

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No.247 of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Tribunal on its own motion

Suo Mottu based on the news item in

The New Indian Express, Chennai edition

Dt.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 Bhawan,
Jorbagh Road, New Delhi – 110 003.
- 2) The Principal Secretary to Govt.,
Public Works Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 3) The Secretary to Govt. 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, Jeenis 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, Teynampet,
Chennai – 600 018.
- 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.

....Respondents

Status report filed on behalf of the Second and Fifth Respondent: -

I, A.Muthaiya, son of Asokan aged about 57 years, residing at 'C' Block, 207 Casagrاند Aristo Apartments, Nobel Street, Nanganallur, Chennai- 61 do solemnly affirm and sincerely state as follows:

2. I am the Superintending Engineer, Public Works Department, Water Resources Department, Palar Basin Circle, having my office at P.W.D. Campus,

Chepauk, Chennai-600 005. I am acquainted with the facts of the case from records. I am filing this status report on behalf of the 2nd and 5th respondents.

3.It is submitted that Hon'ble National Green Tribunal (NGT), Southern Zone (SZ), Chennai has been Suo Mottu registered by this Tribunal on the basis of the newspaper report published in The New Indian Express, Chennai edition dated 06.11.2020, under the caption "Buckingham Canal turns dump, poses flood threat". It is alleged in the newspaper report that large scale illegal dumping and discharge of untreated sewage is being done in the Buckingham Canal along Ennore Creek. Further, on account of the illegal dumping of waste in the canal area, the flow of water is affected. The stretch which runs from creek to Palaverkadu plays an important role in flood mitigation in Kosasthalaiyar River Basin. It is seen from the report 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. If necessary steps are not taken for the purpose of removal of the same to restore the flow of the water, then it is likely to cause flood in those areas during the monsoon season.

4.It is submitted that Hon'ble National Green Tribunal (NGT), Southern Zone (SZ), Chennai in its order dated 23.11.2020 has given direction to constitute a Joint Committee comprising of (1) a Senior Officer from the Ministry of Environment, Forests & Climate Change (MoEF&CC), Regional Office, Chennai, (2) the District Collector, Thiruvallur District, (3) a Senior Officer from the Tamil Nadu Coastal Zone

Management Authority (TNCZMA) as deputed by its Chairman/Member Secretary as the case may be, (4) a Senior Officer from the Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB), (5) the Superintending Engineer of Public Works Department (PWD) and Water Resources Organization (WRO) of the respective area and (6) a Senior Officer from Tamil Nadu Pollution Control Board (TNPCB) as designated by the Chairman, Tamil Nadu Pollution Control Board to inspect the area in question and submit a factual as well as action taken report,. Further the committee is also directed to take necessary steps for removal of the dredged materials are dumped in the canal, what are all the remedial measures to be taken to restore the same to its original position.

5.It is submitted that in compliance with the directions of the Hon'ble National Green Tribunal (NGT), Southern Zone (SZ), Chennai, the District Collector of Thiruvallur had convened a meeting with the members of the Joint Committee comprising MoEF, TNPCB, PWD on 12.01.2021 and instructed to inspect the site to assess the ground reality. The site was then inspected by the Joint Committee on the same day between Ennore Creek upto North Chennai Thermal Power Station(NCTPS). At the time of inspection, it was observed that tidal exchange was noticed in Buckingham canal during the High Tide event.

The Government of TamilNadu accorded permission to CMWSSB for transporting 45 MLD of treated water from Territory Treatment and Reverse Osmosis (TTRO) plant at Kodungaiyur to various Industries located at Manali and its surroundings Vide. GO(Ms) No.16/ Public works (K2)Department Dated 14.02.2019.The work involves laying of 800mm

Dia DI (Ductile Iron) mains from Kodungaiyur Plant along the banks of Buckingham canal, crossing the Ennore Creek underground for 850m stretch and ultimately distribute treated water to NCTPS, L&T Shipyard and the surrounding industries at a lesser cost.

The CMWSSB had started laying 800mm dia DI pipe laying across the Ennore Creek 2metre below its existing Bed Level by using Cutter Suction Dredger for trench Excavation and pumping out the slurry near the Ennore North Lock of Buckingham Canal in such a manner that the dredged earth will be utilised again for refilling the trench after laying of pipe in Ennore Creek. The PWD had raised objections against this methodology of pumping excavated slurry into the Buckingham canal although it was a temporary procedure and urged to remove the deposited slurry from the Buckingham canal immediately considering the North-East Monsoon to ensure free flow of flood water between Ennore Creek and North Buckingham Canal. This had caused deficiency of tidal exchange. Besides, pumping out slurry into the Buckingham canal would affect the eco-system and consequently cause environmental damage.

To sort out this, a meeting was conducted by the Chief Engineer, WRD, Chennai Region on 03.09.2020 with the CMWSSB officials. During the meeting, the CMWSSB officials had assured to complete the entire work including dredging, pipelaying and refilling the excavated sludge from Buckingham canal into the excavated trench by 30.09.2020 before the onset of monsoon. They further reiterated that there was no alternate method of execution in laying of pipelines as direct pumping of

excavated sludge into the Creek could raise objections from fishermen as their livelihood would be affected by obstructions to their boat movements.

This fact of pumping out slurry into the Buckingham canal was brought to the notice of District Collector of Thiruvallur during inspection of Ennore Creek on 31.10.2020. Although it was grossly stopped, CMWSSB started removing the accumulated sludge from the Buckingham Canal which was partly restored. The CMWSSB had also assured during the inspection of the District Collector, Thiruvallur and subsequent Review meeting conducted by the District Collector on 05.11.2020 to completely remove the deposited sludge within two weeks of time. The excavated sludge had spread into Buckingham canal for a length of about 400 metres. The High Tide Level in the canal varies between (+)0.60m MSL (Mean Sea Level) to (+)1.20m MSL whereas the Low Tide Level oscillates between (+)0.10m MSL to (+)0.60m MSL as per the Tidal Chart. But there were obstructions in the canal for a stretch of about 400 metres during the Low Tide phenomena thereby preventing tidal exchange in the canal.

Hence CMWSSB was instructed to further deepen the canal bed to the level of (-)0.60m MSL. Two numbers of mini dredgers were deployed by the CMWSSB in Buckingham canal to excavate the deposited sludge for restoration. This procedure had been continuously monitored by PWD to speed up excavated sludge removal from the Buckingham Canal at the earliest to ensure free flow without any obstructions.

The CMWSSB has Completed the Pipe laying work across Ennore Creek for a stretch of 850m and hence further pumping of excavated sludge in to the Buckingham canal has been fully stopped.The CMWSSB has also ensured this procedure will not be repeated again in the near future .Accordingly, the CMWSSB engaged heavy machineries for excavating the deposited sludge from the canal bed to the required level insisted by PWD and ultimately achieved it. The procedure has been constantly monitored by PWD with suitable instructions as and when required. The existing bed level of Buckingham canal has gone down to the required level of (-)0.60m MSL by the deepening procedure. At present, the canal has been restored to its original condition and exchange of tidal prism is being visulaised during both cycles of tides everyday.

6.With regard to the revival of Buckingham canal, it is further submitted that the Inland waterways Authority of India (IWAI),Ministry of Shipping ,Government of India, in pursuance to Section 14(2)(g)of Inland Waterways Authority of India Act 1985 and Inland Waterways Authority of India (Classification of Inland waterways in India) Regulations, 2006 notified in Para III-Section 4 of the Gazette dated 20-26 January 2007, the National Waterway(NW) namely Kakinada –Puducherry Canal (consisting of Kakinada Canal, Elluru Canal, Commamur Canal, Buckingham Canal and Kaluveli Tank)interlinking Godaveri and Krishna Rivers for a collective stretch of 1095Kms is classified as National Waterway-4 (NW-4). In TamilNadu, Buckingham Canal starting from Pulicat Lake to Ennore Creek for a distance of 40Kms and from

Muttukkadu to Marakkanam for a distance of 92Kms will be developed as Inland Waterways. The portion between Ennore to Muttukkadu for a stretch of 48Kms was declared non-navigable by IWAI.

IWAI is developing the navigational channel in the National waterways in a phased manner keeping in view the vessel sizes in accordance with the classification of NWs. Buckingham canal is classified as Class III (Bottom width of 40metres)

The Detailed Project Report by engaging Private consultancy is under preparation by the Government of India to restore the canal for navigation . As far as PWD is concerned , demarcation of Buckingham canal with the help of Revenue Department to establish the boundaries is in progress .The Government of Tamilnadu will take up the work under the financial assistance from the Ministry of Shipping, Government of India which involves movement of cargo and passengers , considered to be an economical and popular mode of transport.

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to take on record the above submissions made and pass appropriate order/further orders as deemed fit and necessary in the circumstances of the case and thus render justice.


**Superintending Engineer, W.R.D.,
Palar Basin Circle,
Chepauk, Chennai- 5**