

BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHER ZONE)

AT CHENNAI

(Special Original Jurisdiction)

Original Application No.247 of 2020 (SZ)

In the matter of:

Tribunal on its own motion,
Suo Motu based on the news item in
The New Indian Express, Chennai edition
dated 06.11.2020, "Buckingham Canal turns dump,
Poses flood threat"

... Applicant(s)

Versus

1. The Ministry of Environment, Forests and Climate Change,
Rep. by its Secretary,
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi - 110 003.

2. The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, Fort St. George,
Chennai. Tamil Nadu - 600 009.

3. The Secretary to Government of Tamil Nadu,
Department of Environment,
Govt. Secretariat, Fort St. George,
Chennai. Tamil Nadu - 600 009.

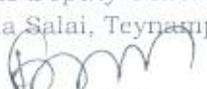
4. Tamil Nadu Coastal Zone Management Authority,
Rep. by its Member Secretary,
No.1, Jeenias Road, Panagal Building, Ground Floor,
Saidapet, Chennai - 600 015.

5. Engineer in Chief (Water Resources Organization) and
Chief Engineer (General),
Public Works Department, Chepauk, Chennai - 600 005.

6. Chennai Metropolitan Water Supply & Sewerage Board,
Rep. by its Managing Director,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 031.

7. The District Collector,
Thiruvallur District,
First Floor, Collectorate, Tiruvallur - 602 001.

8. BGR Energy Systems Limited,
Rep. by its Deputy General Manager,
443, Anna Salai, Teyyanampet, Chennai - 600 018.


ASSISTANT CONSERVATOR OF FORESTS
GREEN SQUAD,
O/o. DIRECTOR OF ENVIRONMENT
PANAGAL MAINGAI,
SAIDAPET, CHENNAI-600 015.


Director
Department of Environment
Chennai - 15.

9. M/s. Sattva Engineering Construction Private Limited
Rep. by its Managing Director,
"GREAMS DUGAR", 4th Floor, North Wing,
New No.64, Old No.149, Greams Road,
Thousand Lights, Chennai - 600 006.

10. The Chairman,
Tamil Nadu Pollution Control Board,
No. 76, Anna Salai, Guindy,
Chennai; Tamil Nadu - 600 032.

11. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),
Represented by its Chairman cum Managing Director,
10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.

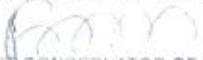
(Suo Motu impleaded as additional 10th & 11th respondent as per Order
dt.23.11.2020.)

...Respondent(s)

REPLY AFFIDAVIT FILED BY THE 4th RESPONDENT

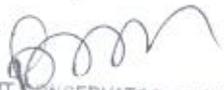
I, K.V. Giridhar, I.F.S, S/o K. Seetharama Rao about 57 years and having office at Ground Floor, Panagal Buildings, Saidapet, Chennai - 600 015 solemnly affirm and sincerely state as follows.

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 5th and 6th respondents.
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 the Hon'ble NGT (SZ) has filed an O.A. No. 247 of 2020 as Suo Motu based on the news item in the New Indian Express, Chennai edition dated 06.11.2020, "Buckingham Canal turns dump, Poses flood threat" and the Hon'ble NGT (SZ) has stated that large scale illegal dumping and discharge of untreated sewage is being done in the Buckingham Canal along Ennore Creek.
4. I humbly submit that the Hon'ble NGT (SZ) has stated that though Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) has been carrying out dredging at the creek to lay underwater pipeline to ferry treated water from the 45-MLD Tertiary Treatment and Reverse [4] Osmosis (TTRO) plant at Kodungaiur to industries at Manali - Ennore corridor, the dredged materials are dumped in the canal in violation of the provisions of the Solid Waste Management Rules, 2016 as well as the Coastal Regulation Zone Notification, 2011 & 2019.


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PANAGAL MALIGAI,
SAIDAPET, CHENNAI-600 015.


Director
Department of Environment
Chennai - 15.

5. I humbly submit that the Hon'ble NGT (SZ) has also stated that the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) has also making dredging work for the purpose of laying their transmission line along these creek and they are also responsible for the damage caused to the water body.
6. I humbly submit that the Ministry of Environment and Forests, GoI have promulgated CRZ Notification 2011 on 06.01.2011 in supersession of CRZ Notification 1991 in the notification S.O.No.19(E) dated 06.01.2011. In the said notification, classification of different coastal zones are stipulated as follows.
- a) **CRZ-I, areas viz.,** Mangroves, Corals and coral reefs and associated biodiversity, Sand Dunes, Mudflats which are biologically active, National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas, Salt Marshes, Turtle nesting grounds, Horse shoe crabs habitats, Sea grass beds, Nesting grounds of birds, areas or structures of archaeological importance and heritage sites and the area between the Low Tide Line and the High Tide Line;
 - b) **CRZ-II areas viz.,** the areas that have been developed upto or close to the shoreline.
 - c) **CRZ-III areas viz.,** area that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural area (developed and undeveloped) and also area within the municipal limits or in other legally designated urban area, which are not substantially builtup.
 - d) **CRZ-IV areas viz.,** the water area from the Low Tide Line to twelve nautical miles on the seaward side and also the water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year.
7. I humbly submit that M/s. CMWSSVB has got Clearance under the CRZ Notification, 2011 for the laying of conveying main along Buckingham Canal and across Ennore Creek for supply of 45 MLD of RO Permeate to Industries and Discharge of Rejects of 18.5 MLD into Buckingham Canal in CRZ area at Kodungaiyur, Chennai district from the Ministry of Environment, Forests & Climate Change (MoEF & CC), Govt. of India vide letter dated 05.09.2017.
8. I humbly submit that apart from others the MoEF & CC, Govt. of India have instructed that the Project Proponent shall ensure that any adverse potential impacts due to the proposed activity on the marine/creek environment during construction and operational phases on the marine environment/ Buckingham Canal is managed through a robust marine environment management plan (MEMP) and implemented in letter and spirit in Para 3, Part-A, (iv) of the said Clearance.


ASSISTANT CONSERVATOR OF FORESTS
GREEN SQUAD,
CHIEF DIRECTOR OF ENVIRONMENT
KANDAMMALAI


Director
Department of Environment
Chennai 15.

9. I humbly submit that M/s. TANGEDCO has obtained CRZ Clearance for the erection of transmission tower and transmission line for 400 KV and 765 KV power evacuation lines from MoEF & CC, Govt. of India, vide letter dated 01.11.2020.
10. I humbly submit that the Tamil Nadu State Coastal Zone Management Authority has recommended the said proposal to MoEF & CC, Govt. of India, subject to the condition under para No.3 (e), that the tower construction locations to be planned to avoid interference into water courses and thereby avoid contamination due to construction, vide Environment & Forest Department, Govt. of Tamil Nadu letter No.13524/EC.3/2019-1 dated 19.08.2019.
11. I humbly submit that the MoEF & CC, Govt. of India have instructed in the Clearances that both of the Project Proponents should upload the status of compliance of the stipulated conditions, including results of monitoring data on their website and shall update the same periodically. Further, the MoEF & CC, Govt. of India have also mentioned that the said report should simultaneously be sent to the Regional Office of the MoEF & CC, the respective Zonal Office of the CPCB and the SPCB.
12. I humbly submit that the Government of Tamil Nadu constituted District Coastal Zone Management Authorities (DCZMA) for all the Coastal districts in G.O.Ms.No.163, Environment and Forests Department dated 09.06.1998. The District Environmental Engineer of the Tamil Nadu Pollution Control Board is the Convener of the District Coastal Zone Management Authority and is the appropriate authority to take action in this regard.
13. I humbly submit that the DCZMAs are entrusted with the following responsibilities, in their respective jurisdictions, as per the said G.O.
- to be responsible for monitoring and enforcement / Implementation of the provisions of the Coastal Regulation Zone Notification.
 - to ensure that the activities within Coastal Regulation Zone take place as per the approved Management Plan.
 - to advise the State Government on any matter relating to protection and control of pollution in Coastal areas.
 - to act as an Authority under Sec. 4 of Coastal Regulation Zone Notification, 1991 dated 19.02.1991 for taking action on Coastal Regulation Zone Plan violations.


 ASSISTANT CONSERVATOR OF FORESTS,
 GREEN SQUAD,
 O-2, DIRECTOR OF ENVIRONMENT
 PANAGAI, MALIGAI,
 SAIDAPET, CHENNAI-600 015


 Director
 Department of Environment
 Chennai - 15.

14. It is necessary to state that to take action on violation under the CRZ Notification, as discussed in the 79th meeting of the TNSCZMA, dt. 18.08.2014, it was resolved that all the District Collectors, District Coastal Zone Management Authorities, CMDA, Corporation of Chennai are responsible for identification of violations and to take action on the violators, by following the procedures, laid down under the Environment (Protection) Act, 1986.

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.


Director
Department of Environment
Chennai - 15.

Solemnly affirmed at Chennai
This the day of January 202
and Signed his name in presence



BEFORE ME


ASSISTANT CONSERVATOR OF FORESTS
GREEN SQUAD,
O/o. DIRECTOR OF ENVIRONMENT
PANAGAL MALIGAI,
SAIDAPET, CHENNAI-600 015.