

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI
ORIGINAL 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 Sl.No.205 of 2015 dated 26.06.2015

Rep by its President

M.R. Thiyagarajan

S/o. (late) Rajalingam

Office at No/48, East Madha Chruuch Street,

Royapuram, Chennai – 600013.

...Applicant

Versus

1. State of Tamil Nadu

Through Chief Secretary

Government of Tamil Nadu, Secretariat

Chennai – 600009

2. State Environmental Impact

Assessment Authority Tamil Nadu

Through the Chairman

3rd Floor, Panagal Maligai

No.1 Jeenis Road, Saidapet, Chennai-600 015

3. Tamil Nadu State Coastal Zone Management Authority

Through the Chairman

Ground Floor, Panagal Maligai

No.1 Jeenis Road, Saidapet, Chennai-600 015

4. Tamil Nadu Pollution Control Board

Through the Chairman

76th Mount Salai

Guindy, Chennai – 600032

5. M.R.F. Limited

Through the Director

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23/07/2021
Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

Registered office

No.114, Greams Road, Chennai – 600006

Project Site

Survey No.175 (part) of Ernavoor Village
Survey No.6/1A1 of Thiruvottiar Village in
T.S.No.3,5/1A, 5/2A, Thiruvottiyur
Ambattur Taluk, Tiruvallur District
Tamil Nadu – 600019

... Respondent(s)

**COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA – Tamilnadu, SECOND
RESPONDENT**

I, Deepak S. Bilgi, I.F.S., working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Maaligai, Saidapet, Chennai – 600015 do hereby solemnly affirm and sincerely state as follows:

1. I am filing this counter affidavit on behalf of the Second Respondent/SEIAA – Tamil Nadu herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
2. At the outset, I deny the averments and allegations stated in this original application except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. I respectfully submit that; the Environmental Impact Assessment Notification, 2006 mandates prior Environmental Clearance (EC) for new projects or activities including expansion, or modernization of existing projects listed in its Schedule. The Category 'A' projects shall obtain EC from the Central Government and Category 'B' projects from the concerned State Level Environment Impact Assessment Authority (SEIAA)/Union Territory Environment Impact Assessment Authority (SEIAA). The proposal will be placed before the State Expert Appraisal Committee (SEAC) for screening, scoping and appraisal; Based on the recommendations of SEAC, the proposal will be placed before the State Environment Impact Assessment Authority (SEIAA) for the consideration of issue of Environmental Clearance. After detailed discussion and based on the documents furnished, Environmental Clearance will be issued by the Authority.
4. I respectfully submit that; the project proponent M/s. MRF Limited, Thiruvallur District has applied through online vide SIA/TN/NCP/60757/2016 dated 30.11.2016 and submitted their hard copy on 30.01.2017 to State Level Environment Impact Assessment Authority -


Member Secretary
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Tamil Nadu for seeking Environmental Clearance for the proposed construction of warehouse for storing raw materials and finished goods with a total built- up area of 29,675.94 Sq.m at S.No. 175 (part) of Ernavoor Village, S.No.6/1A1 of Thiruvottiyur Village in T.S. No. 3, 5/1A, 5/2A of Tiruvottiyur, Ambattur Taluk, Thiruvallur District, Tamil Nadu under Category "B2" and Schedule No. 8(a) - Building and construction project.

5. I respectfully submit that; project proposal was placed in the 92nd Meeting of SEAC held on 11.07.2017. Based on the presentation made by the proponent, the Committee inferred that the project might attract CRZ regulations and hence deferred the proposal. The Committee directed the proponent to approach Tamil Nadu Coastal Zone Management Authority for their appraisal and decision regarding the CRZ clearance and then represent the proposal before the SEAC.
6. I respectfully submit that; minutes of the 92nd Meeting of SEAC held on 11.07.2017 was communicated to the project proponent vide this office letter No. SEIAA-TN/F-6227/2017 dated 13.07.2017.
7. I respectfully submit that; the project proponent M/s. MRF Limited, Thiruvallur District addressed a letter to SEIAA-TN dated: 01.08.2017 stating the following:

"We have applied for Environmental Clearance for the proposed construction of our warehouse, with the intention of the EIA Notification, 2006 that all the construction projects with built up area greater than 20,000 sq.m need to obtain prior Environmental Clearance. Later we came to know the ministry notification dated 22nd December, 2014 which has taken out industrial shed, school, college, hostel for educational institution from the requirement of prior Environmental Clearance (EC) under EIA Notification, 2006. 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 units in the same premises". Since our project is an industrial shed which involves housing of raw materials and finished products, our project is exempted from getting prior Environmental Clearance from the SEIAA. In this regard, we wish to withdraw our application for obtaining EC and request you to issue a letter to CMDA citing the notification, since the CMDA has requested us to obtain the EC in its planning permission conditions."

8. I respectfully submit that; the proposal was then placed in the 234th SEIAA-TN Authority meeting held on 21.08.2017 and the Authority decided to address the proponent to submit the application for seeking CRZ clearance and only on receipt of the recommendation from the Tamil Nadu Coastal Zone Management Authority for the issue of CRZ clearance, the withdrawal of the EC application will be considered.


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9. I respectfully submit that; minutes of the 234th Authority meeting held on 21.08.2017 was communicated to the project proponent vide this office letter No. SEIAA-TN/F-6227/2017 dated 21.08.2017.
10. I respectfully submit that; the Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No.224 of 2021 in its order dated: 30.09.2021 has issued certain directions.
11. I respectfully submit that; the Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No.224 of 2021 in its order dated: 15.11.2021 has stated that;

"...7. In the meantime, in order to ascertain the genuineness of the allegations made in the applications including the alleged violations, we feel it appropriate to appoint a joint committee consists of (1) a Senior Officer from MoEF&CC, Integrated Regional office, Chennai, (2) a Senior Scientist from Central Pollution Control Board, Integrated Regional office, Chennai, (3) a Senior Officer from State Level Environment Impact Assessment Authority, Chennai, (4) District Environmental Engineer of the concerned of Tamil Nadu Pollution Control Board and (5) Assistant Director, Mining and Geology Department, Salem District to inspect the unit in question and submit a factual as well as action taken report, if there is any violation found.

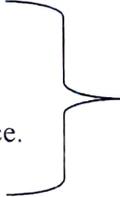
12. I respectfully submit that; the joint committee members have inspected the project site on 02.03.2022 and submitted the joint committee inspection report before the Hon'ble National Green Tribunal, Southern Zone, Chennai on 31.03.2022.
13. I respectfully submit that; the project proponent has submitted a letter to SEIAA-TN requesting the withdrawal of Environmental Clearance application through vide letter dated 01.08.2017 through Parivesh website, subsequently the State Environment Impact Assessment Authority, Tamilnadu placed the proposal in the 417th SEIAA Meeting held on 04.01.2021 after which the Environmental Clearance application was allowed to be withdrawn.


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It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to consider the above said facts and pass such order or orders as this Hon'ble Tribunal may deem fit and proper and thus render justice.


Member Secretary
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Solemnly affirmed at Chennai
On this 21st day of January 2023
and signed his name in my presence.



SECOND RESPONDENT
MEMBER SECRETARY