

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE
BENCH, CHENNAI**

ORIGINAL APPLICATION NO. 61 of 2022

IN THE MATTER OF: -

**Mugasi Anumanpalli
Village Panchayat and 9 Ors**

.... Applicant

Versus

Union of India and 9 Ors.

.... Respondent

REPLY AFFIDAVIT FILED ON BEHALF OF SEIAA- TN



Filed by:
G.M. SYED NURULLAH SHERIFF
Senior Standing Counsel
MoEF&Cc.
Mob. No. 9444015330
Counsel for Respondent no. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) AT CHENNAI
SOUTHERN ZONE, CHENNAI**

MEMORANDUM OF APPLICATION

(Under Section 18(1) r/w section 14 of National Tribunal Act 2010)

O.A.61 OF 2022

1. Mugasi Anumanpalli Village Panchayat,
Rep by its President Modakurichi Panchayat Union,
Modakurichi Taluk Erode District.
Cell:9443563630
Mail: mapallipanchayat@gmail.com.

2. Elumathur Village Panchayat,
Rep by its President Modakurichi Panchayat Union,
Modakurichi Taluk, Erode District.
Cell: Cell:9443563630
Mail: mdlogu5088@gmail.com

3. Pudupalayam Village Panchayat,
Rep by its President
Perundururai Taluk
Erode District.
Cell:9787711366
Mail: palanibanupavi@gmail.com

4. Kandikattuvalasu Village Panchayat,
Rep by its President
Modakurichi Taluk,
Erode District.
Cell:9942359090
Mail: kandikattuvalashu@gmail.com



Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

5. Panlyampalli Village Panchayat,
Rep by its President
Perundurai Taluk
Erode District.
Cell: 9965553797
Mail: pantyampallichml26@gmail.com

6. Ekkatampalayam Village Panchayat,
Rep by its President
Perundurai Taluk
Erode District.
Cell: 9788827029
Mail: ekkatampalayam.vpbmc.ero@gmail.com

7. Nathakadaiyur Village Panchayat,
Rep by its President
Kangayam Taluk,
Tiruppur District.
Cell: 9842941039
Mail: nathakadaiyurpt555@gmail.com

8. Thammareddipatayam Village Panchayat,
Rep by its President
Kangayam Taluk,
Tiruppur District
Cell: 9750022333
Mail: trpalayamkgm@gmail.com


Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
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Saidapet, Chennai - 15

9. Maravapalayam Village Panchayat,
Rep by its President
Kangayam Taluk,
Tiruppur District
Cell: 9842022927
Mail: maravapalay

10. Keeranur Village Panchayat,
Rep by its President
Kangayam Tahulk
Tiruppur District
Cell: 9842754099
Mail: keeranuryp@gmail.com

... APPELLANT

/Versus/

1. Union of India
Rep. by its Secretary,
The Ministry of Environment, Forests and Climate Change
Jorbagh, New Delhi.
Phone: 91211-20819220
Mail: sahnk@cag.gov.in

2. The State Environmental Impact Assessment Authority-Tamilnadu,
3rd Floor, Panagal Maaligai,
No. 1, Jeenis Road, Saidapet
Chennai-600015.
Phone: 044-24336421
Mail: Indoe@tn.nic.in


Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

3. The State of Tamilnadu

Rep. by the Principal Secretary to Government,
Public Works Department, Secretariat,
Chennai-600009.

Phone: 044-25673040

Mail: pwdsec@tn.gov.in

4. The State of Tamilnadu

Rep. by the Director, Department of Environment
Panagal Maaligai, No.1, Jeenis Road, Saidapet, Chennai-15.

Phone: 044-24336421

Mall; tndoe@tm.nic.in

5. The Tamil Nadu Water Resources,

Conservation and Rivers Restoration Corporation Ltd.,
Rep by its Chairman and Managing Director,
Chennai-600009.

Phone: 044-28410406

Mail: elorrrotzagmail.com

6. The Engineer in Chief, Water Resources Department

Chepauk, Chennai-600 005.

Phone: 044-28410402

Mail: elcwrdrin@gmail.com

7. The District Collector, Erode District,

Erode-638 011.

Cell: 9444167000

Mail: collrerd@nic.in



Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
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Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

8. The District Collector,
Tiruppur District, Tiruppur-641604.
Phone: 0421-2488811
Mail: collrtup@nk.in

9. The District Collector,
Karur District, Karur-639007
Phone; 04324-257511
Mail: collrkar@nic.in

10. The Superintending Engineer,
Water Resources Department,
Lower Bhavani Basin Division,
Erode-638011 Cell: 9444945235
Mail: [pww|bp@tn.gov.in](mailto:pwd|bp@tn.gov.in)

... RESPONDENTS

COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA – TAMIL NADU,
THE 2nd RESPONDENT

I, Deepak S. Bilgi, I.F.S., Age 44 years working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Maaligai, Saidapet, Chennai – 600015 solemnly affirm and sincerely state as follows:

1. I am filing this counter affidavit on behalf of the 2nd Respondent/SEIAA-TN herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.


Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeenis Road,
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2. At the outset, I deny the averments and allegations stated in this O.A.61 Of 2022 except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. It is respectfully submitted that; the on perusal of the records available at SEIAA-TN, it was noticed that no application seeking Environmental Clearance for 1(c)-River Valley projects/Irrigation Projects at Mugasi Anumanpalli Village has been received at SEIAA-TN till this date.
4. It is respectfully submitted that; Further, as per the Schedule to the Original EIA Notification 2006,

1(c)	River Valley projects	(i) \geq 50 MW hydroelectric power generation; (ii) \geq 10,000 ha. of culturable command area	(i) $<$ 50 MW \geq 25 MW Hydroelectric power generation; (ii) $<$ 10,000 ha. Of culturable command area	General Condition shall apply
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5. It is respectfully submitted that; as per the amendment Notification dated 01.12.2009,

- i. against item 1(c), for the entries in column (5), the following entries shall be substituted, namely: -

“General Condition shall apply.

Note: Irrigation projects not involving submergence or interstate domain shall be appraised by the SEIAA as Category ‘B’ Projects.”;

Member Secretary



Member Secretary

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
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- As per the amendment Notification dated 14.08.2018,

1(c)	(i) River Valley projects	(i) ≥ 50 MW hydroelectric power generation;	(i) < 50 MW ≥ 25 MW hydroelectric power generation;	General Condition shall apply. Note: - (i) Category 'B' river valley projects falling in more than one state shall be appraised at the central Government Level. (ii) Change in irrigation technology having environmental benefits (e.g. From flood irrigation to Drip irrigation etc.) by an existing project,		
	(ii) Irrigation projects	(ii) $\geq 50,000$ ha. of culturable command area	(ii) $> 2,000$ ha and $< 50,000$ ha. of culturable command area			
					Irrigation system	Requirement of EC
					(a) Minor Irrigation system (≤ 2000 Ha)	Exempted
(b) Medium irrigation system (> 2000 and $< 10,000$ ha.)	Required to prepare EMP and to be dealt at State Level (B2 category).					
(c) Major irrigation system	Required to prepare EIA/EMP					

			(≥10,000 to < 50,000 ha.)	and to be dealt at State Level (B1 category).	leading to increase in Culturable Command Area but without increase in dam height and submergence, will not require amendment/ revision of EC.
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6. It is respectfully submitted that; In the G.O.(MS) No.276 PWD(W1) dated: 09.11.2020 pertaining to the said project of 'Extension Renovation, Modernization of Lower Bhavani Sub Basin Project System", it is stated that among other things that "Implementation of the scheme will facilitate Irrigation to an extent of 2,47,247 acres" (i.e. 1,00,057.31 Hectares). As per the provisions given under Schedule to the EIA Notification 2006 and its amendments, 1(c)- River Valley Project & Irrigation Project with $\geq 50,000$ ha of Culturable command area has been categorized as "**Category A**" projects and therefore Environmental Clearance has to be obtained from MoEF &CC as SEIAA TN has no jurisdiction for granting Environmental Clearance for irrigation projects with $> 50,000$ ha of Culturable command area. (SEIAA-TN).



Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
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Therefore, humbly prayed that this Hon'ble Tribunal may be pleased to record and pass orders as this Hon'ble Tribunal may deem to fit and proper in light of the facts and circumstances of this case and thus render justice.

Solemnly affirmed at Chennai on
this 15th day of December 2023 &
Signed his name in my presence

}

SECOND RESPONDENT

BEFORE ME

Handwritten signature and date: 15/12/2023
MEMBER SECRETARY

SEIAA-TN

Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeeris Road,
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