3. Construction Completion Certificate from CMDA dated 07/12/2021
4. Building permission from Chennai Corporation dated 20/02/2020
5. Consent to establish from TNPCB dated 17/09/2019
6. Chennai Metro Sewage Board for supply of water dated 21/04/2017
7. Consent to Operate from TNPCB dated 03/09/2022

8. It is submitted that the Application is not maintainable under facts or Law and absolutely barred by limitation. The Applicant herein have no locus-standi or authorization to file this application and have filed the application with ulterior motives. The Applicant has not made out any case on violation of Environmental Laws or any damage being caused to the environment and therefore, the Application is liable to be dismissed in-limine as the Applicant has approached the Hon'ble Tribunal with unclean hands.

**ALLEGATION - NON- RECEIPT OF ENVIRONMENTAL AND CRZ CLEARANCE FOR THE PROJECT: -**

9. With regard to Para 4, the allegation mentioned therein are denied. It is submitted that this Respondent has not committed a flagrant violation towards the provisions of EIA Notification and other subsequent office memorandum issued by MoEF. This Respondent submitted application to SEIAA for seeking Environmental Clearance on 16.11.2016. State Expert Appraisal Committee called for the presentation of proposal on 11.07.2017 and advised to withdraw the Environmental Clearance application submitted to SEIAA and asked to submit Application for CRZ approval authority for project clearance. SEIAA vide letter dated SEIAA-TN/F.No 6227/2017 dated 21.07.2017 stated that as per MoEF Notification S.O.3252 (E) dated 22.12.2014, the construction of industrial shed has been exempted for obtaining EC.

10. As per the MoEF Notification vide reference No S.O. 3252(E) dated 22.12.2014, the construction of Industrial shed, school, college, hostel for educational institution has been exempted for obtaining EC. as per the 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 unit in the same premises"

*"If 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".*

Since Respondent project is an industrial shed which involves housing of raw materials and finished products hence project is exempted from Prior Environmental Clearance from SEIAA.

11. With regard to Para 6 and 7, the allegation mentioned therein are strictly denied by this respondent. Project site is meant only for Tyre testing facility and Warehouse operation, which comes under the Orange category Industry and located in Survey No 175 (Part) of Ernavoor Village & Survey No 6/1A1 of Thiruvottiyur Village in T. S.No 3,5/1A,5/2A, Block No. 1, Ward No.1, Thiruvottiyur, Wimco Nagar, Ernavoor Express Road, Chennai, Ambattur, Thiruvallur District, Tamilnadu – 600 019. No tyre production activities are carried out in that site.

**ALLEGATION - IMPUGNED SITE EARMARKED AS CRZ-II AND IT REQUIRES MANDATORY CRZ CLEARANCE**

12. With regard to Para 8 and 9, the allegation mentioned therein are strictly denied by this respondent. The project site falls under CRZ – II as per the map of the Coastal Zone Management authority. MRF (5<sup>th</sup> Respondent) has submitted application for construction of Industrial Shed in Survey No 175 (Part) of Ernavoor Village & Survey No 6/1A1 of Thiruvottiyur Village in T. S.No 3,5/1A,5/2A, Block No. 1, Ward No.1,

Thiruvottiyur, Wimco Nagar, Ernavoor Express Road, Chennai, Ambattur, Thiruvallur District, Tamilnadu - 600 019, Thiruvallur District, Tamilnadu - 600 019 for clearance under CRZ notification 2011. TNSCZMA approved the 5<sup>th</sup> respondent project vide Ref No. Proc. No P1/1721/2019 dated 03.10.2019 from the Member Secretary, Tamilnadu State Coastal Zone Management Authority & Director of Environment, Chennai - 600 015.

**ALLEGATION - CONSENT TO ESTABLISH/OPERATE HAVE NOT BEEN OBTAINED BY RESPONDENT NO.5 FOR THE ACTIVITY- DISCHARGE OF TRADE EFFLUENT DIRECTLY INTO THE CRZ ZONE- NO EFFULENT TREATMENT PLANT:-**

13. With regard to Para 10 and 11, the allegation mentioned therein are strictly denied by this respondent. Project site is for Tyre testing facility and Warehouse operation, which comes under the Orange category Industry. There is no manufacturing activity carried out in the project site. The 5<sup>th</sup> respondent has applied the consent for establishing the unit and obtained the consent from Tamilnadu Pollution Control Board, vide ref Proceedings No F.1849AMB/OL/DEE/TNPCB/AMB/A/2019 dated 17.09.2019 and granted Consent order for Establishment No : 1901212401554 dated 17.09.2019 under Section 21 of the Air (Prevention and Control of Pollution) Act 1981 as amended in 1987 (Central) Act 14 of 1981 & by Obtaining Consent to Establish from Tamilnadu Pollution Control Board, vide ref Proceedings No F.1849AMB/OL/DEE/TNPCB/AMB/W/2019 dated 17.09.2019 and granted Consent order for Establishment No : 1901112401554 dated 17.09.2019 under Section 25 of the Water (Prevention and Control of Pollution) Act 1974, as amended in 1988 (Central) Act 6 of 1974.

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14. The allegation of the Applicant that non-compliance of the provisions of Water and Air Act would not only degrade the environment but it will also put the lives of the people in the vicinity under peril are strictly denied by this respondent.

15. It is further submitted that this respondent has obtained Consent to Operate Vide Consent Order No.2205247632745 dated 03/09/2022, under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and also the Consent to Operate vide Consent Order No.2205147632745 dated 03/09/2022 under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974.

16. With regard to Para 12 to 16, the allegation mentioned therein are strictly denied by this respondent. It is submitted that this respondent is not discharging any untreated trade effluent into CRZ zone. No trade effluent is generating from this activity. The facilities such as Sewage Treatment Plant is Commissioned and ready for use as per the TNPCB, Consent to Establish Water Consent order No.1901112401554 dated 17.09.2019 under Section 25 of the Water (Prevention and Control of Pollution) Act 1974, as amended in 1988 (Central) Act 6 of 1974 for treating proposed sewage generation of 5.7 KLD.

17. The allegation of the Applicant that the Respondent No.5 has committed blatant violation to the procedure laid down under the Hazardous waste management rules for the purpose of segregation and disposal of Hazardous waste are strictly denied by this respondent.

18. It is submitted that Project site activities are not generating any trade effluent; hence effluent treatment facility is not required for this project. For the generation of 5.7 KLD sewage water, this respondent installed 12 KLD capacity sewage water treatment plant as per the TNPCB

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Consent to Establish, Consent order No.1901112401554 dated 17.09.2019.

19. The 5<sup>th</sup> Respondent herein has not made any serious mismanagement in respect of segregation of non-biodegradable waste under the Hazardous and other waste (Management and Trans boundary Movement) Rules 2016. As of Now, there is no generation of Hazardous and other waste as per the Hazardous and other waste (Management and Trans boundary Movement) Rules 2016.

**ALLEGATION - VIOLATION OF UNDERTAKING GIVEN BY RESPONDENT NO.5 VIDE LETTER DATED 01.08.2017: -**

20. With regard to Para 17 to 20, the allegation mentioned therein are strictly denied by this respondent. This respondent reiterates that MRF Limited, submitted application to SEIAA for seeking Environmental Clearance on 16.11.2016. State Expert Appraisal committee called for the presentation of proposal on 11.07.2017 and advised to withdraw the Environmental Clearance application submitted to SEIAA and asked to submit application for CRZ approval authority for project clearance. SEIAA vide letter dated SEIAA-TN/F.No.6227/2017 dated 21.07.2017 stated that as per MoEF Notification S.O.3252 (E) dated 22,12.2014, the construction of industrial shed has been exempted for obtaining EC.

21. Thereafter MRF Ltd submitted application to the Tamil Nadu State Coastal Zone Management Authority (TNSCZMA) & Director of Environment, Chennai for the clearance under CRZ notification 2011 and obtained approvals. TNSCZMA vide letter Proc.No P1/2327/2017 dated 12.02.2018 approved the projects such that project area is falling on the landward side of the existing road of Thiruvottiyur and the projects area is falling in CRZ-II and buildings shall be permitted on the landward side of the existing road. MRF

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Limited submitted application to CMDA on 30.11.2018 for the land reclassification from primary residential zone to special hazardous zone. Subsequently CMDA approves vide CMDA vide letter No.R2/21813/18-2 dated 16.04.2019 the land reclassification and approve the inclusion of Tyre facility with 3350 HP for tyre testing machines.

22. Further this respondent has submitted the Application to TNSCZMA on 27.06.2019 and 10.07.2019 for tyre testing facility machines with 3350 HP and DG Set with 1250 KVA, 25% power backup of 3910 HP to get the approval from TNSCZMA. Subsequently TNSCZMA approves the facility vide Proc. No.P1/1721/2019 dated 31.07.2019 based on the Commitment of Tyre Testing facility is only meant for Research and Development.

23. This respondent always adhere the Specific and Standard guidelines issued by the Ministry vide Office Memorandum dated 05.03.2015 and 09.06.2015 and maintain the sustainable environment management such as following good practices on Solid Waste Management, Liquid Waste Management and constructing rain water percolation pit facility in the project premises.

**ALLEGATION - EXTRACTION OF GROUND WATER IN CRZ ZONE BY RESPONDENT NO.5**

24. With regard to Para 21 to 23, the allegation mentioned therein are strictly denied by this respondent. This respondent is not extracting ground water for this project activity from the CRZ zone. Tanker lorry water is used for the construction activities. This Respondent constructed Water Sump capacity of 8.5 KLD at the vicinity to store the water for the human consumption. This will be brought through Metro water source or any other **approved source**.

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25. This Respondent had applied for Environmental Clearance for this project to The Member Secretary, SEIAA on 16.11.2016 and their reply letter No. SEIAA-TN/F.No 6227/2017 dated 21.07.2017 (to be read as 21.08.2017) directed us to withdraw the Environmental clearance application and approach CRZ authority for the approval by quoting MoEF Notification No S.O. 3252(E) dated 22.12.2014. Hence Once again this respondent submitted the letter dated 01.08.2017 to the Member Secretary, SEIAA for the withdrawal Prior Environmental Clearance based on their letter dated 21.07.2017 (21.8.2017), the SEIAA thus reckoning our application for withdrawal has granted the withdrawal of EC application displaying the status of the same in their official portal as "WithdrawEC", thus clarifying its stand that no EC is required for the project undertaken by the project proponent (MRF).

26. This Respondent is not converting the warehouse into industrial unit, after knowing that this project not comes under prior Environmental clearance; this respondent applies for CRZ authority for the project approval and sought the approval. After that this respondent applied to TNPCB for the Consent to Establish (CTE) for the project and obtained the CTE under Air and Water Act from TNPCB.

27. It is submitted that the reliefs sought in the application are multi-fold and without any jurisdiction, in any event, this Hon'ble Tribunal was pleased to appoint a Joint Committee to go into the matter and submit a status report. In the circumstances, the other interim reliefs as prayed for need not be countenanced by this Hon'ble Tribunal at this juncture. This Respondent reserves its right to file its objections or counter or reply to the said Joint Committee Report.

28. The grounds raised by the applicant are strictly denied by this respondent are not maintainable in law and facts. The 5<sup>th</sup> Respondent has

complied with all applicable laws and regulations at all stages of the project.

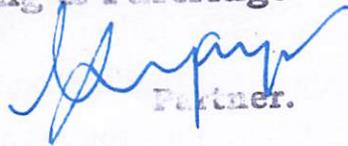
29. For all the reasons stated above, it is submitted that the Application has not been filed for the purposes of environmental reasons as alleged in the application and it is filed with ulterior motive to damage the reputation of 5<sup>th</sup> Respondent.

30. This Respondent also reserves its right to file additional reply statement or rejoinder as it may require.

It is therefore most respectfully prayed that this Hon'ble Tribunal may please dismiss the above application as against the 5<sup>th</sup> Respondent and thus render justice.

Dated at Chennai on this the 15<sup>th</sup> day of November, 2022.

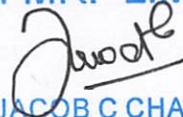
**For King & Partridge**



Partner.

Advocates for 5<sup>th</sup> Respondent

**For MRF LIMITED**



JACOB C CHACKO  
GENERAL MANAGER  
Tiruvottiyur Plant

5<sup>th</sup> Respondent

**VERIFICATION**

I Jacob C Chacko, General Manager of the 5<sup>th</sup> Respondent 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 the 15<sup>th</sup> day of November, 2022.

**For MRF LIMITED**



JACOB C CHACKO  
GENERAL MANAGER  
Tiruvottiyur Plant

5<sup>th</sup> Respondent

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Kumar  
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:Vs:

State of Tamil Nadu & 4 ors.  
... Respondents

**REPLY STATEMENT FILED ON  
BEHALF OF MRF LIMITED - 5<sup>TH</sup>  
RESPONDENT**

**M/s. King & Partridge  
Advocates for 5<sup>th</sup> Respondent**