

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI

ORIGINAL 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,
Thambu 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.

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No. of Corrs/Nil


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

5. The Bharat Petroleum Corporation Limited,
Rep. by its Chairman,
Bharat Bhava,
4 & 6 Currim Boy Road,
Ballard Estate,
Mumbai - 400 001.
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 Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009.
8. The Secretary to Government of Tamil Nadu,
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, A.Anbu Abraham, S/o.Arul Dhas, Christian aged about 59 years, having office at Metropolitan Transport Corporation Ltd., Pallavan House, Anna Salai, Chennai-600 002, and do hereby solemnly affirm and sincerely state as follows:-

1. 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 authorized 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.
2. It is humbly submitted that the action plans and the affidavits filed earlier may be taken as part and parcel of the present affidavit.
3. It is humbly submitted that based on the various directions given by the Hon'ble National Green Tribunal, Southern Zone, the Transport Department of Government of Tamil Nadu has already taken various steps and measures in this regard.



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4. The details of Action Plans taken by the State of Tamil Nadu in order to improve the air quality in the State, with respect to vehicular pollution is as follows:-

- It is humbly submitted that at present with regard to the buses of State Transport Undertakings, the fitness certificate for all buses are updated for roadworthiness once in six months. In the G.O.Ms.No.70, Transport (A) Department, dated 08.07.2021, orders have been issued for revising the norms for (i) The Express Buses of State Express Transport Corporation (Tamil Nadu) Limited (SETC), Chennai be replaced at the end of the 7 years (or) completion of 12 lakh KMs run whichever is earlier (ii) The buses of all other Tamil Nadu State Transport Undertakings (TNSTUs) be replaced at the end of 9 years (or) on completion of 12 lakh KMs run whichever is earlier. Further, all Tamil Nadu State Transport Undertakings (TNSTUs) are requested to ensure that infra body repair works are carried out on completion of half of the years of its specified life period/ mid life reconditioning of buses.
- It is humbly submitted that in the Tamil Nadu State Transport Undertakings there are 8705 buses were condemned for the period from 2014 to 2020. Thereafter 8372 new buses of BS-III and BS-IV were introduced by replacing the over aged buses in the Tamil Nadu State Transport Undertakings for the period from 2014 to 2020.



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- It is humbly submitted that in the face of increasing pollution and vehicular emissions, the Government of India implemented the transition from BS-IV to BS-VI norms, skipping the BS-V stage from April 2020. As per MoRTH guidelines only BS VI vehicles are being registered from 1.4.2020 in the State of Tamil Nadu, thus it would reduce the pollution by 50% for the new vehicles. Now, fuel is also available in BS-VI fuel. Most OEMs are currently investing in upgrading their portfolio to ensure compliance with BS VI norms, and Original Equipment Manufacturers (OEMs) have tied up with Global Firms to develop BS-VI technology.
- It is humbly submitted that to mitigate the air pollution due to 20,358 Tamil Nadu State Transport Undertakings buses, transitioning to BS-VI norms and electric vehicles is the only option, the Government has proposed to deploy 2213 BS-VI compliant diesel buses and also 500 electric buses under KfW funding assistance programme from the year 2021 and to add up to 12000 BS-VI compliant diesel engine buses and 2000 buses over a five years period in Tamil Nadu. Before the end of 2026, about 69% of the overage vehicles will be replaced.
- It is humbly submitted that BS-VI compliant petrol vehicles will be 25% cleaner than BS-IV due to the reduction in nitrogen oxide levels from 80 to 60mg/km. For diesel engines, BS-VI reduces 3 pollutants, viz. NOx, Particulate Matter and Hydrocarbons by 82%, 68%, and 43% respectively.

5. The said steps are being taken by the Government of Tamil Nadu to reduce the usage of old vehicles on the road.
6. Further, it is humbly submitted that the Transport Department has dealt with operation of TNSTUs buses only. The vehicle registration, enforcing authorities, Transport Commissioner and all Regional Transport Offices are comes under the control of Home (Transport) Department. We are one among the stake holders involving road transport our share is very meager (only 0.07% of total motor vehicle population), all the other stake holders are not in our control. They are only controlled by the enforcing authorities viz. Transport Commissioner and Home (Transport) Department.

Under the above circumstances, it is most humbly prayed that this Hon'ble Tribunal may be pleased to accept the present affidavit and pass such 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 08th day of January 2022
and signed his name in my presence.

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

BEFORE ME

ADVOCATE : CHENNAI

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL
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THE 8TH & 11TH RESPONDENTS

Dr.D.SHANMUGANATHAN,
Counsel for the 8th & 11th Respondents