

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

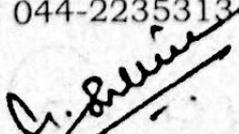
Application No. 224 of 2021

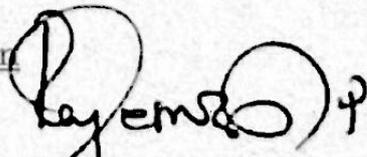
MEENAVA THANTHAI K.R.SELVARAJ KUMAR
MEENAVAR NALA SANGAM
(Registered under section 10 of the Tamil Nadu
Societies Act, in SI. No. 205 of 2015 dated: 26/06/2015
Represented by its president,
M.R.Thiyagarajan,
S/o Late C.Rajalingam,
Office at No:48, Ease Madha Church Street,
Royapuram, Chennai - 600015

..... Applicant

Versus

- 1) STATE of TAMIL NADU
Through the Chief Secretary
Government of Tamil Nadu, Secretariat,
Chennai – 600 009 Ph: 2571555, email: cs@tn.gov.in
- 2) STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
TAMIL NADU
Through the Chairman,
3rd floor, panagal maligai,
No.1, jeenis road, Saidapet, Chennai – 600 015
Tamil Nadu. 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 – 60 015
Tamil Nadu – 044-24336421
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


Forest Range Officer,
Green Squad,
Department of Environment
Chennai - 600 015.


MEMBER SECRETARY,
TAMIL NADU STATE COASTAL ZONE
MANAGEMENT AUTHORITY,
CHENNAI - 600 015.

5) M.R.F LIMITED

Through the Director

REGISTERED SITE:

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, Thiruvottiyur,

Ambattur Taluk, Tiruvallur District,

Tamil Nadu - 600 019

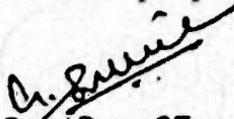
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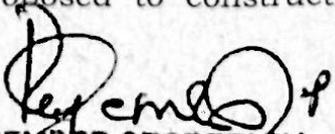
Email: mrfsport@mrfmail.com

COUNTER AFFIDAVIT FILED BY THE 3rd RESPONDENT

I, P.Rajeswari, I.F.S, W/o B.Singaiah about 58 years and having office at Ground Floor, Panagal Buildings, Saidapet, Chennai - 600 015 solemnly affirm and sincerely state as follows.

1. I humbly submit that I am the Director, Department of Environment and also the Member Secretary, Tamil Nadu State Coastal Zone Management Authority and I am well acquainted with the facts of the case from the records available and I am filing this reply in my official capacity on behalf of 3rd respondent.
2. I humbly submit that I have gone through the averments contained in the affidavit filed by the Applicant and I deny all the averments except those that are specifically admitted herein and the Applicant is put to strict proof of the same.
3. I humbly submit that M/s. MRF Limited, Chennai have submitted an application in respect of their proposed construction of Industrial shed at S.No. 175 (Part) of Ernavoor village, S. No. 6/1A1 (T.S. No. 3, 5/1A, 5/2A) of Tiruvottiyur village, Ambattur Taluk, Tiruvallur district, for Clearance under CRZ Notification 2011. Under the proposal, the Project Proponent has proposed to construct an

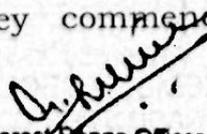

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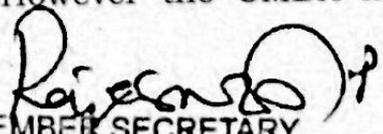

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industrial shed, for raw material and finished products with allied facilities, consisting of one Block of Ground Floor plus First Floor warehouse, one block of Ground Floor plus First Floor office and 9 blocks of Ground Floor as Amenity buildings. The Total Plot Area is 48,206.59 Sqm and the Total Built up Area is 29515.80 Sqm. Total Project cost is Rs.116.13Crore.

4. I humbly submit that the following details were furnished

- i) The project area is falling on the landward side of the existing road at Tiruvottiyur and the project site is falling in CRZ-II.
- ii) Vide para 8 (i) II CRZ II (ii) of CRZ Notification 2011, 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.
- iii) Vide para 4 (i) (d) Construction involving more than 20,000 sq mts built-up area in CRZ-II shall be considered for approval in accordance with EIA notification, 2006, however, for projects less than 20,000 sq mts built-up area shall be approved by the concerned State Planning authorities in accordance with this notification after obtaining recommendations from the concerned CZMA and prior recommendations of the concerned CZMA shall be essential for considering the grant of Environmental Clearance under EIA notification, 2006 or grant of approval by the relevant planning authority.
- iv) However without the consent of the TNSCZMA, the CMDA has issued Planning permission to the above project vide Permit No. 11342 dated 03.04.2017 of the Chennai Metropolitan Development Authority vide the Member Secretary, CMDA Lr. No. P3/10471/2015 dated 03.04.2017 and hence the Project Proponent informed to the DCZMA for CMDA areas, that they commenced the project constructions. However the CMDA in

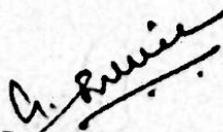

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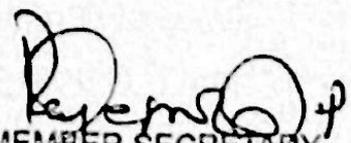

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letter No. B3/10471/2015 dated 17.11.2017, have revoked the Planning Permission and requested the Project Proponent not to proceed with construction as the Project Proponent has not obtained Clearance under EIA Notification 2006, as indicated in the Planning Permission. However the Project Proponent has informed that vide Notification S.O. No. 3252 (E) dated 22nd December 2014, the Industrial shed (including godowns) 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 for not getting the EC under EIA Notification 2006.

5. I humbly submit that the DCZMA for CMDA areas resolved to recommend the above project for clearance under CRZ Notification 2011 to TNSCZMA subject to the following specific conditions:

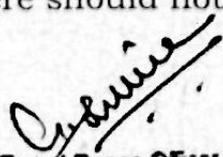
- a) The proposed constructions should conform to the local town and country planning regulations as modified from time to time, except the Floor Space Index or Floor Area Ratio which shall be as per 1991 level.
- b) Planning Permission shall be obtained from the Chennai Metropolitan Development Authority.
- c) There should not be any ground water extraction in CRZ.
- d) Solid Waste Management Plan should be formulated and to be implemented without depending wholly on Corporation of Chennai for this purpose.
- e) Green belt development shall be implemented as proposed in the proposal in consultation with Forest Department and should include list of trees, shrubs and herbs to be planted.


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- f) Adequate Rain Water Harvesting structures shall be created for water percolation and to harvest the rainwater to the maximum extent possible.
 - g) Under CSR, the unit shall explore the possibilities of allocation of more funds for preserving ecology and environment.
 - h) The unit shall comply with the EMP suggested both during construction and operational phases.
 - i) The unit shall establish the facility only after obtaining CRZ Clearances and CTE of the Board.
6. I humbly submit that as per para 8 (i) II CRZ II (ii) of CRZ Notification 2011, 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.
7. I humbly submit that the subject was placed at the 98th meeting of the Tamil Nadu State Coastal Zone Management Authority held on 25.01.2018 and the Authority decided to clear the proposals.
8. I humbly submit that as decided in the 98th meeting of the Tamil Nadu State Coastal Zone Management Authority, Clearance is hereby issued under para 8 (i) II CRZ II (ii) of CRZ Notification 2011 for the above said proposal subject to the following conditions:
- a) The proposed constructions should conform to the 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.
 - b) Planning Permission shall be obtained from the Chennai Metropolitan Development Authority.
 - c) There should not be any ground water extraction in CRZ.

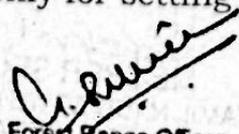

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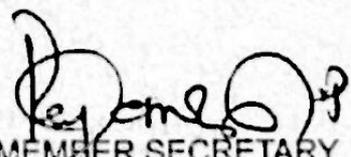

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- d) Solid Waste Management Plan should be formulated and to be implemented without depending wholly on Corporation of Chennai for this purpose.
- e) Green belt development shall be implemented as proposed in the proposal in consultation with Forest Department and should include list of trees, shrubs and herbs to be planted.
- f) Adequate Rain Water Harvesting structures shall be created for water percolation and to harvest the rainwater to the maximum extent possible.
- g) Under CSR, the unit shall explore the possibilities of allocation of more funds for preserving ecology and environment.
- h) The unit shall comply with the EMP suggested both during construction and operational phases.
- i) The unit shall establish the facility only after obtaining CTE of the Board.
- j) 25% of the area should be under Green belt, other than OSR.

9. I humbly submit that the applicant has stated that they have applied to CMDA for reclassification from primary residential use zone to special and hazardous industrial use zone and the CMDA have approved the application for reclassification and advised to obtain CRZ clearance mentioning the new scope of work i.e. tyre testing activity in the warehouse. Hence the Project Proponent applied for amendment in the above said Clearance dated 12.02.2018, to include tyre testing activity in addition to the warehousing.

10. I humbly submit that the TNSCZMA have issued Clearance for the construction of Warehouse as per the Town and Country Planning regulations vide proceedings dated 12.02.2018 based on the decision taken at the 98th meeting of the TNSCZMA. The applicant has stated that the project area has been changed as "Special and Hazardous Industrial Use Zone" from CMDA to facilitate the setting up of "Tyre Testing Unit". The CMDA has informed that the reclassification is allowed only for setting up of a Tyre Testing Unit.


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10. I humbly submit that the proponent has proposed that the unit is proposed to erect "Tyre Testing Unit" in their Warehouse, in the area of 1717.07 sq.mtr at Ground Floor and 1419.91 sq.mtr at First Floor. The following activities are proposed to be undertaken under "Research and Development Tyre Testing Activity". The total man power required for the tyre testing activity is 5 and 5 equipments will be used. 3350 HP of power will be consumed for the same.

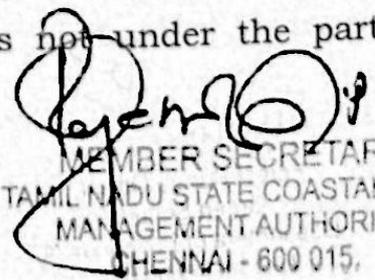
- a) the test is conducted to check the tyre durability to withstand the number landing or takeoff cycle for which Aircraft Dynamometer will be installed. The cycle will be run for 2 to 3 minutes for one loading.
- b) to measure tyre force and moments, which impacts the vehicle handling and steering characteristics.
- c) to measure the tyre rolling resistance.

11. I humbly submit that the Unit has informed that the "Tyre Testing Activity" is purely meant for Research and Development activity. The Unit is proposed to provide 1250 KVA DG Set as 25% of power backup, as their requirement is above 2917 KW (3910 HP), which will be sourced from the nearby Grid.

12. I humbly submit that as per the CRZ Notification, 2011 vide Para 1, the restrictions apply on the setting up and expansion of industries, operations or process and the like in the CRZ. Further, vide Para 3(i), setting up of new industries and expansion of existing industries are prohibited activities. Hence the setting 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.

13. I humbly submit that the proposal was placed at the 106th meeting of the Tamil Nadu State Coastal Zone Management Authority held on 25.07.2019 and as the Unit has informed that the "Tyre Testing Activity" is purely meant for Research and Development activity and the said activity is not under the part of


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any process/ operations/ expansion activities, the Authority resolved to Clear the proposal.

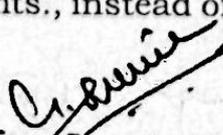
14. Accordingly, as resolved in the 106th meeting of the Tamil Nadu State Coastal Zone Management Authority held on 25.07.2019, Clearance was issued under para 8 (i) II, CRZ II (i), (ii) & (iii) of CRZ Notification 2011 for the above project, subject to the following specific conditions.

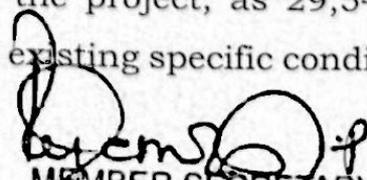
- a) There should not be any extraction of Ground Water in the CRZ areas.
- b) There should not be any process or operational activities as assured by the Project Proponent.
- c) Planning Permission should be obtained from the CMDA duly and the FSI should be as per 1991 level.

15. I humbly submit that M/s. MRF Limited, Chennai has informed that the proposed built up area is 29,542.16 sq.mts., instead of 29,515.80 sq.mts., for which Clearance has been obtained already as indicated above and requested to make necessary amendment by indicating the total built up area as 29,542.16 sq.mts. , in the existing Clearance dated 31.07.2019 issued to the MRF Limited, Chennai. There is no change in the total project area of the project, viz., 48,206.59 sq.mts.

16. I humbly submit that as indicated, as per para 8 (i) II CRZ II (ii) of CRZ Notification 2011, buildings shall be permitted on the landward side of the existing and proposed roads or existing authorised 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.

17. I humbly submit that the proposal was placed at the 107th meeting of the Tamil Nadu State Coastal Zone Management Authority held on 26.09.2019 and the Authority resolved to amend the built-up area of the project, as 29,542.16 sq.mts., instead of 29,515.80 sq.mts., subject to the existing specific conditions


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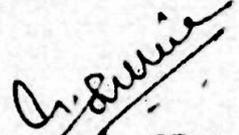
issued in the Clearances vide Proceedings No. P1/2327/2017 dated 12.02.2018 and vide Proceedings No. P1/1721/2019 dated 31.07.2019.

18. Accordingly, as resolved at the 107th meeting of the Tamil Nadu State Coastal Zone Management Authority held on 26.09.2019, Clearance was accorded under CRZ Notification, 2011, to make constructions to the extent of 29,542.16 sq.mts. instead of 29,515.80 sq.mts., subject to the existing specific conditions issued in the Clearances vide Proceedings No. P1/2327/2017 dated 12.02.2018 and vide Proceedings No. P1/1721/2019 dated 31.07.2019.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to pass appropriate orders as this Hon'ble Tribunal may deem fit and thus render justice.

Solemnly affirmed at Chennai
This the **04** day of May 2022
and Signed his name in presence


MEMBER SECRETARY,
TAMIL NADU STATE COASTAL ZONE
MANAGEMENT AUTHORITY,
CHENNAI - 600 015.
BEFORE ME


Forest Range Officer,
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Chennai - 600 015.