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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE BENCH AT CHENNAI

ORIGINAL APPLICATION NO. 67 OF 2022

WITH

ORIGINAL APPLICATION NO. 93 OF 2022) &

I.A. No. 162 and 163 of 2022(SZ)

IN THE MATTER OF

R.L. Srinivasan, Chennai

...Applicant(s)

Versus

Tamil Nadu Transmission Corporation & ors.

...Respondent(s)

With

Kumaresan Sooluran, Thiruvallur

...Applicant(s)

Versus

Tamil Nadu Transmission Corporation & ors.

...Respondent(s)

Me.Sarashwathy
Standing Counsel for MoEF&CC

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Me.Sarashwathy
Standing Counsel for MoEF&CC

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COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO.2
(MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE).


I, Dr. Saranya .P, D/o Mr. P.K. Narasimman aged about 34 years, presently working as Scientist "D" in the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF&CC) do hereby, in my official capacity, solemnly affirm and state on oath as follows-

1. That I am acquainted with the facts and circumstances of the instant case and duly competent to swear the present affidavit on behalf of the MoEF&CC on the basis of the official records maintained therein.
2. It is humbly submitted that I have perused and understood the contents of the present petition. At the outset, I deny all averments, submissions, statements


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and allegations made therein except as may be specifically admitted herein after.

3. It is humbly submitted that in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, Ministry of Environment and Forest had notified the Coastal Regulation Zone (CRZ) Notification, 1991 on 19th February, 1991. In supersession of the CRZ Notification, 1991, the Coastal Regulation Zone Notification, 2011 was notified on 6th January, 2011, for regulation of developmental activities along the coastal stretches and to ensure the livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches. A copy of CRZ Notification, 2011 is annexed herewith and marked as **ANNEXURE-R2/1**.
4. That, it is further submitted that in supersession of the CRZ Notification, 2011, the Coastal Regulation Zone Notification, 2019 was notified on 18th January, 2019, having specific focus on conservation and management plans of Ecologically Sensitive Areas (ESAs) which did not feature in the CRZ Notification, 2011. A copy of CRZ Notification, 2019, is annexed herewith and marked as **Annexure-R2/2**.
5. It is humbly submitted that as per paragraph 6(i) of the CRZ Notification, 2019, *"All coastal States and Union territory administrations shall revise or update their respective coastal zone management plan (CZMP) framed under CRZ Notification, 2011 number S.O.19(E), dated 6th January, 2011, as per provisions of this notification and submit to the Ministry of Environment, Forest and Climate Change for approval at the earliest and all the project activities attracting the provisions of this notification shall be required to be appraised as per the updated CZMP under this notification*


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and until and unless the CZMPs is so revised or updated, provisions of this notification shall not apply and the CZMP as per provisions of CRZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects.”

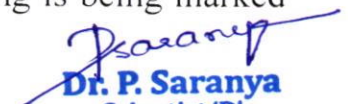
6. It is humbly submitted that **under paragraph 4(ii) (d) of CRZ Notification, 2011, laying of pipelines, conveying systems, transmission lines shall require clearance from MoEF, [after being recommended by the concerned CZMA].**

... “Para 8. Norms for regulation of activities permissible under this notification, - (i) The development or construction activities in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely: -

- I. CRZ-I, - (i) no new construction shall be permitted in CRZ-I except, - (b) pipelines, conveying systems including transmission lines”...*


7. It is humbly submitted that this ministry has accorded CRZ Clearance for erection of transmission tower and transmission line for 400 KV and 765 KV power evacuation lines at Tamil Nadu vide its CRZ Clearance letter dated 01/11/2019 upon recommendation of the Tamil Nadu Coastal Zone Management Authority. Copy of the CRZ Clearance letter dated 01/11/2019 is being marked and annexed as **ANNEXURE-R2/3**.

8. It is humbly submitted that proposal No. IA/TN/CRZ/116364/2019 was received in this Ministry for CRZ Clearance of the project proposal, in accordance with the provisions of the Coastal Regulation Zone (CRZ) Notification, 2011 issued under the Environment (Protection) Act, 1986. The proposal was considered by the Expert Appraisal Committee (EAC) for Infrastructure Development, Coastal Regulation Zone, Building/ Construction and Miscellaneous projects, in its 224th meeting held on 24/09/2019. A copy of Minutes of the 224th EAC meeting is being marked



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and annexed as **ANNEXURE-R2/4**. Further, based upon the recommendation of the Tamil Nadu Coastal Zone Management Authority issued vide its letter No. 13524/EC.3/2019-1. dated 19/08/2019, information submitted during the presentation before the Expert Appraisal Committee and others, the Ministry of Environment, Forest and Climate Change, in acceptance of the recommendation of the Expert Appraisal Committee (CRZ), accorded CRZ Clearance to the project viz '**Erection of overhead transmission tower and transmission lines for 400 KV Power evacuation line from SEZ to Ennore Thermal Power Station (ETPS) expansion project; Ennore SEZ to North Chennai Station; ETPS expansion project to NC Pooling Station and 765 KV Power evacuation line from North Chennai Thermal Power Station Stage-III (NCTPS-III) to NC Pooling Station at Ennore, Tamil Nadu**', **under the provision of CRZ Notification, 2011** and amendments thereto and circulars issued thereon, and subject to compliance of the specific and general conditions related to waste management, Social Environment Responsibility etc. A copy of the recommendation of the Tamil Nadu Coastal Zone Management Authority issued vide its letter No. 13524/EC.3/2019-1. dated 19/08/2019 is being marked and annexed as **ANNEXURE-R2/5**.

9. It is humbly submitted that as per the CRZ notification, 2011 the State Coastal Zone Management Authorities (SCZMAs) are primarily responsible for enforcement and implementation of the provisions of the CRZ Notification and compliance of the conditions stipulated thereunder, the powers either original or delegated, under the Environment (Protection) Act, 1986. The main function of these Authorities include amongst others, enquiring into the cases of alleged violation of the provisions of the CRZ Notifications and take appropriate decision including power to enforce provisions under Section 5, 10 and 19 of the Environment (Protection) Act, 1986.


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10. It is respectfully submitted that this answering respondent (No.2) without prejudice reserves his right to file an additional affidavit at a later stage, if so necessary.
11. It is respectfully submitted that in view of the above mentioned facts, the respondent (No.2) humbly prays that the Hon'ble Court may be pleased to pass such order as deemed fit in the interest of the justice.



DEPONENT

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VERIFICATION

I, the above named Deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed there from.

Verified at Chennai on this 6th Day of February, 2023.



DEPONENT

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