

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI
MEMORANDUM OF APPLICATION

(Under Section 18(1) read with Sections 14, 15 of National Green Tribunal Act
2010)

Application No. 8 of 2016

Between:

R.Ravimaran
S/o Ramachandran
No.42, Beach Road, Thazhankuppam
Ennore, Chennai - 600057

.. Applicant

Vs

1. Union of India,
Rep by its Secretary
The Ministry of Environment, Forests and Climate Change
Jorbagh, New Delhi & Ors

... Respondents

MEMO FILED ON BEHALF OF THE APPLICANT

It is submitted as follows:

1. Studies till date have confirmed contamination, and the report by the Sultan Ismail Committee contains a suggestion of the extent and depth of flyash contamination. The nature of contamination is such that the composition of the river bottom and the backwaters has been substantially altered to pose a threat to the aquatic flora and fauna.
2. The Ismail committee report indicates that depth of coal ash deposits inside the river and in the backwaters are of varying depths. A tidal water body is a dynamic habitat complex. Depth and spread of water, including rain and tidal water, in and beyond the main channel will vary depending on the time of the day and the season. These differences also mean that micro-habitats within the tidal wetland complex consisting of a perennial channel, and floodplains or backwaters that have a salinity gradient that decreases from east to west.
3. Remediation and restoration of wetlands is a complex and trans-disciplinary process that is beyond the means of a JCB operator. Remediation involves removal of offensive material in order to allow the natural system to recover; restoration involves aiding the recovery of the natural system – return of native flora and fauna – through soft interventions.
4. Expertise in hydrology, ecology, botany, soil biology, project management,

remediation of contaminated sites etc is required and this is beyond the mandate of the TNPCB or the CPCB - who also lack the necessary core competence to carry on such an effort.

5. Preparing and finalising of a DPR should not take more than 6 months, and this report will then constitute the blueprint for remediation and restoration undertaken by a Project Management Consultant overseen by an Expert Committee and a Local Area Environment Committee consisting of fisher stakeholders.
6. Expert Committee should consist of subject matter experts from different spheres and persons capable of overseeing the preparation of the Detailed Project Report and the work of the Project Management Consultant. Since any serving senior civil servant will not have sufficient time to spend on the present exercise, it is suggested that the effort may be headed by a retired senior IAS officer of repute. Further, this Hon'ble Tribunal had already appointed from an expert from the Environmental and Water Resources Engineering department and a retired professor botanist and member of the Tamilnadu biodiversity authority to study the issue and they have also filed reports. TNGEDCO has earlier engaged the IIT for several services and they will not have any objection to the appointment of the suggested experts from the institution.
7. The following names are proposed for consideration:
 - a. Santha Sheela Nair, I.A.S (Retd). Former Vice-Chairperson, State Planning Commission. Former Secretary, Municipal Administration and Water Supply, Government of Tamil Nadu. Former CMD, Metrowater.
 - b. Dr. Balaji Narasimhan, Head, Environment and Water Resources Engineering, Dept of Civil Engineering, IIT-Madras. (Water Resources expert)
 - c. Dr. Indumathi Nambi, Professor, Environment and Water Resources Engineering, Department of Civil Engineering, IIT-Madras, (Remediation expert)
 - d. Prof. D. Narasihman, Retired HOD, Department of Botany, Madras Christian College, Member, Tamilnadu Biodiversity Authority.
 - e. Dr. Jayshree Vencatesan, Care Earth, Restoration Ecologist. Former member, Tamilnadu Coastal Zone Management Authority.
8. It is submitted that the mandate for appointment of consultant to prepare the DPR for remediation, approval of the DPR and overseeing its execution has to be entrusted to a multi disciplinary committee of experts as suggested above. The polluter TANGEDCO cannot play any role in the remediation effort

and cannot control the remediation effort.

9. It is further submitted that it is not disputed that the old leaking pipelines are the cause for this damage - ideally this egregious pollution and contamination caused in violation of the EC, the Water Act and Air Act should result in closure of the offending thermal power plant. However, given the reluctance of the authorities to act, immediate steps to stop use of these pipelines at least has to be directed. The ash generated can be collected and transported through trucks and the pipelines cannot be used till they are replaced with new pipelines.
10. In fact, for the stage III plant under construction, TANGEDCO has commenced the illegal laying of pipelines without even assessment in the EIA report or clearance. These pipelines can be used to replace the worn out, leaking pipelines for stage I and II. Since 2017, this Hon'ble Tribunal has been very patient with TANGEDCO in the matter of replacement of pipelines but none of the undertakings given have been honoured. While TANGEDCO has necessary funds to set up 2 new thermal plants in the same area at more than 20,000 crore budget, they don't have the money to replace these old pipelines and take pollution control measures. This situation will continue till the TANGEDCO is allowed to pollute with impunity.
11. TANGEDCO continues to cause severe air pollution through excess air emissions through its stack as well but despite orders of this Hon'ble Tribunal , no steps to prosecute the offender has been taken till date by the TNPCB.
12. It is submitted that since 2016, this matter has been pending before this Hon'ble Tribunal for resolution - the powers of this Hon'ble Tribunal to remediate and restore the environment is absolute and the violator cannot have any objection to any measures taken to abate the damage as well as to restore the environment.

Dated this the 22nd day of November, 2021 at Chennai

Counsel for the Applicant