

ACTION TAKEN REPORT OF THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) IN RESPECT OF O.A NO. 225 OF 2016 (SZ) IN THE MATTER OF: MEENAVA THANTHAI K.R.SELVARAJ KUMAR, MEENAVAR NALA SANGAM Vs THE CHIEF SECRETARY, GOVERNMENT OF TAMILNADU, SECRETARIAT, CHENNAI AND ORS.

It is respectfully submitted that Joint Committee submit the action taken report in continuation of the report submitted to Hon'ble National Green Tribunal (SZ) in the matter of O.A.No.225 of 2016 against M/s.GRT Hotels and resorts Private Limited, Radisson Blu, Temple Bay, S.F.No.92, 94, 99/1, 3A, 3B1, 3B2A, 3B2B1, 3B2B2A1part, 3B2B2B, 3B2B2C, 3B2D, 4, 6, 100/3, 4 part, Mamallapuram village, Tirukalukundram Taluk, Chengalpattu District regarding the additional construction carried out in the CRZ area more than the total built up area as accorded in the Clearance by the National Coastal Zone Management Authority under CRZ Notification .

The Hon'ble National Green Tribunal (SZ) in its order dated 12/01/2021 has directed interalia that:

- 6.It is quite unfortunate that the District Collector, Chengalpet who is himself the chairman of the District Coastal Zone Management Authority is responsible to take action against any violation of CRZ Regulation and the District Environmental Engineer of the Pollution Control Board is the convener of the committee. If that be the case, they are the persons to take action, if there is any violation found, with a copy of the action taken to be forwarded to the State Coastal Zone Management Authority for further action to be taken from their side, if any, under the Environment (Protection) Act, 1986. If that be the case, the further action has to be submitted by the District Collector, Chengalpet on the basis of the findings of the Joint committee in this regard against the 10th respondent, after giving them an opportunity of hearing the allegations before culminating the proceedings against them in accordance with law.
7. The District Collector, Chengalpet is directed to submit the action taken report on the basis of the observations made before the next hearing date.
8. The 10th respondent is also at liberty to file their objections, if any, to the report before the next hearing date.
9. However, it is for the regulating authorities to consider the question of violation under the respective statutes and if any action has been taken, the aggrieved person will be getting a statutory remedy for an appeal against that action under the respective statutes.
- 10.The Registry is directed to communicate this order to the members of the committee as well as to the District Collector, Chengalpet for complying with the direction.

11. The committee is also directed to assess the environmental compensation for the damage caused to the environment on account of the excess construction made by them in violation of the Environmental Clearance (EC) -cum- CRZ Clearance granted.

COMPLIANCE OF THE DIRECTIONS :

It is respectfully submitted that in due compliance of the orders of the Hon'ble National Green Tribunal (SZ) in O.A.No.225 of 2016, the unit of M/s.GRT Hotels and resorts Private Limited, Radisson Blu, Temple Bay, S.F.No.92, 94, etc., Mamallapuram village, Tirukalukundram Taluk, Chengalpattu District was called for a Personal hearing along with their technical representative before the District Collector, Chengalpattu / Chairman, DCZMA at District Collectorate, Chengalpattu on 12.02.2021. The Personal hearing was conducted by the District Environmental Engineer, Tamil Nadu Pollution Control Board, Convenor, DCZMA with the said unit representatives on 12.02.2021 under the Chairmanship of the District Collector, Chengalpattu. The Deputy Director (I/c), DTCP, Chengalpattu who is the member of the DCZMA was also present during the personal hearing.

It is respectfully submitted that subsequent to the personal hearing, the said unit in its written submission before the DCZMA dated 19/02/2021 has stated interalia that :

'While so, during the inspection based on the directions of the Hon'ble NGT, the Joint Committee had visited the site and found some additional construction as set out in its report filed before the Hon'ble NGT. Though we humbly state that we have built as per the approved plans, we have noted that a very small portion of buildings viz.additional staff quarters within 0-200m. That apart, we have also noted that Report has found certain additional construction in the 200-500m area.

After considering the contents of the Report, we wish to state that without prejudice to our rights and contentions, we are willing to suggest the following action from our end, in order to rectify any such alleged defects/violations of CRZ Notification, by way of abundant caution:

1. Demolish the additional staff quarters in the 0-200m CRZ area which would make our property free from any alleged violation under the CRZ notification.
2. Apply for ratification/revised proposal of any additional constructed area in the 200-500m area as per legal procedure.

We accordingly request you to consider our proposal and accordingly permit us to take the above steps, without prejudice to our rights and contentions, and by way of abundant caution, so that we the issue may be resolved'.

It is respectfully submitted that further in due compliance of the above Hon'ble National Green Tribunal (SZ) order, Environmental Compensation for the damage caused to the environment on account of the excess constructions made in violation of the Environmental Clearance (EC) - cum - CPZ Clearance granted, by the unit of M/s.GRT Hotels and resorts Private Limited, Radisson Blu, Temple Bay, S.F.No.92, 94, etc., Mamallapuram village, Tirukalukundram Taluk, Chengalpattu District was assessed as below

CPCB Guidelines for Imposition of Environmental Compensation charges:

The Environmental Compensation shall be based on the following formula:

$$EC = P1 \times N \times R \times S \times LF$$

Where, EC is Environmental Compensation in ₹

PI = Pollution Index of Industrial sector

N = Number of days of violation took place

R = A factor in Rupees (₹) for EC

S = Factor for scale of operation

LF = Location factor

The formula incorporates the anticipated severity of environmental pollution in terms of Pollution Index, duration of violation in terms of number of days, scale of operation in terms of micro & small/medium/large industry and location in terms of proximity to the large habitations.

Note:-

- a. The Industrial sectors have been categorized into Red, Orange and Green, based on their Pollution Index in the range of 60 to 100, 41 to 59 and 21 to 40, respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental Compensation for Red, Orange and Green categories of Industries, respectively.
- b. N, number of days for which violation took place is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by PCB/SPCB/PCC.
- c. R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the Environmental Compensation in cases of violation.
- d. S could be based on small/medium/large industry categorization, which may be 0.5 for micro or small, 1.0 for medium and 1.5 for large units.
- e. LF, could be based on population of the city/town and location of the industrial unit. For the industrial unit located within municipal boundary or upto 10 Km distance from the municipal boundary of the city/town, following factors (LF) may be used

| S.No | Population (Million) | Location Factor (LF) |
|------|----------------------|----------------------|
| 1 | Less than 1 | 1.0 |
| 2 | 1 to <5 | 1.25 |
| 3 | 5 to <10 | 1.5 |
| 4 | 10 and above | 2.0 |

Population of the city/town as per the latest Census of India #LF will be 1.0 in case unit is located >10km from municipal boundary For critically polluted areas / Ecologically Sensitive areas, the scope of LF may be examined further.

f. In any case, minimum Environmental Compensation shall be R 5000/day.

Assesment of Environmental Compensation:

Environmental Compensation to the unit of M/s.GRT Hotels and resorts Private Limited, Radisson Blu, Temple Bay, S.F.No.92, 94, etc., Mamallapuram village, Tirukalukundram Taluk, Chengalpattu District is assessed as below

Date of violation observed (N): 05.12.2020

Pollution Index for Red category industries as per CPCB Guidelines (PI) - 80

Number of days - 77 (from the date of violation noticed to till the date, 19.02.2021)

R as per CPCB Guidelines - 250

S as per CPCB Guidelines - 1.5

LF as per CPCB Guidelines -1.0

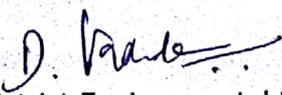
$$\text{Environmental compensation (EC)} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$

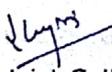
$$= 80 \times 77 \times 250 \times 1.5 \times 1.0 = \text{Rs.}2310000/-$$

Environmental compensation (EC) charges assessed: Rs.23,10,000/- (Rupees Twenty Three Lakhs and Ten Thousand only)

It is respectfully submitted that the above said subject including the assessment of Environmental compensation will be placed before the ensuing DCZMA and the recommendation of the DCZMA will be submitted before the SCZMA (State Coastal Zone Management Authority) for taking necessary further action.

It is respectfully submitted that the details of the action taken on the said subject will then be submitted before the Hon'ble National Green Tribunal (SZ).


 District Environmental Engineer,
 Tamil Nadu Pollution Control Board,
 Maraimalainagar.


 District Collector,
 Chengalpattu District.