

**BEFORE THE NATIONAL GREEN TRIBUNAL(SZ) AT CHENNAI  
O.A No. 74 of 2021**

K.Saravanan

....Applicant

-Vs.-

Union of India,  
Rep by its Secretary,  
MoEF&CC, New Delhi

....Respondent

**MEMO FILED ON BEHALF OF RESPONDENT (MoEF & CC)**

Dated at Chennai this the 7<sup>th</sup> day of November 2023



Sai Srujan Tayi  
Counsel for MoEF& CC/Respondent  
Contact No: 98414 41438  
Mail ID: sai@girisai.com

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**ORIGINAL APPLICATION NO. 74 OF 2021 (SZ)**

**IN THE MATTER OF:**

**K. SARAVANAN**

**...APPLICANT**

**VERSES**

**THE UNION OF INDIA**

**....RESPONDENT**

**MEMO FILED ON BEHALF OF THE RESPONDENT**

**It is respectfully submitted as follows:**

1. The Ministry of Environment, Forests & Climate Change (MoEF&CC) submits that the above OA No 74 of 2021 was filed alleging that the Office Memorandum dated 11.11.2020 bearing No. F. No J 13012/8/2009-IA. II (T) issued by the MoEF&CC is unscientific and it is contrary to the mandate of the EIA Notification, 2006 which requires that the environmental impact of a proposed activity be studied, assessed and cleared by a competent authority. The applicant had prayed to quash the Office Memorandum dated 11.11.2020.



**Dr. E. Arockia Lenin**

**Scientist 'D'**

**Government of India**

**Regional Office, MoEF&CC**

**Shastri Bhawan, Haddows Road,  
Nungambakkam, Chennai - 600 006**

Dr. E. Arockia Lenin  
Scientist 'D'  
Government of India  
Regional Office, MoEF&CC  
Shastri Bhawan, Haddows Road,  
Nungambakkam, Chennai - 600 006

2. This Hon'ble Tribunal vide interim order dated 24.05.2023 has directed the MoEF&CC to revisit the Office Memorandum dated 11.11.2020 regarding 'Amendment in Environmental Clearance for change in coal source by Thermal Power Plants' by the Expert Appraisal Committee.
3. Accordingly, the matter was referred to the Expert Appraisal Committee (Thermal Power Projects) for further examination of the issues. The representatives from Central Electricity Authority (CEA), Central Pollution Control Board (CPCB), Central Institute for Mining and Fuel Research (CIMFR), National Environmental Engineering Research Institute (NEERI), Hazardous Substance Management (HSM) Division of MOEF&CC, Control of Pollution (CP) Division of MOEF&CC & NTPC were also consulted in the matter. Thereafter, the EAC held detailed deliberations on the matter in its meetings held on 19.06.2023, 01.08.2023, 16.08.2023, 27.08.2023 and 04.09.2023 and only after a thorough examination of the information received on certain aspects from the CEA and the findings/analysis report of the sub-committee, the EAC finalized its recommendations.
4. That in view of the above, the MoEF&CC has accepted the recommendation of the EAC.



**Dr. E. Arockia Lenin**  
Scientist 'D'

Government of India  
Regional Office, MoEF&CC  
Shastri Bhawan, Haddows Road,  
Nungambakkam, Chennai - 600 006

Dr. E. Arockia Lenin  
Scientist 'D'  
Government of India  
Regional Office, MoEF&CC  
Shastri Bhawan, Haddows Road,  
Nungambakkam, Chennai - 600 006

5. It is necessary to note that the EAC Report has recommended changes in the applicability of O.M. dated 11.11.2020 wherein it has stated that:

- The OM is inapplicable if the coal source is being changed from 100% imported coal to 100% domestic coal.
- The OM is inapplicable if the coal source is being changed from 100% domestic coal to 100% imported coal.
- The OM is inapplicable if domestic coal is being blended in imported coal-based power projects beyond 10%.
- The O.M. continues to be applicable if the coal source is being changed from one domestic source to other domestic source, partial or full change.
- The O.M. continues to be applicable if imported coal is being blended in domestic coal-based power projects up to a maximum of 30%.

- The O.M. continues to be applicable if domestic coal is being blended in imported coal-based power projects up to a maximum of 10%.

The EAC Report recommends the O.M. dated 11.11.2020 continues to be applicable in the aforesaid scenarios which demonstrates that the said



**Dr. E. Arockia Lenin**  
Scientist 'D'  
Government of India  
Regional Office, MoEF&CC  
Shastri Bhawan, Haddows Road,  
Nungambakkam, Chennai - 600 006

O.M under challenge is in line with the EIA Notification, 2006.

6. Since the EAC, as per the EAC Report, does not recommend for withdrawal of the O.M. dated 11.11.2020 rather, it has only proposed certain changes in the applicability of OM dated 11.11.2020.
7. Therefore, in light of the above, the MoEF&CC has decided to issue an amendment to the O.M dated 11.11.2020 for which, it is requested to grant 4 weeks' time.
8. It is most humbly prayed that this Hon'ble Tribunal be pleased to take the memo on record and dismiss the present application of the applicant, thus, render justice.

Dated at Chennai on this, the 7<sup>th</sup> day of November, 2023



**For MoEF&CC (Respondent)**

**Dr. E. Arockia Lenin**

Scientist 'D'

Government of India

Regional Office, MoEF&CC

Shastri Bhawan, Haddows Road,  
Nungambakkam, Chennai - 600 006

Dr. E. Arockia Lenin  
Scientist 'D'  
Government of India  
Regional Office, MoEF&CC  
Shastri Bhawan, Haddows Road,  
Nungambakkam, Chennai - 600 006