

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI
APPLICATION NO.422 OF 2013

Mr.L/G/Saha Devan,
S/o.L.Gurusamy,
NO.27-H, 3rd Floor,
Pandu Klix Plaza,
New No.330, Old No.168,
Tharnbu Chetty Street,
Chennai -600 001.

.... Applicant

-VS-

1. Union of India,
Rep. By its Secretary to Government,
Ministry of Environment and Forests,
6th Floor, CGO Complex,
Paryavaran Bhavan,
Lodhi Road,
New Delhi.
2. Indian Oil Corporation Limited,
Corporate Office,
Rep. By its Chairman,
3079/3, JB Tito Marg,
Sadiq Nagar.
3. Indian Oil Corporation Limited,
Rep. by its Executive Director (Retail Sales)
Indian Oil Bhavan,
G-9, Ali Yavar Jung Marg,
Bandra East,
Mumbai.
4. Indian Oil Corporation Limited,
Rep. By its General Manager,
Indian Oil Bhavan,
139, Mahatma Gandhi Road,
Chennai 600 034.
5. The Bharat Petroleum Corporation Limited,
Rep. By its Chairman,
Bharat Bhava,
4 & 6 Currim Boy Road,
Ballard Estate,
Mumbai - 400 001.


MANAGING DIRECTOR
METROPOLITAN TRANSPORT CORPORATION
(CHENNAI) LIMITED.
PALLAVAN HOUSE, ANNA SALAI,
CHENNAI - 600 002.

6. The Bharat Petroleum Corporation Limited,
Rep. by its General Manager
24-B, Anna Salai,
Saidapet,
Chennai - 600 015.
 7. The Secretary to Government of Tamilnadu,
Home Department,
Fort St. George,
Chennai - 600 009.
 8. The Secretary to Government of Tamilnadu,
Transport Department,
Fort St. George,
Chennai - 600 009.
 9. State Transport Commissioner,
Transport Department,
Ezhilagam,
Chepauk,
Chennai - 600 005.
 10. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy,
Chennai - 600 032.
 11. The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Salai,
Chennai - 600 002.
 12. The Commissioner of Police,
EVR Salai,
Vepery,
Chennai - 600 007.
 13. Joint Commissioner of Police (Traffic)
EVR Salai,
Vepery,
Chennai - 600 007.
- Respondents

AFFIDAVIT FILED ON BEHALF OF THE 8TH & 11TH RESPONDENTS

I, K.Elangovan, son of V.Kuppusamy, Hindu aged about 55, having office at Metropolitan Transport Corporation Ltd., Pallavan House, Anna Salai, Chennai-600 002, and do hereby solemnly affirm and sincerely state as follows:-


 MANAGING DIRECTOR
 METROPOLITAN TRANSPORT CORPORATION
 (CHENNAI) LIMITED.
 PALLAVAN HOUSE, ANNA SALAI,
 CHENNAI - 600 002.

2. I am the Managing Director of the Metropolitan Transport Corporation (Chennai) Limited, an Undertaking of the State Government of Tamil Nadu and I have been authorised to file this affidavit on behalf of the 8th and 11th respondents herein and as such I am well acquainted with the facts of the case from the records. I state that I am filing this affidavit in my official capacity. At the outset, I deny all the averments contained in this Application except those that are specifically admitted herein.

3. It is humbly submitted that the action plans and the affidavits filed earlier may be taken as part and parcel of the present affidavit.

4. It is humbly submitted that based on the various directions given by the Hon'ble National Green Tribunal, Southern Zone in this regard, the Transport Department of Government of Tamil Nadu has already taken various steps.

5. It is humbly submitted that from the year 2016-2020, 7894 new buses are introduced by providing Share Capital assistance/ Loan assistance from State Government to all the Tamil Nadu State Transport Undertakings. As on date, 1335 vehicles are plying with more than 10 years old in the MTC. So far, the Metropolitan Transport Corporation (Chennai) Ltd, (MTC) has introduced 1196 new buses by replacement of old vehicles for public use.

6. It is humbly submitted that the Government of Tamil Nadu has also revisited the orders to fix age of old vehicles for condemnation/ Replacement so as to reduce the air pollution, repair and maintenance cost. In this regard, the committee has been constituted to prescribe the norms for condemnation of old age buses. The Committee has also submitted its report. Issuing of government order is under correspondence.

7. It is further submitted that Tamil Nadu is the major hub of Automobile and Auto component Industry. Tamil Nadu is also on the verge of transitioning to the new mobility solutions. A new policy for the e-vehicles "**Tamil Nadu Electric Vehicle Policy, 2019**" has been formulated by constituting a Committee to encourage the use of e-vehicles. This policy on electric vehicles has been introduced for the reduction of pollutions caused by the vehicles in the State.


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8. It is humbly submitted that the emission standards are being improved by the latest **Bharat Stage standard (BS)** and BS-VI engine vehicles are low emission.

9. It is humbly submitted that as per the Government of India instructions and as per the Honourable Supreme Court's directions, procurement Agency has been instructed to procure BS-VI Engine vehicles only. Since, **BS-VI emission norms** was effected from 01.04.2020, already sanctioned BS-IV vehicles were also cancelled.

10. It is humbly further submitted that the Government of Tamil Nadu, Transport Department has come out with a concrete plan regarding phasing out of old vehicles which are more than 10 years used for commercial purposes and vehicular pollution being caused on account of their plying on road will be reduced by the introduction of Buses with BS-VI vehicles and e-vehicles in a phased manner.

11. It is humbly further submitted that the Government of Tamil Nadu has not been able to introduce more new fleets to phase out older vehicles, due to financial crisis and paucity of funds. This is evidence from the fact that the revenue during the year 2019-20 from the Transport department is Rs.10366.39/- crores whereas the expenditure is Rs.14800.16/- crores, causing a shortage of Rs.(-)4433.77/- crores. In such circumstances shifting of LNG/CNG/Electric vehicles will not be feasible immediately, since, the expenses incurred already is higher than the collected revenue. As and when the provision for supply of CNG is made, the possibility for conversion of existing Diesel Engine to CNG will be analysed. However, the Transport Department has executed the Agreements (Phase-I) with KfW (German Development Bank) to **procure 2213 Diesel buses with BS-VI standard and 500 electric buses for replacement of over aged buses to be operated primarily in Chennai, Madurai and Coimbatore** so as to reduce vehicular pollution and the work is under progress. This introduction of Buses with BS-VI standard and e-vehicles in a phased manner will phase out older vehicles and also reduce the vehicular pollution.

12. Under these circumstances, it is most humbly prayed that this Honourable Tribunal may be pleased to accept this affidavit and pass such

MANAGING DIRECTOR
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further or other orders as deem fit and proper in the facts and circumstances of this case and thus render justice.

Solemnly affirmed at Chennai on
this the 17th day of December 2020
and signed his name in my presence.




MANAGING DIRECTOR
METROPO **BEFORE ME** PORT CORPORATION
(CHENNAI) LIMITED.
PALLAVAN HOUSE, ANNA SALAI,
CHENNAI - 600 002.
ADVOCATE : CHENNAI

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI
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AFFIDAVIT FILED ON BEHALF OF THE 8TH
& 11TH RESPONDENTS

THIRU.KAMALESH KANNAN
COUNSEL FOR 8TH & 11TH RESPONDENTS