

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

Appeal No. 59 of 2017 (SZ)

D. Sulif

... Appellant(s)

Vs

The Government of India,
Rep. by its Director,
Ministry of Environment and Forest,
New Delhi and Others.

...Respondent(s)

Appeal No. 80 of 2017 (SZ)

Conservation of Nature Trust

... Appellant(s)

Vs

The Secretary,
Ministry of Environment and Forest,
New Delhi and Others.

...Respondent(s)

COMPLIANCE REPORT FILED BY THE 2ND & 9TH RESPONDENTS

I, T. Velraj son of Shri. Thangavel, aged 42 years, presently working as Project Director, National Highways Authority of India, PIU, Nagercoil having office at No. 395/3-1, M.S. Road, Majestic Colony, Near Ayappan Koil, Parvathipuram, Nagercoil, do hereby solemnly affirm and sincerely state as follows:


**PROJECT DIRECTOR
NHAI, PIU, Nagercoil**

Preamble:

1. It is respectfully submitted that the project of four laning from Kerala/Tamil Nadu border to Kanyakumari section of NH-47 from Km 43/000 to Km 96/714 and from Nagercoil to Kavalkinaru section of NH 47 B from Km 0/0 to Km 16/376 (Total length 69.963 Km) under NHDP Phase-III is being implemented by the National Highways Authority of India (NHAI). The Environmental Clearance was initially granted for the project by MOEF vide F. No. 5-59/2007-IA.III dt. 09.09.2010. Challenging the issue of Environmental Clearance, certain applications were filed before the Hon'ble National Green Tribunal (SZ), Chennai. On hearing the application numbers 104,111,112, 116 & 127 of 2013 (SZ), the Hon'ble NGT vide its order dt. 14.09.2016 has suspended the Environmental Clearance already granted to the Project and directed for reappraisal with Expert Appraisal Committee.

2. Accordingly, the Expert Appraisal Committee inspected the aforesaid Project Highway and recommended for construction of additional structures so as to protect the water bodies. Ministry of Road Transport & Highways (MoRTH) has accorded approval for additional works as suggested by EAC with tentative cost of Rs. 380 Cr on 22.05.2017 and NHAI Submitted an Undertaking to MoEF& CC on 26.05.2017. In the


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NHAI, PIU, Nagercoil

above circumstances, fresh Environmental Clearance was granted by MoEF& CC vide F.No. 5-59/2007-IA.III dt. 15.06.2017.

3. It is respectfully submitted that against the EC granted by MoEF&CC dt. 15.06.2017, two appeals have been filed by Sh. D. Sulif and Conservation of Nature Trust before the Hon'ble National Green Tribunal (SZ), Chennai which are numbered as Appeal No. 59/2017 and 80/2017 respectively. Hon'ble National Green Tribunal (SZ), Chennai vide its order dt. 09.01.2020 has directed to constitute a joint committee to inspect the stretch and submit the sketch showing the alignment of the project and the number of water bodies, canals existing with survey number and its extent reflecting in the revenue records, etc.

4. On the behest of the National Green Tribunal (SZ), the Government of Tamil Nadu has constituted a Joint Committee vide G.O. (D) No. 293 Highways and Minor Ports (HV1) Department dt. 21.10.2020 with following members.

- a) The District Collector, Kanyakumari District
- b) The Chief Engineer, Public Works Department / Water Resources Organization
- c) The Regional Office, Ministry of Environment, Forest & Climate Change, Chennai


PROJECT DIRECTOR
NHAI, PIU, Nagercoil

d) The Tamil Nadu State Pollution Control Board

5. It is respectfully submitted that the Joint Committee have filed its report to this Hon'ble Tribunal on 17.02.2021. The Hon'ble Tribunal has dismissed the case vide its order dated 14.02.2022 by stating the following:

"8. Thus, it is clear from the report of the Committee that all necessary steps have been taken for protection of the water bodies. While the highway project is of great importance for connectivity for the people, having regard to the ecological significance of the water bodies, the project must be executed without damaging the water bodies as proposed by the EAC and by the joint Committee, constituted by this Tribunal. If any adverse impact on water body becomes inevitable, including division of the water body, area equal to double of the area affected by the water body must be alternatively provided, with the approval of the joint Committee of District Magistrate, Kanyakumari, SEIAA and State PCB to offset such adverse impact. State PCB will be the nodal agency in this regard. The Project Proponent - NHAI, the State of Tamil Nadu and the Executive Engineer, PWD, Tamil Nadu, may take further action as per the observations of the Committee.

T. V. Raj

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9. A report of compliance status as on 30.06.2022 be filed by the NHAI with the Registrar of the Southern Bench, NGT on or before 30.06.2022. If any direction becomes necessary, the Registrar may place the matter before the Bench.

Subject to above, the appeals are disposed of.

If any grievance survives, it will be open to the aggrieved party to take remedies in accordance with law. “

Report on Compliance:

6. The total number of sub-divisions which are classified under different categories of water bodies and which are crossed by the alignment is furnished below:

Tanks / Ponds	River	Canal	Drain & others	Total
61	5	137	227	430

7. In the Environmental Clearance given by MoEF&CC on 15.06.2017, it is laid down that a **total no. of 250 structures** should be constructed across the water bodies. Based on the site visit and on verification of revenue records, the committee found that 191 structures (26 Major / Minor


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NHAI, PIU, Nagercoil

Bridges and 165 Culverts) have been constructed so far and 59 structures (41 Major / Minor Bridges / Aqueducts and 18 culverts) are proposed to be constructed by NHAI. Total structures constructed and proposed to be constructed in 3 Contract packages are tabulated below:

Sl. No.	Description	Kerala / Tamil Nadu border to Villukuri section of NH-47 (Package-I)	Villukuri to Kanyakumari section of NH-47 & Nagercoil to Kavalkinaru section of NH-47B (Package-II)	Construction of Additional structures in KL/TN border to Kanyakumari section of NH-47 (Package-III)	Total
1	Major Bridge	1	5	24	30
2	Minor Bridge	6	17	11	34
3	Aqueduct	1	0	4	5
4	Culverts	37	139	18	194
	Total	45	161	57	263

7. All the above contracts have been foreclosed by the Competent Authority due to various reasons mainly non-availability of borrow earth and aggregates in Kanyakumari Districts. The salient features of the above 3 contracts are tabulated below:


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Sl. No.	Description	Kerala / Tamil Nadu border to Villukuri section of NH-47 (Package-I)	Villukuri to Kanyakumari section of NH-47 & Nagercoil to Kavalkinaru section of NH-47B (Package-II)	Construction of Additional structures in KL/TN border to Kanyakumari section of NH-47 (Package-III)
i	Length	22.219 km	37.958 km	10.360 km
ii	Sanction / Approval Date:	22.01.2016	22.01.2016	01.10.2020
iii	Sanctioned Project cost:	Rs.1272.74 Cr.	Rs.1040.56 Cr.	Rs.653.26 Cr.
iv	Revised Project cost	Rs. 1408.59 Cr.	Rs. 1326.63 Cr.	-
v	Awarded Civil cost	Rs. 519.04 Cr.	Rs. 559.00 Cr.	Rs. 495.00 Cr.
vi	Revised Civil cost after de-scope	Rs. 432.30 Cr.	Rs. 522.53 Cr.	-
vii	Schedule completion	11.08.2018	07.07.2018	15.07.2023
viii	Revised completion	Contract foreclosed on 31.03.2022	Contract foreclosed on 31.03.2022	Contract foreclosed on 31.12.2021
ix	Length Completed	15.884 km	30.666 km	0 km
x	Physical Progress (%)	78.19%	82.04%	0.00%
xi	Financial Progress (%)	75.69%	80.44%	0.00%

8. The stretch of Nagercoil to Kavalkinaru section of NH-47B has been fully completed and opened for public traffic on 04.10.2022.

9. The stretch of Kerala / Tamil Nadu border – Villukuri – Kanyakumari is partially completed with various gaps.


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NHAI, PIU, Nagercoil

10. Subsequently, based on the assurance given by the Government of Tamil Nadu on allotment of borrow earth from Tirunelveli District for this project, the action has been taken by NHAI and the left over works was awarded to M/s. EKK Infrastructure Ltd – TTK Constructions (JV) on 31.03.2023 and the work has been commenced on 03.08.2023 with target for completion of the project as 02.08.2025.

11. The details of completed and in-progress Bridges / Culverts are furnished below:

Sl. No.	Description	Kerala / Tamil Nadu border to Villukuri section of NH-47 (Package-I)	Villukuri to Kanyakumari section of NH-47 & Nagercoil to Kavalkinaru section of NH-47B (Package-II)	Left-over works including Additional Structures in Kerala/ Tamil Nadu Border of NH-47 (Package-III)			Total
				Completed	In-Progress	Yet to start	
1	Major Bridge	1	5	0	2	23	31
2	Minor Bridge	6	17	0	5	9	37
3	Aqueduct	1	0	0	0	4	5
4	Culverts	37	139	8	3	4	191
	Total	45	161	8	10	40	264


PROJECT DIRECTOR
NHAI, PIU, Nagercoil

12. It is pertinent to note that 1 (one) major bridge is additionally provided and 3 Culverts has been upgraded to Minor Bridges in the new contract based on the subsequent observation and as per the present site condition to avoid the damages to the existing water bodies and to maintain the free flow of water during raining seasons.

13. It is also submitted based on the request of the general public and to upkeep the ecological balance of the region, 17 nos. Underpasses / Overpasses have already been constructed in the stretch of Kerala / Tamil Nadu border to Kanyakumari section through earlier contracts.

14. In addition to the above, during the reframing the left-over works, 23 nos. additional Underpasses / Overpasses/ Foot Over Bridge have been provided based on the request of general public and to upkeep the ecological balance of the region.

15. It is also pertinent to note that an amount of Rs. 13.49 Cr. has been remitted to the Government of Tamil Nadu on 07.06.2018, towards conservation of wet lands as per specific condition stipulated in the Environmental Clearance and an amount of Rs. 4.04 Cr has been remitted to the Executive Engineer, PWD/ WRO, Nagercoil on 17.01.2019, towards restoring the tanks/ ponds in Kanyakumari District


PROJECT DIRECTOR
NHAI, PIU, Nagercoil

falling within the proposed alignment of Project Highway. Copy of the same is appended in Annexure-G.

16. The delay in completion of project work is mainly due to non-availability borrow earth and aggregates in Kanyakumari District. In this regard, the District Collector, Kanyakumari District has also written a D.O. letter to the Chairman, NHAI vide letter no. E2/285987/2018 dated 31.12.2022, wherein it is stated that the Kanyakumari District is covered by Forest & ESZ 43%, HACA villages 35% (Partially overlaps in ESZ), CRZ 2% and water bodies 2.4% which are restricted zone. Hence, the District Collector, Kanyakumari has suggested to bring borrow earth from the adjoining District of Tirunelveli District.

17. Now, the work was resumed on 03.08.2023 with various additional cross drainage structures and Underpasses / Overpasses and it will be completed by Aug'2025.

18. It is submitted that no water bodies have been affected due to construction of the subject 4-laning project. All the water bodies have been considered during the construction of four lane road and suitable mitigation measures have also been provided such as provision of Major Bridges, Minor Bridges, Culverts, etc. to protect the water body.


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In these circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dispose of the instant Appeal with appropriate order or direction as it may deem fit and thus render justice.

Dated at Chennai on this the day of January 2024


Counsel for the respondents


DEPONENT
PROJECT DIRECTOR
NHAI, PIU, Nagercoil

VERIFICATION

I, the above-named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

Verified at Chennai on this the day of January 2024


DEPONENT
PROJECT DIRECTOR
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GREEN TRIBUNAL, SOUTHERN
ZONE CHENNAI**

Application Nos. 59 & 80 of 2017

D.Sulif & anr. ... Appellants

Vs

Govt of India
Rep. by its Director
Ministry of Environment & Forest
New Delhi.
And others. ... Respondents

Compliance report

Su. SRINIVASAN
Standing Counsel, NHA
Counsel for Respondents ____