

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE AT CHENNAI

O.A No.8 of 2016

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O.A.No.152 of 2016

&

O.A.No.198 of 2016

1.R.Ravimaran (died)

2.R.L.Srinivasan

3.K.Saravanan

... Applicants

-Versus-

Union of India

Represented by its Secretary

The Ministry of Environment, Forest and climate Change

Jorbagh, New Delhi and Others

... Respondents

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1.	29.11.2023	Report filed by respondents No.2 and 3	1-3.
2.		Payments made in compliance of order dated 5.7.2022.	4-16.

Dated at Chennai this the 29th day of November 2023

Counsel for the Respondents No.2 and 3

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AFFIDAVIT OF 3RD RESPONDENT

I, S.Dakshinamurthy, son of S. Subbiah, aged about 58 years Hindu, working as Chief Engineer, TANGEDCO, having office at North Chennai Thermal Power Station-I, Chennai, do hereby solemnly affirm and sincerely states as follows:-

1. I am the 3rd respondent herein and hence I am well acquainted with facts and circumstances of the based on record and I am filing this affidavit on my behalf and on behalf of the 2nd respondent also.

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2. I submit that I have already filed compliance report on 13.10.2023 for the Hon'ble Tribunal's order dated 05.07.2022 as follows:

Now I submit I am filing the present status of compliance report of the Hon'ble Tribunal's order date 05.07.2023 as follows:-

a.It is submitted that the North Chennai Thermal Power station (NCTPS) is unit of Tamil Nadu Generation and Distribution Corporation (TANGEDCO) is an electric power generating company owned by Government of Tamil Nadu and a successor entity to the erstwhile Tamil Nadu Electricity Board.

b.It is submitted that the NCTPS is energy generating company and its duty is to generate power and supply the power to the State Load Dispatch Centre which in turn inject to the Power to Grid of TANGEDCO so as to the supply Electricity to end users (Consumers). NCTPS-1 is not generating any revenue of its own and not having any provision for annual turnover. As on date TANGEDCO is being supplied electricity as per Annual Report 2021-22 of TANGEDCO, the total number of electricity consumers are 3,17,47,501. Out of the total consumers the domestic consumers (Tariff 1A) constitutes the majority of 2,29,53,918 consumers for whom the power is supplied at an average tariff rate of Rs.3.60/- at subsidized tariff. This tariff category alone constitutes 72 % of the total number of consumers of TANGEDCO. Whereas our average cost of Generation and supply is Rs. 9.04/- per unit in the year 2021-22. There is huge difference between the cost of generation and realization.

c.In the recent years TANGEDCO is reeling under severe financial crunch. As per the Profit and Loss statement for the year ended 31 March 2022 the net loss is Rs.11,954.64 Crores. The company is running for benefit of people of Tamil Nadu in spite of heavy loss, since it is public utility company and working compliance

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with the Government Policy. Further, petitioner extended service connections to farmers and people who are living in hut as stated supra at free of cost.

d.It is further submitted that TANGEDCO is generating electricity for which company had obtained all necessary and relevant permissions/approvals from the competent authorities such as Environment clearance, CRZ Clearance, etc and the same are being renewed periodically without any default. The conditions imposed in the said clearance are being followed by the TANGEDCO in strict compliance.

e.It is submitted that through NCTPS caters the substantial demand of Chennai city by its generation and any system failure affects supply of power to Chennai city.

f.Likewise, TANGEDCO, complying the direction of this Hon'ble Tribunal passed vide Judgment dated 5.07.2022 and following monthly compliance time to time i.e., forwarded every month to Tamil Nadu Pollution control Board. Based on this present compliance report follows:-

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Sl	Direction of the Hon'ble Tribunal	Action Taken by TANGEDCO
i.	The TANGEDCO is directed to carry on their activities strictly in accordance with law and complying with the conditions imposed in the Environmental Clearance and the Consent granted by the State Pollution Control Board.	The environmental Clearance was obtain vide No.14/13/81- Dn2 Dt: 6.01.83 & No.14/13/81- Dn2/1A Dt: 30.04.87 from MOEF & CC and the CTO was obtained in the year 1993 from TNPCB and renewed periodically upto 2015 and there on paid the fee for consent to operate every year up to 2023-2024. Since then the conditions imposed in the EC / CTO with respective to Air Act, Water Act, are being complied without deviations.
ii.	The TANGEDCO is directed to replace the old ash slurry carrying pipes as undertaken by them within the time frame fixed and also take all necessary precautions of providing necessary sensor system to detect the leak immediately and also the mechanism by which production and pumping of ash slurry through the damaged pipeline can be stopped immediately, so that further pumping can be avoided so as to minimize the leak if at all if it happens in future.	NCTPS-I has 5 Nos Ash Slurry disposal Pipe lines which are provided for conveying ash slurry from bottom ash hopper and from ESP hopper. Out of the 5 Nos, Ash slurry Pipe lines Nos 2 & 3 lines have been replaced with new Pipes for a length 8820 mtrs with an expenditure of Rs.726.82 Lakhs. For the pipe lines 1, 4 & 5 - Tender is under progress. In order to mitigate the leakages in ash pipe lines, the worn out pipes are identified and rectified by providing patch plates/ replacement of pipes. In addition, round the clock monitoring is being carried out by engaging a patrolling team with 24 hours vehicle to notice the leakage and stop the pump immediately and to attend the leaks then and there. At present occurrence of leakages outside NCTPS-I premises is almost "NIL".

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iii.	The TANGEDCO is liable to pay the compensation already assessed by the State Pollution Control Board on various occasions for the violations noticed by them and also compensation directed to be paid by this Tribunal in other related connected matters viz., Original Application Nos.122 of 2021 (SZ) and 162 of 2021 (SZ) which were already disposed of this Tribunal by giving certain directions.	Environment compensation as per the direction of Hon'ble NGT Order dt.22.11.2021 in respect of OA.No.162/2021 for an amount of Rs.4.122 Crores was paid through Indian Overseas Bank Vide UTR No :IOBAN21361073553,dt 27.12.21. An amount of Rs.50 Lakhs was paid through Indian Overseas Bank Vide UTR No:IOBAN22087324859 , dt 28.03.22 in respect of OA.No.122/2021.
iv.	The TANGEDCO is also liable to pay environmental compensation which is likely to be assessed on the basis of the study to be conducted by the agency which is going to conduct study for remediation process, apart from the compensation already imposed by various proceedings of the Tamil Nadu Pollution Control Board and directed to be paid by this Tribunal.	TANGEDCO has remitted all the environmental compensation imposed by the Hon'ble NGT till now. And if any further environmental compensation is imposed based on the proposed study to be conducted by the agency appointed by Director - Department of Environment as per Hon'ble NGT direction will also be remitted.
v.	The State Pollution Control Board is directed to monitor the functioning of the NCPTS owned by the TANGEDCO periodically and if there is any violation found, then they are directed to take appropriate action against the TANGEDCO including prosecution and imposition of environmental compensation apart from other directions to be issued as contemplated under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.	TANGEDCO will co-operate with TNPCB for any monitoring activities in NCTPS in this regard.

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Vi	<p>The State Pollution Control Board is also directed to take action against the TANGEDCO for operating the unit without obtaining renewal of Consent to Operate, including imposition of compensation and prosecution, apart from issuing directions as required to be issued under Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986.</p>	<p>This direction is pertaining to TNPCB. It is being followed by TANGEDCO with TNPCB regularly regarding renewal of consent. However, all fees for renewal of consent to operate have been paid as on date.</p>
vii	<p>The Additional Chief Secretary, Environment through Director - Department of Environment is directed to take steps to identify the agency by issuing tender process for the preparation of DPR at the earliest and while calling for the tender, they are directed to include the Terms of Reference suggested by the Joint Expert Committee appointed by this Tribunal to be considered by the agency for preparation of DPR and after finalizing the agency, complete the remediation process to be conducted and after finalizing the remediation process, take steps to implement the same through TANGEDCO by providing necessary technical guidance, if any, required without delay. They are directed to expedite the process of finalizing the agency for preparation of DPR within a period of six months and completion of study within a period of nine months and thereafter, undertake to complete</p>	<p>This direction is pertaining to Department of Environment, Chennai</p>

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	the remediation process at the earliest possible time through TANGEDCO.	
viii	The expenses for conducting the study through the agency to be identified for preparation of DPR and also the expenses for remediation has to be undertaken by the TANGEDCO.	The expenses for conducting the study through the agency to be identified for preparation of DPR and also the expenses for remediation will be borne by TANGEDCO and the details of payment made so far (i) An amount of Rs.20,46,443/- has been paid to TNPCB vide UTR NO: IOBAN23159475080/Dt.08.06.23 towards the expenses for studies conducted by the JEC Committee constituted by the Hon'ble NGT. (ii) An amount of Rs.6,00,000/- has been paid to TNPCB vide UTR NO: IOBAN23214626816/Dt.02.08.23 towards honorarium for the Joint Expert committee members. (iii) An amount of Rs.56,490/- has been paid to the Director of Environment, Chennai towards Advertisement charges for tender for engaging consultant for DPR.
ix	On finalizing the study to be conducted by the agency in respect of remediation, the TANGEDCO is directed to undertake the remediation process and complete the same at the earliest possible time, as delay in implementation will result in further damage to the environment.	The remediation process that will be recommended by the agency will be carried out by the TANGEDCO immediately. On finalising the study to be conducted by Agency, NCTPS-I will carry out remediation process and complete the same at the earliest possible time as directed by TNPCB.
x	After the preparation of DPR, the implementation of the recommendations and the nature of study to be conducted is directed to be monitored jointly by (i) a Senior Officer from the Central Pollution Control Board, Regional Office, Chennai and	TANGEDCO will implement the recommendations as per DPR.


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	<p>(ii) a Senior Officer from the Tamil Nadu Pollution Control Board so as to effectively implement the remediation process in a scientific manner. During the course of monitoring, if the above said committee feels that further study will have to be conducted then that also will have to be carried out by the TANGEDCO in co-ordination with the committee appointed by this Tribunal viz., the Additional Chief Secretary to Government - Department of Environment, Principal Secretary to Government - Department of Energy and Director - Department of Environment</p>	
xi	<p>The TANGEDCO is directed to carry out the recommendations made by the Joint Expert Committee regarding creating green cover, including plantation of mangroves and other species suggested which are conducive to environment and that will not affect the riverine and coastal zone ecology.</p>	<p>The total area of the plant -549 acres green belt area already developed at 161 acres. Balance to be developed in 20 acres. During this year 2023-2024 - 21 acres are developed. In the year 2024-2025 - balance 20 acres will be developed. It is submitted that, 27315 Nos of trees have been planted in NCTPS-I premises and being maintained which is nearer to the norms of 28300 Nos. In addition, 6,540 Nos tree saplings have been planted in ash dyke and being maintained. For developing mangroves Plantations and other Coastal vegetation in both sides of Kosasthalaiyar River Banks, "Buckingham" Canal and nearby Coastal areas, M/s.Swaminathan Foundation, was consulted and they have furnished the proposal on " establishment and management of</p>

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		<p>Mangrove Bio shield" in the Kosasthalaiyar River, Ennore Estuary.</p> <p>The member of Joint Expert Committee Thiru.D.Narasimhan, (HOD) Retired, Department of Botany, Madras Christian College constituted under The Chairmanship of Mrs.Santha Shiela Nair, I.A.S., (Retired), in his report has suggested to plant the trees such as "Punga maram" "Poovarasu" "Vaagai" etc. Accordingly, the plantation of the above trees are being carried out in consultation with the Forest Department.</p> <p>Further, other possible modern methods to establish Coastal Native Vegetation (Afforestation) with the experts is also being explored.</p> <p>M/s.Swaminathan Foundation officials has inspected the site on 30.06.2022 and proposal has been received on 18.07.2022 to an amount of Rs.107 Lakhs for plantations of mangroves in 50 Hectares.</p> <p>Estimate submitted to the Head Quarters for Plantation of mangroves in 30 Hectares at an expenditure of Rs.80.00 lakhs as a first phase.</p>
xii	<p>On the basis of the study to be conducted, based on the DPR consultants identified and if further environmental compensation has been assessed by the agency, then the CPCB as well as the SPCB are directed to take further action in this regard for assessment of further environmental compensation for the damage caused to environment and take steps to recover the amount from the TANGEDCO strictly in</p>	<p>All remediation measures as per the DPR will be carried out by TANGEDCO</p>

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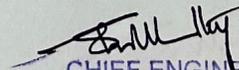
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	accordance with law.	
xiii	The TANGEDCO is also directed to take immediate steps to remove the fly ash already deposited in that area due to the breach of fly ash slurry carrying pipes without delay and after removal of the same, soil analysis will have to be conducted by the CPCB and SPCB and if further remediation will have to be conducted or further steps will have to be taken by TANGEDCO for removal of further fly ash deposit found in that area, then that also will have to be carried out by the TANGEDCO.	<p>Action is being taken to clear the ash deposited as assessed by the joint committee constituted by the Hon'ble NGT vide its order dated 18.11.2019.</p> <p>A quantum of 7,70,242 m³ ash have already been cleared from the land, in and around the pipelines carrying ash slurry, from the Buckingham canal and from the Kosasthalaiyar river.</p> <p>Removal of balance quantity of ash is under progress.</p>
xiv	After completion of the remediation process as suggested by the agency identified on tender basis before certifying the same as contamination free, the CPCB and SPCB are directed to conduct further analysis of soil and water and only after satisfaction that the contamination has been completely removed and the damage caused to the environment has been eliminated and the environment is restored to its original position, they must stop the remediation process till then they will have to continue with the study subject to their satisfaction.	The remediation process as per the DPR will be continued to be carried as per the direction of TNPCB and SPCB.
xv	The TANGEDCO is directed not to cause any act which is likely to affect the riverine and coastal ecology on account of their act and not to cause further damage to the environment by violations of conditions noticed by the regulators earlier.	Adequate measures are being taken and it is ensured that the riverine and coastal ecology in and around NCTPS-I are not affected and caused any damages to the environment


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xvi	The Chairman, Tamil Nadu Pollution Control Board is also directed to closely monitor the execution of the finalized DPR.	This direction is pertaining to TNPCB
xvi i	The TANGEDCO is also directed to achieve 100% ash utilization as per the notification issued by the MoEF&CC and the Tamil Nadu Pollution Control Board is directed to monitor proper ash utilization and a condition must be imposed in the Consent to be issued as and when it is renewed.	<p><u>Pressurized Dense Fly Ash Collection (PDFAC):</u></p> <p>In NCTPS-I PDFAC system has been installed for collecting the fly ash from the ESP hoppers and convey to the silos and further disposed to cement company, brick manufactures, SSI company Etc., The following improvement works are planned and being carried out in a phased manner to improve the ash collection and disposal.</p> <p>PDFAC System in Unit III has been strengthened by restoration of Unit-III 3rd Row lines and vessels, Vent air fan works, renewal of Bag filters and Dome valves. The collection of Fly ash has been now improved.</p> <p>For Unit-II, PDFAC System, strengthening works have been commenced for restoration of Unit-II 3rd Row, Dome valves, conveying lines and other associated have been completed. By this, fly ash disposal will get improved further.</p> <p>Proposal for strengthening of first 2 rows of PDFAC System in Unit-I is under progress and will be complete shortly.</p> <p>Procurement of 6 Nos Air cooled compressors for the PDFAC system PO placed (P.O. No.08 dt.24.04.2023) Material received at site. 4 Nos have been erected and are in service remaining 2 Nos erected shortly.</p>

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xvi ii	While undertaking the remediation process, the Joint Expert Committee appointed by this Tribunal to assess the points to be considered for preparation of DPR to restore the environment in view of the damage caused, can be consulted and the Joint Expert Committee appointed by this Tribunal is directed to provide necessary assistance and further suggestions (if any) and that also will have to be considered by the TANGEDCO and the committee appointed by this Tribunal viz., CPCB and SPCB while implementing the finalized DPR.	While undertaking the remediation process as per the DPR TANGEDCO will consult with TNPCB and CPCB for implementation.
xix	The TANGEDCO is directed to remove the old pipes which are to be replaced with new pipes immediately and that can be used only after the new pipelines are laid as directed by this Tribunal and undertaken by them. Till then they can use only those pipelines which are permitted to be used by this Tribunal	At present, ASDL Pipe No:1,2&3 are in service which are permitted by the Tribunal. Ash slurry Pipe lines 2 & 3 have been replaced with new Pipes for a length 8820 mtr . And for procurement of pipe lines for replacement in 1, 4 & 5 lines - Tender is under progress
xx	The Additional Chief Secretary for Environment, Forest and Climate Change is directed to conduct a study regarding the unutilized Ennore Wetland on the basis of the 1996 CZMP as directed by this Tribunal in similar matter of this nature and protect that area against further development and declare the same as part of Ennore Wetland under the Government Wetland Mission and develop a plan for restoration of the fragile Ennore creek ecosystem and the wetland complex of Ennore.	Pertaining to MoEF &CC Government of India all necessary co-ordinates will be offered from TANGEDCO in this regard

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xxi	The Chief Secretary, State of Tamil Nadu is also directed to consider the grievance of the residents of Chepaukkam village situated near the ash pond and if there is any relocation required for their safety, then that may also to be considered and necessary steps may be taken in this regard in accordance with law, if it is feasible and practicable. If the water quality in that area has been affected on account of the activities of the NCTPS owned by the TANGEDCO, then the TANGEDCO is directed to provide potable water to the residents in that area of the required quantity till the water quality in that area reaches the potable level.	Potable water has been provided by the local Panchayas.
xxi i	The Chief Secretary is directed to constitute a permanent grievance committee headed by the District Collector of the concerned area, State Pollution Control Board, a Senior Officer (not below the rank of Superintending Engineer) of TANGEDCO and nominee of Commissioner - Greater Chennai Corporation and that committee can convene a meeting once in three months and consider the grievance of the local people on account of the operation of the TANGEDCO and if any remedial measures to be taken, then they are directed to take appropriate steps to redress their grievance in accordance with law.	As per the direction, nominee in the level of Superintending Engineer(Superintending Engineer /Mechanical -II/NCTPS-I) has been nominated for the committee representing TANGEDCO .
xxi ii	The right of the applicant to approach this Tribunal or any other forum, if there is any breach	---


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	occurred or violation committed and pollution caused is left open.	
Xxi v	As regards M/s. Kamarajar Port Limited is concerned, further steps to be taken against them will be considered after disposal of the Civil Appeal viz., Civil Appeal No.4238 - 4241 of 2020 filed by M/s. Kamarajar Port Limited pending before the Hon"ble Apex Court.	This direction is pertaining to M/s. Kamarajar Port Limited
Xx v	As and when the Civil Appeals (i.e. Civil Appeal No.4238 - 4241 of 2020) are disposed of, the Registry is directed to brought to the notice of the Bench for further consideration in respect of the steps to be taken and remediation process (if any) to be undertaken by M/s. Kamarajar Port Limited and further compensation (if any) to be imposed against them. Parties are also at liberty to bring this aspect after disposal of the civil appeals pending before the Hon"ble Apex Court.	This direction is pertaining to M/s. Kamarajar Port Limited
xx vi	Considering the fact that the applicants in these cases have taken much pain in protecting the environment in that area and conducting the litigations since 2016 onwards, in order to meet the expenses incurred by them for conducting the cases, the TANGEDCO is directed to pay a cost of Rs.50,000/- each to the applicants in the above three cases within a period three months and if the amount is not paid, then the applicants are at liberty to recover the amount adopting the procedure provided under the	As per the directions of Hon'ble NGT vide order dated 05.07.2022, an amount of Rs.50, 000/- has been made to each applicants in respect of cases OA No.08/2016 & OA No.198/2016 vide UTR No:IOBAN22264507626 dated :21.09.2022 & IOBAN22264507389 dated :21.09.2022 towards the expenditure incurred by them.


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	National Green Tribunal Act, 2010 after the period is over.	
xx vii	The Registry is directed to communicate this order to the Chief Secretary, State of Tamil Nadu, Additional Chief Secretary for Environment, Director - Department of Environment, Chairman - Tamil Nadu Pollution Control Board, Regional Director - Integrated Regional Office, CPCB, Chennai, the District Collector, members of the Joint Expert Committee appointed by this Tribunal for their information and compliance of directions.	---
xx viii	The Additional Chief Secretary for Environment and the committee appointed by the Tribunal namely, CPCB and SPCB and Director - Department of Environment, TANGEDCO are directed to file their periodical reports once in six months till the remediation process is completed.	---
Xxi x	As and when such reports are received, the Registry is directed to place the same before the Bench for consideration and also for issuing necessary directions, if any, required in this regard.	---

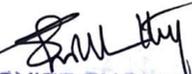
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7. Above all TANGEDCO taking sincere efforts to generate energy with control of emission within norms fixed by the State and Central Pollution Control Board and abiding by directions of this Hon'ble Tribunal issued time to time.

Hence, it is therefore prayed that this Hon'ble Tribunal may be pleased to take report of respondent no.2 & 3 on file and thus render justice.

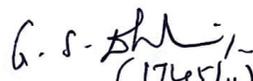

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Solemnly affirmed at Chennai

This the ^{29th} 27 day of November 2023

And signed his name in my presence

BEFORE ME


 (1745/11)
 Advocate : Chennai