

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

**ORIGINAL APPLICATION NO. 224 OF 2021**

**IN THE MATTER OF :**

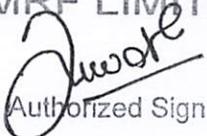
Meenava Thanthai K.R. Selvaraj Kumar  
Meenavar Nala Sangam  
Represented by its President  
M.R. Thiyagarajan

...Applicant

AND

1. State of Tamil Nadu  
Through the Chief Secretary  
Government of Tamil Nadu, Secretariat  
Chennai 600 009  
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, Panagal Maligai  
Saidapet, Chennai 600 015  
Email : [mstnseiaa@yahoo.com](mailto:mstnseiaa@yahoo.com)
3. Tamil Nadu State Coastal Zone Management Authority  
Through the Chairman  
Ground Floor, Panagal Maligai  
Saidapet, Chennai 600 015  
Email : [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  
Email : [tnpcb-chn@gov.in](mailto:tnpcb-chn@gov.in)

For MRF LIMITED

  
Authorized Signatory

5. MRF Limited  
Through its General Manager – Thiruvottiyur Plant

Registered Office :

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  
Chennai 600 019.

...Respondents

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

It is respectfully submitted as follows: -

The address for services of all notices and process is that on its Advocates M/s. King and Partridge, Catholic Centre, 108, Armenian Street, Chennai 600 001.

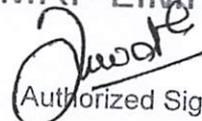
1. This Additional Reply statement may be read as part and parcel of the reply statement dated 15.11.2022 filed on behalf of the 5<sup>th</sup> Respondent and contents therein not being repeated for the sake of brevity.

2. This Hon'ble Tribunal has vide order dated 15.11.2021 had ordered to constitute a Committee and the said Joint Committee members had inspected the project site on 02.03.2022 and submitted its report before this Hon'ble Tribunal on 31.03.2022.

3. The Committee had representation of the RDO- North Chennai Division, SEIAA, TNSCZMA, MOEF and TNPCB. Based on the Hon'ble Tribunal's order the Committee had to ascertain the following issues :-

- i. *Whether the 5<sup>th</sup> Respondent unit is having necessary Environmental Clearance (EC) or the permissions including for the area in dispute where allegedly, manufacturing activities*

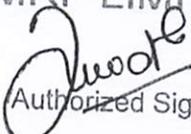
For MRF LIMITED

  
Authorized Signatory

were extended in a clandestine manner as alleged by the applicant,

- ii. Whether any construction has been made in CRZ Zone without obtaining any necessary permission under the CRZ Notification 2011 or 2019 whichever is applicable,
- iii. Whether there was any illegal extraction of water by drilling bore wells in the alleged CRZ-Zone without obtaining necessary permission, if the unit is an unauthorised user, then, what is the nature of action taken by them in this regard.
- iv. If there is any violation found, what is the nature of action taken by the regulators in respect of the same,
- v. Whether any damage has been caused to environment on account of any alleged illegal activities and if so, assess the environmental compensation as directed by this Tribunal including the cost or restoration required for restoring the environment to its original state, apart from assessing compensation for the violations of conditions and environmental laws,
- vi. Whether the Hazardous Waste Management Rules, 2016, Hazardous and other wastes (Management and Transboundary Movement) Rules, 2016 which are applicable to that unit are being strictly complied with, if not what is the deficiency found and the action taken on this regard including recommending the methods by which the deficiency can be set right.

For MRF LIMITED

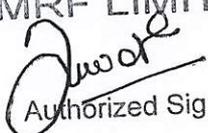
  
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4. The Committee after inspecting and ascertaining the various facts and documents on record, had quoted the application made by the 5<sup>th</sup> Respondent to SEIAA for Environmental Clearance (EC) as per EIA Notification of 2006 to which the SEIAA vide its letter dated 21.07.2017 had stated that as per MOEF Notification No. 3252(E) dated 22.12.2014, the construction of an industrial shed, school, college, hostel for educational institution has been exempted from obtaining an EC under EIA notification of 2006. The report further states that 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".

5. The Committee in which SEIAA is also a party has clarified that the project of the 5<sup>th</sup> Respondent is exempted from getting a prior EC and since it was inferred from the 5<sup>th</sup> Respondent's presentation that the project might attract CRZ regulation, the 2<sup>nd</sup> Respondent had directed the 5<sup>th</sup> Respondent for seeking CRZ clearance and thereafter apply for withdrawal of EC application, which will then be considered.

6. The 5<sup>th</sup> Respondent pursuant to the instructions of SEIAA had subsequently applied to the 3<sup>rd</sup> Respondent Tamil Nadu State Coastal Zone Management Authority (TNSCZMA) for clearance of the proposed project namely construction of industrial shed at Survey No. 175 (part) of Ernavoor Village, Survey No. 6/1A1 (T.S. No. 3, 5/1A, 5/2A) of Thiruvottiyur Village, Ambattur Taluk, Thiruvallur District for clearance under CRZ Notification 2011 under the proposal, the project proponent has proposed to construct an industrial shed for raw material and finished products with allied facilities, which consisting of one block of ground floor plus first floor

For MRF LIMITED

  
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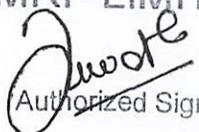
warehouse, one block of ground floor plus first floor office and 9 blocks of ground floor amenity buildings.

7. The Committee constituted by the Hon'ble Tribunal has observed that TNSCZMA vide letter dated 12.02.2018 has stated that the project area is falling on the landward side of the existing road in CRZ II and the building shall be permitted subject to the existing local Town and Country planning regulations. The Committee has further observed that the TNSCZMA issued clearance under Para 8(i) IICRZ II (ii) of CRZ Notification 2011 for the project of the 5<sup>th</sup> Respondent subject to certain conditions.

8. Thus, it can be very well inferred that the Joint Committee which includes SEIAA and TNSCZMA along with other statutory bodies has completely reviewed the documentation and the factual situation in the project area and came to the conclusion that there is no requirement for obtaining prior EC and the requirement of CRZ Notification 2011 has been fully complied with.

9. It is pertinent to mention that the 2<sup>nd</sup> Respondent SEIAA had directed the 5<sup>th</sup> Respondent to seek CRZ clearance and on receipt of the recommendation from the 3<sup>rd</sup> Respondent TNCZMA for issuance of CRZ clearance, the withdrawal of EC application will be considered. The 5<sup>th</sup> Respondent has in compliance of the same provided the CRZ clearance and also submitted a letter to the 2<sup>nd</sup> Respondent SEIAA requesting withdrawal of EC application which after due consideration in the 417<sup>th</sup> meeting of the 2<sup>nd</sup> Respondent SEIAA held on 04.01.2021 was allowed to be withdrawn which fact is further confirmed vide affidavit of the Member Secretary of the 2<sup>nd</sup> Respondent SEIAA dated 21.01.2023.

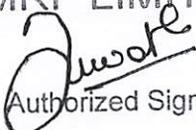
For MRF LIMITED

  
Authorized Signatory

10. It is further stated that another Member of the Committee namely Tamil Nadu Pollution Control Board (TNPCB) and the 4<sup>th</sup> Respondent herein has also considered and affirmed the fact that the 5<sup>th</sup> Respondent has obtained CRZ clearance, Consent to Establish, Planning permission, Completion Certificate vide its affidavit dated 16.12.2021. Hence the Committee by its report read with the report filed by the 4<sup>th</sup> Respondent TNPCB and counter affidavit filed by the 2<sup>nd</sup> Respondent SEIAA makes it amply clear that the 5<sup>th</sup> Respondent is in compliance with all the statutory requirements for the constructions carried out at Survey No. 175 (part) of 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, Chennai 600 019.

11. It is submitted that one of the members of the Committee (Member SEAC-TN) had made certain observations regarding obtaining of EC because the land survey number cannot be used for industrial activity, since that land falls on CRZ Zone area, which is both factually incorrect and legally unsustainable. There are no industrial production activities being carried out in the area and since the objection is with regarding to the survey nos. falling in the CRZ zone and that objection is also put to rest by the fact that the 5<sup>th</sup> Respondent had approached the 3<sup>rd</sup> Respondent based on the 2<sup>nd</sup> Respondents observations and procured CRZ approval. Hence the remarks made by the said member is also addressed accordingly. The other submissions regarding the pendency of the EC application has also been taken care of and has been confirmed vide affidavit filed by the Member Secretary of the 2<sup>nd</sup> Respondent that the EC application was allowed to be withdrawn vide meeting held on 04.01.2021. This Respondent humbly submits that all the issues raised by the Joint Committee Member Thiru. Velazhagan is addressed to and not relevant in the context of the current proceedings.

For MRF LIMITED

  
Authorized Signatory

12. Another issue which has been raised in the Committee's Report was whether any construction has been made without obtaining necessary permission under the CRZ Notification applicable to the 5<sup>th</sup> Respondent. The 5<sup>th</sup> Respondent has duly applied for approval of construction and said permission was granted by CMDA on 03.04.2017 with condition that the construction shall be subject to the approval of SEIAA. There was no requirement for obtaining EC for the type of construction for industrial shed category and godown in the said premises, however the 5<sup>th</sup> Respondent had in compliance with CMDA approval approached the SEIAA and was informed that industrial shed including godown is exempted from obtaining clearance under EIA Notification and hence commenced construction activities. Thereafter when the revocation order by CMDA was received, no construction activity was carried out by the 5<sup>th</sup> Respondent i.e., all the construction which was carried out was with the approval of the concerned authority. Post obtaining of the CRZ clearance, the CMDA had approved the construction thus ratifying the construction carried out in the said premises. This would show that whatever construction made by the 5<sup>th</sup> Respondent is in compliance with the TNSCZMA and CMDA approvals and hence cannot be considered as illegal. Consequently, there is no question of any damage being caused to the environment and the environmental compensation which is being recommended by the Joint Committee is not sustainable in law.

13. Finally, this Respondent submits that the Hon'ble Tribunal after taking note of the fact that the Committee, the 2<sup>nd</sup> Respondent and the 4<sup>th</sup> Respondent have filed the reports / statements confirming the fact that there was no prior EC required for the project of the 5<sup>th</sup> Respondent, the CRZ clearance has been duly obtained along with all requisite approvals for construction, consent to establish and consent to operate from the respective authorities under the various statutory provisions which may be taken into consideration and the above application made by the Petitioner

applicant should be dismissed with exemplary cost being malafide and motivated.

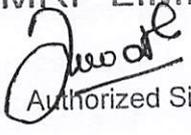
14. The Respondent also reserves its right to file additional reply statement or rejoinder as it may require.

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 7<sup>th</sup> day of February 2023

For King & Partridge  
  
Partner.

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

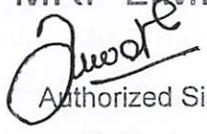
For MRF LIMITED  
  
Authorized Signatory

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 1 to 14 are true and correct to the best of my knowledge and belief.

Verified at Chennai on this the 7<sup>th</sup> day of February 2023

For MRF LIMITED  
  
Authorized Signatory  
5<sup>th</sup> Respondent

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

**ORIGINAL APPLICATION  
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**IN THE MATTER OF:**

Meenava Thanthai K.R.Selvaraj  
Kumar  
Rep. by its President  
M.R.Thiyagarajan

...Applicant

AND

State of Tamil Nadu  
Through the Chief Secretary  
& 4 others

...Respondents

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

**M/s.KING & PARTRIDGE  
ADVOCATES FOR  
5<sup>TH</sup> RESPONDENT**