

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI  
ORIGINAL APPLICATION NO 08 of 2022**

M.S.Raja  
4/1, Saraswathu Amman Kovil Street  
Puthukudi - 628621  
Srivaikundam  
Thoothukudi District  
Contact No: 9865131449  
E-Mail: [advramasubbu@gmail.com](mailto:advramasubbu@gmail.com)

...Applicant

Versus

1. Union of India Rep by the Secretary of Government  
Ministry of Environment and Forest and Climate Change  
Government of India, Paryavaran Bhavan  
New Delhi - 110003  
E-Mail: [secy-moef@nic.in](mailto:secy-moef@nic.in)
2. The Member Secretary  
State Level Environment Impact Assessment Authority,  
Panagal Maligai, Chennai-600 015  
E-Mail: [msseiaatn@yahoo.com](mailto:msseiaatn@yahoo.com)
3. The State of Tamil Nadu Rep by the Secretary to Government  
Department of Environment  
Government of Tamil Nadu  
Fort St George, Chennai - 600003  
E-Mail: [forsec@tn.gov.in](mailto:forsec@tn.gov.in)
4. The Chairman  
Tamil Nadu Pollution Control Board  
76, Mount Salai, Guindy, Chennai - 600032  
E-Mail: [tnpcb-chn@gov.in](mailto:tnpcb-chn@gov.in)
5. The District Environmental Engineer  
Tamil Nadu Pollution Control Board

Thoothukudi – 628002, Thoothukudi District

E-Mail: [deettn@tnpcb.gov.in](mailto:deettn@tnpcb.gov.in)

6. M/s.V.V.Titanium Pigments Private Limited

Rep by its Managing Director

Sipcot Industrial Complex

Thoothukudi – 628002

E-Mail: [ponsehar@vvtipigments.com](mailto:ponsehar@vvtipigments.com)

... Respondents

### **COUNTER AFFIDAVIT BY SECOND RESPONDENT**

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

1. I respectfully submit that I am filing counter affidavit on behalf of 2<sup>nd</sup> Respondent 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. I respectfully submit that at the outset, I deny the averments stated in the writ petition as false except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. I respectfully submit that, the Environmental Impact Assessment Notification, 2006 mandates prior Environmental Clearance (EC) for new projects or activities including expansion, or modernization of existing projects listed in its Schedule. The Category 'A' projects shall obtain EC from the Central Government and Category 'B' projects from the concerned State Level Environment Impact Assessment Authority (SEIAA)/Union Territory Environment Impact Assessment Authority (SEIAA). The proposal will be placed before the State Expert Appraisal Committee (SEAC) for screening, scoping and appraisal, Based on the recommendations of SEAC, the proposal is placed before the State

Environment Impact Assessment Authority (SEIAA) for the consideration of issue of Environmental Clearance. After detailed discussion and based on the documents furnished, Environmental Clearance is issued by the Authority.

4. I respectfully submit that the project proponent M/s. V.V.Titanium Pigments Private Limited, Thoothukudi District has applied to State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) for seeking Terms of Reference (ToR) for the proposed 6 MW coal based Captive Power Plant within the existing pigment Manufacturing Unit in S.F.No.1225 Part, 1227/1 part 1227/2 part, Meelavittan Part-I Village, Thoothukudi District.
5. I respectfully submit that the project proposal was placed in the 75<sup>th</sup> Meeting of SEAC held on 13.05.2016. The committee observed that the above project comes under item No.1 (d) & Category B1 of the schedule to the EIA Notification, 2006. Based on the presentation made by the proponent and the documents furnished, the committee decided to prescribe Standard ToR as per Annexure- I with Public Consultation, although the project is proposed to be located in Meelavittan SIPCOT Industrial Estate based on Office Memorandum issued by MoEF&CC dated 04.04.2016 along with the following Additional ToR for preparation and submission of final report.
6. I respectfully submit that, the proposal was placed in the 174<sup>th</sup> SEIAA meeting held on 17.05.2016. After detailed discussion the Authority decided to accept the recommendations of SEAC and decided to grant standard Terms of Reference along with public consultation with General conditions vide this office Letter No.SEIAA-TN/F.No. 5054/2016/1(d)/ToR - 249/2016 dated: 17.05.2016
7. I respectfully submit that the project proponent M/s. V.V.Titanium Pigments Private Limited, Thoothukudi District has addressed to State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-

TN) vide letter No.VVTi/L&PR/TNPCB/ CPP/2017-18 dated 16.10.2017 has stated that

*“... We, M/s.V.V.Titanium Pigments Private Limited (VVTi), has applied to SEIAA-TN on 12.02.2016 for prior Environmental Clearance of the 6 MW Captive Thermal Power Plant to meet VVTi plants Power demand. the proposal was considered by the Honourable State Level Expert Appraisal Committee-Tamil Nadu (SEAC-TN) during its 75<sup>th</sup> meeting held on 13.05.2016 and finalized Terms of Reference (ToR) was communicated vide Letter No. No.SEIAA-TN/F.No.5054/2016/1(d)/ToR - 249/2016 dated: 17.05.2016. The draft IA Report has been prepared as per awarded ToRs and submitted to TNPCB, Thoothukudi 22.07.2017 for conducting the Public Hearing.*

*Meanwhile, we have dropped the Proposal of 6 MW CPP as we modified and finalized the installation of 4.5 MW CPP to meet the plant's Power Demand. Our revised Additions and Alterations of the CPP have been approved by the Chief Electrical Inspector to Govt. of Tamil Nadu vide Letter No.TUT 2217/CEIG/D5/Drg/2017 dated 27.07.2017 and the Letter No. TUT 2217/CEIG/D3/SC/2017-2 dated 13.10.2017. The letters are appended for your kind perusal.*

*The proposed CPP of 4.5 MW Capacity (<5 MW) does not require prior EC & Public Hearing as per MoEF&CC Notification S.O.1834 (E) dated 06.07.2015. Accordingly, we are herewith withdrawing our Application for prior Environmental Clearance for 6 MW CPP and also the Application submitted to the TNPCB for conducting the public Hearing...”*

8. I respectfully submit that, the Hon'ble National Green Tribunal, Southern Zone, Chennai has constituted a joint committee to comply the order dated 18.01.2022 in O.A. No. 08 of 2022. In this connection, the joint committee members had inspected the project site and submitted the

joint committee inspection report before the Hon'ble National Green Tribunal, Southern Zone, Chennai

It is therefore humbly prayed that this Hon'ble Tribunal 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 and thus render justice.

Solemnly affirmed at Chennai  
On this 10 day of July 2022  
and signed his name in my presence.

Before me

Attested Officer

OMC  
Supt  
9/8/2022

Unit-I

MEMBER SECRETARY  
SEIAA-TN