

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

ORIGINAL APPLICATION No. 07 OF 2022

Meenava Thanthai K.R. Selvaraj Kumar
Meenava Nala Sangam
Registered under Section 20 of the Tamilnadu
Societies Act in Sl.No.205 of 2015 dt. 26.06.2015
Rep. by its President
M.R. Thiyagarajan, S/o. (late) Rajalingam
Office at No.48, East Madha Church Street,
Royapuram, Chennai – 600 013.

... Applicant

/Versus/

- 1. State Level Environment Impact
Assessment Authority – Tamil Nadu**
Through the Chairman
Third floor, Panagal Maligai,
No. 1, Jeenis Road, Saidapet,
Chennai – 600 015,
- 2. Tamil Nadu Pollution Control Board**
Through the Chairman
76th Mount Salai, Guindy
Chennai – 600 032.
- 3. The District Collector,**
Thiruvallur District,
Master Plan Complex NH 205,
Chennai – Tirutani Highway,
Thiruvallur, Tamil Nadu – 602 001.


Member Secretary

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

4. ACS Medical College and Hospital

Through the President

Numbal Village, Ambattur Taluk,

Thiruvallur District, Tamil Nadu – 600 077

.... Respondent(s)

COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA – Tamilnadu, THE FIRST RESPONDENT

I, Deepak S. Bilgi, I.F.S., S/o Mr. Siddappa, aged about 43 years, working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Maligai, Saidapet, Chennai - 600 015, solemnly affirm and sincerely state as follows:

1. I am filing this counter affidavit on behalf of the First 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.
2. At the outset, I deny the averments and allegations stated in this original application except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. It is respectfully submitted that; the project proponent M/s. ACS Medical College and Hospitals has applied to State Level Environment Impact Assessment Authority -Tamil Nadu (SEIAA-TN) for seeking Terms of Reference (ToR) under violation category for the Medical College & Hospital Buildings namely "A.C.S. Medical College & Hospital" by M/s. Dr. M.G.R. Educational and Research Institute at S.F.Nos. 35/1, 2, 3, 63/2, 64/1A & 182, Numbal Village, Ambattur Taluk, Tiruvallur District, Tamil Nadu.
4. It is respectfully submitted that; the proposal was placed in the 130th SEAC Meeting held on 11.06.2019. The Project Proponent M/s. A.C.S. Medical College & Hospital initially applied for Environmental Clearance to SEIAA - TN in S.F. No. 35/1.2.3.63/2.64/1A & 1B2 in Numbal village, Ambattur Taluk. Thiruvallur District Tamil Nadu during 2013. From the perusal of the office records, project proposal and the presentation made by the proponent, the following points were noted:
 - i. While scrutinizing, it was found from the photographs furnished by the proponent, which shows that the construction activity was started without prior Environmental Clearance. Hence it was considered as violation of EIA Notification, 2006.


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

- ii. The proponent was requested to furnish the 'Letter of Commitment and Expression of Apology' and the proponent submitted the same.
- iii. The same was sent to the State Government for initiating credible action on the said violation by invoking powers under Section 19 of the Environment (Protection) Act, 1986.
- iv. The Proponent was informed that the project proposal is included in the list of cases involving violations of Environmental Protection Act, 1986 and that the project stands delisted in the lists of proposals under process in SEIAA-TN.
- v. As per the MOEF & CC Notification dated: 14.03.2017, stated that the cases of violation will be dealt strictly as per the procedures specified in the following manner

"In case the project or activities requiring prior EC under EIA Notification, 2006 from the concerned regulatory authority are brought for Environmental Clearance after starting the construction work or have undertaken expansion, modernization and change in product mix without prior EC, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted EC by the SEIAA shall be appraised for grant of EC only by the EAC and Environmental Clearance will be granted at Central level only". Accordingly, the proponent was addressed to submit the proposal to MOEF & CC for EC under violation category vide SEIAA letter dated: 19.06.2017.

- vi. Subsequently, MoEF&CC issued another notification S.0.1030 (E) dated 08.03.2018, stating that "the cases of violations projects or activities covered under category A of the Schedule to the EIA Notification, 2006, including expansion and modernization of existing projects or activities and change in product mix, shall be appraised for grant of Environmental Clearance by the EAC in the Ministry and the Environmental Clearance shall be granted at Central level, and for category B projects, the appraisal and approval thereof shall vest with the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986".
- vii. The proponent has applied for EC under violation to MOEF & CC.


Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Malignal, No.1, Jeeris Road,
Saldapet, Chennai - 15

viii. The application was transferred from MOEF & CC to SEIAA-TN.

The SEAC has noted that the project proponent has applied in the MOEF&CC under violation notification issued by MOEF&CC dated 14.03.2017. But the application submitted in hard copies to SEIAA has total built up area of 22,281.66 Sq.m with a total plot area of 1,19,263.71 Sq.m. Hence, the SEAC decided that the project proponent is requested to revise the application for the total built up area applied to MoEF&CC under violation notification issued by MOEF&CC dated 14.03.2017.

5. It is respectfully submitted that; the proposal was again placed in the 171st SEAC Meeting held on 24.08.2020. The project proponent gave detailed presentation. The details of the project furnished by the proponent are available in the website (Parivesh). The SEAC noted the following:

1. The proponent, M/s. A.C.S. Medical College & Hospital has applied for Terms of Reference for the Construction of Hospital in S.F. No.35/1, 2, 3, 63/2, 64/1A & 1B2 in Numbal Village, Ambattur Taluk, Thiruvallur District, Tamil Nadu.
2. The project/activity is covered under Category "B" of Item 8(a) "Built and Construction project" of the Schedule to the EIA Notification, 2006.

Based on the presentation made by the proponent and the documents furnished, the decided to recommend the proposal to SEIAA for considering issue of ToR in 3 parts as annexed for conducting the EIA study for the project of M/s. A.C.S. Medical College & Hospital Construction of Hospital with an existing built-up area of 78,103.58 sq.m as committed in the meeting in S.F. No. 35/1. 2. 3. 63/2. 64/1A & 182 in Numbal village. Ambattur Taluk, Thiruvallur District Tamil Nadu. In addition to the aforesaid Terms of Reference the SEAC decided to impose the following additional Terms of references.

- a) The proponent is directed to submit the details of the proposal for e-waste management from the building, as part of the EIA report.
- b) STP adequacy certificate from Anna University/IIT, etc should be submitted.
- c) CER proposal shall be furnished.


Member Secretary

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

- e) Agreement with the Authorized recyclers for solid waste disposal shall be furnished.
- f) Revised water balance shall be furnished. Design detail of Sewage Treatment plant along with performances shall be furnished.
- g) Hazardous waste management plan shall be furnished.
- h) Existing STP & ETP performance for last 2 years shall be furnished.
- i) Bio medical waste management plan shall be furnished along with the Bio medical waste input and handled for the existing shall be furnished.
- j) Design criteria for the STP & ETP along with the oxygen transfer efficiency shall be furnished.
- k) The waste water generation and handling for the same shall be furnished.
- l) Details of the occupational health check-up carried out for the workers and/ employees working in the Bio medical waste facility.
- m) The revised proposal of the Form I with existing built-up area of 78,103.58 Sq.m as committed in the meeting shall be submitted to SEIAA-TN and the same shall be uploaded in the Parivesh Website before placing the subject to SEIAA.
6. It is respectfully submitted that; the proposal was placed in the 400th SEIAA Meeting held on 28.09.2020. After detailed discussion, the Authority decided to request the Member Secretary, SEIAA-TN to instruct the PP to upload the revised proposal of the form-1 with existing built-up area of 78,103.58 sq.m in the Parivesh website as committed in the appraisal meeting and furnish the signed hard copy. On receipt of the details, the Member Secretary, SEIAA-TN is requested to place the proposal in the forthcoming Authority Meeting.
7. It is respectfully submitted that; the proponent submitted the additional details to SEIAA-TN on 05.11.2020.
8. It is respectfully submitted that; the proposal was later placed in the 410th SEIAA Meeting held on 11.11.2020. After detailed discussion the Authority decided to accept the


Member Secretary

recommendation of SEAC and decided to grant standard Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan with specific Terms of Reference for assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the Environment Impact Assessment report as recommended by SEAC and subject to General conditions in addition to the following conditions:

1. The proponent shall furnish the analysis of the water quality of the bore well/Open well in and around at least 1Km from the boundary of the project site.
 2. The project proponent shall submit the suitable land use classification certificate obtained from the DTCP/CMDA.
 3. Details of the building along with floor wise area of each building.
 4. Details of study on social impact, including livelihood of local people.
 5. A detailed plan on plastic waste management shall be furnished. Further, the proponent should strictly comply with, Tamil Nadu Government Order (Ms) No.84 Environment and forests (EC.2) Department dated 25.06.2018 regarding ban on one time use and throw away plastics irrespective of thickness with effect from 01.01.2019 under Environment (Protection) Act, 1986. In this connection, the project proponent has to furnish the action plan.
 6. A detailed post-COVID health management plan for workers as per ICMR and MHA guidelines or the State Govt. guideline may be followed and report shall be furnished.
9. It is respectfully submitted that; After detailed report and recommendation of the committee to grant standard Terms of Reference (ToR), SEIAA-TN issued ToR to the project proponent through their Letter Vide Lr. No. SEIAA-TN/F.No.226/Violation/ToR-821/2020, dated:23.11.2020.
 10. It is respectfully submitted that the proponent submitted a detailed EIA report based on the ToR granted to the office of SEIAA-TN and the same was appraised in 247th & 320th SEAC meeting.
 11. It is respectfully submitted that; the Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No.07 of 2022 in its order dated: 24.01.2022 has stated that

".....14. In order to ascertain the genuineness of the allegations made in the application, we feel it appropriate to appoint a Joint Committee comprising of (i)


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

the District Collector, Thiruvallur or his/her nominee not below the rank of Assistant Collector/Sub Divisional Magistrate as deputed by the District Collector, (ii) a Senior Officer from the Integrated Regional Office, Ministry of Environment, Forest & Climate Change (MoEF&CC), Chennai, (iii) a Senior Officer from the State Level Impact Assessment Authority (SEIAA) Tamil Nadu, and (iv) a Senior Officer from the Tamil Nadu Pollution Control Board as deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

12. It is respectfully submitted that; the court directed the Joint Committee to ascertain as to:

- i. Whether the Fourth Respondent had obtained necessary Environmental Clearance (EC) and other permissions as required under the EIA Notification, 2006 and other environmental laws for the purpose of establishing their expanded activity of the medical college,
- ii. Whether the Fourth Respondent has obtained necessary Consent to Establish and Consent to Operate and also other authorization as required under the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Bio Medical Waste Management Rules, 2016 and if not, what is the nature of action taken by the regulators for such violation,
- iii. Whether the Fourth Respondent is complying with the Bio Medical Waste Management Rules, 2016 and also the Solid Waste Management Rules, 2016 for the purpose of disposing the waste (both Bio-Medical waste and Non-Bio-Medical waste) as per the Rules and if not, what is the nature action taken by the regulators in this regard.
- iv. While making the construction, whether the Fourth Respondent had encroached into the water bodies as alleged by the applicant in the application and if so, what is the nature and extent of encroachment made and what is the nature of action taken by the regulators in this regard to remove the encroachment and restore the water body to its original position.
- v. The committee is also directed to assess the damage caused to the environment and assess environmental compensation, apart from assessing compensation for the violations committed by the fourth respondent of environmental laws as has been directed by this Tribunal in several matters of this nature and guidelines issued by the CPCB in this regard and also cost required for restoring the damage caused to


Member Secretary

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

environment and restoration of water bodies, if any encroachment is made.

13. It is respectfully submitted that; a joint committee was constituted and the members inspected the project site on 22-02-2022 and submitted the inspection report before the Hon'ble National Green Tribunal, Southern Zone, Chennai.

It is therefore humbly prayed that this Hon'ble NGT (SZ) may be pleased to consider the above said facts and pass such order or orders as this Hon'ble Tribunal may deem fit and proper in this case and thus render justice.

Solemnly affirmed at Chennai
On this 06th day of February 2023
And signed his name in my presence.


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

**FIRST RESPONDENT
MEMBER SECRETARY**


Assistant Environmental Engineer
State Level Environment Impact Assessment Authority-Tamilnadu
Third Floor, Panagai Maligai
Saidapet, Chennai - 600 015

BEFORE ME
Attested Officer