

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE
BENCH, CHENNAI**

ORIGINAL APPLICATION NO. 8 of 2024

IN THE MATTER OF: -

Meenavathanthai

.... Applicant

Versus

The Member Secretary, SEIAA and Ors.

.... Respondent

**COUNTER AFFIDAVIT FILED ON BEHALF OF STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)**



Filed by:
G.M. SYED NURULLAH SHERIFF
Senior Standing Counsel
MoEF & Cc.
Mob. No. 9444015330
Counsel for Respondent no. 2

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 08 of 2024 (SZ)

Meenava Thanthai K.R. Selvaraj Kumar

Meenava Nala Sangam

Vs

State Level Environment Impact Assessment Authority (SEIAA)

&

State Expert Appraisal Committee (SEAC)

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

ORIGINAL APPLICATION No. 08 OF 2024

Meenava Thanthai K.R. Selvaraj Kumar

Meenava Nala Sangam

(Registered under Section 10 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 C. Rajalingam,

Office at No.15/8, A.J. Colony,

Royapuram, Chennai – 600 013.

9940178702

stanly.lawyer@gmail.com

.... Applicant

/Versus/

1. State of Tamilnadu

Through the Chief Secretary,

Government of Tamilnadu,

Secretariat,

Chennai – 600 009.

2. State Level Environment Impact

Assessment Authority – Tamil Nadu

Through the Member Secretary,

Third floor, Panagal Maligai,

No. 1, Jeenis Road, Saidapet,

Chennai – 600 015.



Member Secretary

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3. Tamilnadu State Expert Appraisal Committee

Through the Chairman
Third floor, Panagal Maligai,
No. 1, Jeenis Road, Saidapet,
Chennai – 600 015.

4. Tamil Nadu Pollution Control Board

Through the Chairman
76th Mount Salai, Guindy
Chennai – 600 032.

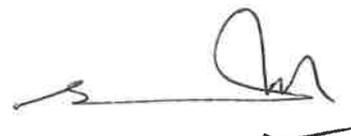
5. Tamilnadu State Coastal Zone Management Authority,

Through the Member Secretary,
Panagal Building, Saidapet,
Chennai - 600032

6. Department of Fisheries,

Government of Tamilnadu,
Through the Director,
3rd Floor, integrated Animal Husbandry and Fisheries Building,
Nandanam, Chennai - 600

.... Respondent(s)



Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
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COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA – Tamilnadu,
SECOND & THIRD RESPONDENT

I, A.R. Rahul Nadh, I.A.S., aged 36 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 Second & Third 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. At the outset, I deny all the averments and allegations stated in this original application No.08 of 2024 except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. I respectfully submitted that; the project proponent **M/s. Fisheries Department** has obtained the CRZ clearance from the Tamil Nadu State Coastal Zone Management Authority issued CRZ clearance vide Lr.No. Proc.No. P1/2204/2016 dated: 10.03.2017 for the proposed construction of Tuna Fishing Harbour.
4. I respectfully submitted that; the SEIAA has issued the Terms of Reference (ToR) to carry out the Environment Impact Assessment (EIA) and Public Hearing meeting, vide Lr No. SEIAA-TN/F.No. 6440/SEAC-C/7(e)/ToR-301/2017 dated: 22.01.2018 to the project proponent **M/s. Fisheries Department** for the proposed Tuna Fishing Harbour at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu.
5. I respectfully submitted that; Public Hearing was conducted on 25.07.2019.
6. I respectfully submitted that; the project proponent **M/s. Fisheries Department** has applied to State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) seeking prior Environmental Clearance for the project/activity which is covered under Category B1 and Schedule S.No. 7(e) under the Environment



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Impact Assessment Notification, 2006, as amended by the Ministry of Environment, Forests and Climate Change, Government of India, New Delhi for the proposed construction of Tuna Fishing Harbour with net fish handling capacity of 69,000TPA at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu along with Final EIA report vide online proposal letter No. SLA/TN/MIS/43388/2015, dated: 27.09.2019.

7. I respectfully submitted that; in the meantime, anticipating the Environmental Clearance and considering the importance of welfare schemes, only casting of Tetra pods and placing of Granite stones on the existing groynes were started by the Project Proponent.
8. I respectfully submitted that; subsequently, in the Hon'ble NGT an Original Application OA No.28/2020 was filed by the Meenava Thanthai K.R. Selvaraj Kumar, Meenava Nala Sangam rep. by its President M.R. Thiyagarajan against the Construction of Tuna Fishing harbour in Coastal Regulation Zone at Thiruvottriyur, Thiruvallur District. The Application was filed before the Hon'ble National Green Tribunal as the Department of Fisheries, is alleged commenced the works without getting permissions.
9. I respectfully submitted that; as per the directions of the Hon'ble National Green Tribunal (NGT) in OA No.28/2020 the work was stopped from 10.02.2020 onwards.
10. I respectfully submitted that; the proposal was placed in the **153rd SEAC meeting held on 04.06.2020**. Based on the presentation made by the proponent and documents furnished, the SEAC decided to recommend the proposal for grant of Environmental Clearance to SEIAA subject to the following conditions in addition to normal conditions:
 - i. The Project proponent shall ensure that no creeks or rivers are blocked due to any activities at the project site and free flow of water is maintained.
 - ii. Appropriate measures must be taken while undertaking digging activities to avoid any likely degradation of water quality. Silt curtains shall be used to contain the spreading of suspended sediment during dredging within the dredging area.



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- iii. Measures should be taken to contain, control and recover the accidental spills of fuel and cargo handle.
- iv. Spillage of fuel / engine oil and lubricants from the construction site are a source of organic pollution which impacts marine life. This shall be prevented by suitable precautions and also by providing necessary mechanisms to trap the spillage.
- v. No diversion of the natural course of the river shall be made without prior permission from the Ministry of Water resources.
- vi. All the erosion control measures shall be taken at water front facilities. Earth protection work shall be carried out to avoid erosion of soil from the shoreline/boundary line from the land area into the marine water body.
- vii. Dredged material shall be disposed safely in the designated areas.
- viii. Shoreline should not be disturbed due to dumping. Periodical study on shore line changes shall be conducted and mitigation carried out, if necessary. The details shall be submitted along with the six-monthly monitoring report.
- ix. Dredging shall not be carried out during the fish breeding and spawning seasons.
- x. The project proponent shall ensure that water traffic does not impact the aquatic wildlife sanctuaries that fall along the stretch of the river.
- xi. A detailed marine biodiversity management plan shall be prepared through the NIOS or any other institute of repute on marine, brackish water and fresh water ecology and biodiversity and submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on a study of the impact of the project activities on the intertidal biotopes, corals and coral communities, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes, other marine and aquatic micro, macro and mega flora and fauna including benthos, plankton, turtles, birds etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography.
- xii. Marine ecology shall be monitored regularly also in terms of sea weeds, sea grasses, mudflats, sand dunes, fisheries, echinoderms, shrimps, turtles,



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corals, coastal vegetation, mangroves and other marine biodiversity components including all micro, macro and mega floral and faunal components of marine biodiversity.

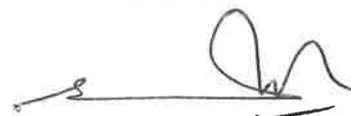
11. I respectfully submitted that; the Hon'ble National Green Tribunal (SZ) has directed the following in its Order dated 21.07.2020 in O.A No. 28 of 2020:

"15. It may be mentioned here that statutory authorities can exercise their statutory powers, unless it is intervened by the orders of this Tribunal and there is no bar for them to proceed with exercising their statutory power for consideration of granting or rejecting the environmental clearance in accordance with law, and if any orders have been passed, the aggrieved parties can challenge the same before the appropriate authorities.

16. So, the SEIAA is directed to consider and pass appropriate orders in the pending application for Environmental Clearance said to have been filed by the State authorities in this case for the project in accordance with law"

12. I respectfully submitted that; subsequently, the subject was placed before the **Authority (SEIAA-TN) in its 387th meeting held on 05.08.2020** the Authority after consideration of all the requisite documents with status and data and based on SEAC appraisal and recommendations for issue of Environmental Clearance in its 153rd meeting held on 04.06.2020. The Authority discussed in detailed and in view of the orders of Hon'ble NGT (SZ) dated 21.07.2020 in O.A.No.28 of 2020 it was decided to issue of Environmental Clearance subject to the conditions as recommended by SEAC and following conditions as addition to the General conditions.

- i. The project proponent shall spend 2% of project cost for utilizing infrastructure facilities in nearby government school before obtaining CTO from TNPCB.
- ii. Environment Clearance is issued subject to the outcome of the Hon'ble NGT (SZ) Order in its O.A.No.28 of 2020.



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iii. The project proponent shall comply with conditions stipulated vide Proc. No P1/2204/2016 dated 10/03/2017 issued by The Tamil Nadu State Coastal Zone Management Authority.

13. I respectfully submitted that; the SEIAA has granted Environmental Clearance (EC) to the project proponent vide Lr. No. SEIAA-TN/F.No.6440/EC/7(e)/75/2020 dated: 05.08.2020.

14. I respectfully submitted that; based on the Hon'ble NGT direction, work has been resumed from 21.09.2020.

15. I respectfully submitted that; the Hon'ble National Green Tribunal (SZ) has directed the following in its Order dated 28.09.2022 in O.A No. 28 of 2020:

“83 (I)O.A. No.28 of 2020 (SZ):

a. *The Project Proponent/6th respondent in O.A. No.28 of 2020 (SZ) had committed some violation of proceeding with the project though not having much impact and gravity without obtaining necessary Environmental Clearance (EC) though they obtained CRZ Clearance in the year 2017 and the application for Environmental Clearance (EC) was pending from 2015.*

b. *Considering the nature of violation, the 6th respondent in O.A. No.28 of 2020 is directed to pay the environmental compensation of Rs.12,00,000/- (Rupees Twelve Lakhs only) to the SCZMA – Tamil Nadu within a period of 3 (Three) months and if the amount is paid, they are directed to utilize the amount for the purpose of improving the shoreline management and also for improving the coastal marine protection/conservation, after preparing a plan in consultation with the Department of Environment, Climate Change and Forest, State of Tamil Nadu and an Expert Agency in this regard and utilize the amount for this purpose in a scientific manner.*

c. *If the amount is not paid within time specified, then the SCZMA – Tamil Nadu is directed to recover the amount from the 6th respondent in accordance with law.*



d. The 6th respondent is directed to strictly comply with the condition imposed in the CRZ Clearance and the Environmental Clearance (EC) granted while proceeding with the work subject to the further orders to be passed by the Tribunal in Appeal No.28 of 2020 (SZ).

(II)Appeal No.28 of 2020 (SZ):

a. The claim of the appellant that the baseline data collected prior to the ToR and the consideration of the project after three years of the collection of baseline data which will vitiate and not conducting the public hearing after further details submitted by the project proponent as directed by the SEAC – Tamil Nadu in its 141st meeting will vitiate the issuance of Environmental Clearance (EC) are rejected for the reasons discussed above in the Judgment.

b. There is no necessity to set aside the Environmental Clearance (EC) as claimed by the appellant, but suspending the Environmental Clearance (EC) to the extent of directing the project proponent not to commission the project but permitting to undertake the project work in onshore area only till such time further studies are completed and further conditions are to be imposed, if any, by the SEIAA – Tamil Nadu will be sufficient and for that purpose, following directions are issued:

i. The project proponent is directed to conduct a study of sediment deposit and sediment erosion including predicting the locations and suitable environment management plan for reducing the same on the basis of the ToR issued and the directions issued by the SEAC – Tamil Nadu in their 141st meeting.

ii. The project proponent is also directed to conduct a study on impact of spillage of fuel or engine oil, lubricant from the construction site and source of other pollution and impacts and suitable precautionary methods to be taken to avoid pollution and trap the spillage should be conducted.

iii. A detailed marine biodiversity management plan prepared through NIOT or any other institute of repute on marine, brackish water and



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freshwater ecologically and biodiversity and must be submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on the study of the impact of the project activities on intertidal biotopes, corals and coral communities (if any) in the area, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes and other marine and aquatic micro, macro and mega flora and fauna including benthos, planktons, turtles, birds, etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography in tune with the recommendations made by the SEAC – Tamil Nadu while recommending the project.

iv. The study must be conducted by the project proponent and prepare a biodiversity management plan and in consultation with biodiversity board and the CRZ authority.

v. After conducting studies and getting report through accredited agency, then the same shall be placed before the SEAC – Tamil Nadu for consideration and on receipt of the same, the SEIAA– Tamil Nadu shall place the same before the SEAC – Tamil Nadu and they shall consider the sufficiency or otherwise of the same and on that basis, if any, further conditions are to be imposed to protect the marine environment then they shall impose the same and recommend the project or pass appropriate findings and forward the same with recommendation / findings to the SEIAA – Tamil Nadu and on receipt of the same, the SEIAA – Tamil Nadu shall appraise the same and take appropriate decision imposing additional conditions or otherwise on the basis of the findings of the SEAC – Tamil Nadu and incorporate the same in the Environmental Clearance (EC) granted.

c. The project proponent is directed to complete the studies within a period of 6 (Six) months and on submission of the report by the project proponent, the SEAC / SEIAA – Tamil Nadu are directed to complete the process of further appraisal as directed by this Tribunal within a further period of 3



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(Three) months and issue necessary further conditions or modifications or findings in accordance with law.

d. Once the SEIAA – Tamil Nadu imposed further conditions, then the project proponent is directed to carry out those conditions as well while proceeding with the project.

e. The Environmental Clearance (EC) granted will be subject to the further orders to be passed by the SEAC and SEIAA – Tamil Nadu as directed by this Tribunal.”

16. I respectfully submitted that; the project proponent has submitted the marine biodiversity management plan prepared through Centre of Advanced Study in Marine Biology Faculty of Marine Sciences, Parangipettai - Annamalai University based on the Appeal filed in the Hon’ble National Green Tribunal in Appeal No.28 of 2020.
17. I respectfully submitted that; the project proponent **M/s. Fisheries Department** has applied to State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) seeking amendment in the earlier issued Environmental Clearance for the proposed construction of Tuna Fishing Harbour with net fish handling capacity of 69,000TPA at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu.
18. I respectfully submitted that; the proposal was placed in the 383rd meeting of SEAC held on 15.06.2023. During the meeting SEAC decided to defer the proposal and take it up in the ensuing meeting.
19. I respectfully submitted that; the proposal was again placed in the 385th SEAC meeting held on 22.06. 2023. Based on the presentation made by the proponent SEAC decided to defer the proposal, since the Project Proponent has requested more time to furnish the additional details.
20. I respectfully submitted that; subsequently the proposal was placed in the 392nd SEAC meeting held on 14.07.2023.

During the meeting, the representatives from TN Fisheries Department and



Member Secretary

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Annamalai University gave a detailed presentation. Based on the deliberations and documents furnished, SEAC noted that Hon'ble NGT vide order dated.28.07.2022 has stated that

*"...A detailed marine biodiversity management plan prepared through NIOT or any other institute of repute on marine, brackish water and freshwater ecologically and biodiversity and must be submitted to and implemented to the satisfaction of the **State Biodiversity Board and the CRZ authority...."***

This is also part of the recommendation made by SEAC earlier. Hence, the SEAC decided that the Biodiversity Management Plan (BMP) prepared shall be presented before the State Biodiversity Board, obtain their remarks, revise the BMP and submit the details to SEAC for further consideration.

The Subject was placed in the 642nd Authority meeting held on 31.07.2023. The authority noted that this subject was placed for appraisal in 392nd meeting of SEAC held on 14.07.2023. During the meeting, the representatives from TN Fisheries Department and Annamalai University gave a detailed presentation. Based on the deliberations and documents furnished, SEAC noted that Hon'ble NGT vide order dated.28.07.2022 has stated that

*"...A detailed marine biodiversity management plan prepared through NIOT or any other institute of repute on marine, brackish water and freshwater ecologically and biodiversity and must be submitted to and implemented to the satisfaction of the **State Biodiversity Board and the CRZ authority...."***

This is also part of the recommendation made by SEAC earlier. Hence, the SEAC decided that the Biodiversity Management Plan (BMP) prepared shall be presented before the State Biodiversity Board, obtain their remarks, revise the BMP and submit the details to SEAC for further consideration.

21. I respectfully submitted that; the Subject was placed in the 642nd Authority meeting held on 31.07.2023. In view of the above, the Authority decided to request Member Secretary, SEIAA to communicate the minutes of 392nd SEAC meeting to the project proponent. Subsequently, approved minutes of the 392nd SEAC meeting was uploaded in the PARIVESH portal.



22. I respectfully submitted that; status of compliance of conditions of EC is monitored by Integrated Regional office (SZ) MoEF&CC and TNPCB. Certified Compliance Report (CCR) is issued by MoEF&CC to the project proponent.
23. I respectfully submitted that; Environmental compensation is levied to the project proponent for non-compliance of Environmental Clearance (EC) conditions based on Environment Protection Act, 1986 by TNPCB, if any violation is noticed during inspection and also credible action initiated against the project proponent by TNPCB (4th Respondent).

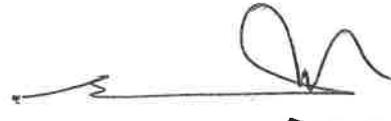
It is therefore humbly prayed that this Hon'ble NGT (SZ) may be pleased to consider the above said facts and pass such order or orders as this Hon'ble Tribunal may deem fit and proper in this case and thus render justice.

Solemnly affirmed at Chennai on
this 04th day of March 2024 &
Signed his name in my presence

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**SECOND & THIRD
RESPONDENT**

BEFORE ME



MEMBER SECRETARY

SEIAA-TN

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Member Secretary
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Annexure - 1

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PROCEEDINGS OF THE DIRECTOR OF ENVIRONMENT &
MEMBER SECRETARY, TAMIL NADU STATE COASTAL ZONE
MANAGEMENT AUTHORITY, CHENNAI - 15

Present Dr. H. Malleshappa., I.F.S.,

Proc. No.P1 / 2204 / 2016 dated 10.03.2017

Sub.: CRZ - Proposed construction of Tuna Fishing Harbour of fish handling capacity of 69000 TPA at Thiruvottiyur Kuppam, Ennore, Tiruvallur District proposed by Fisheries Department - Clearance requested under CRZ Notification 2011 - Orders issued.

- Read: 1) Letter from District Environmental Engineer, TNPCB, Chennai.106 in letter No.CRZ-29/DEE/TNPCB/CHN/DCZMA/2016 dated 27.10.2016
2) Asst. Director of Fisheries letter No.207/A2/2015 dated 20.12.2016 and 02.02.2017

ORDER :

The Assistant Director of Fisheries, Tiruvallur at Ponneri, Tiruvallur District has submitted a proposal seeking Clearance under CRZ Notification 2011, for the construction of Tuna Fishing Harbour of fish handling capacity of 69000 TPA at Thiruvottiyur Kuppam, Ennore, Tiruvallur District.

2) The following are the main facilities proposed in the fishing Harbour as per the EIA Report.

- i) Breakwaters - Northern break water 852 m and Southern Break water 1088 m.
ii) Dredging and disposal (2,00,000 cum)
iii) Reclamation and leveling
iv) Quays (RCC bored pile) for MFVs 730 m
v) Quays (RCC bored pile) for FRPs 110 m
vi) Internal road within the harbor complex

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- vii) Fish Handling and auction hall for MFVs (1273 sq.m)
- viii) Tuna Fish Handling and Packing Hall (1200 sq.m)
- ix) Fish Handling and auction hall for FRP boats (258 sq.m)
- x) Fishery Administrative office 163 sq.mt.

3) Further the following allied facilities such as fishermen gear sheds, mending sheds, rest sheds, boat repair shop, restaurant, dormitory, security/guard house, radio communication tower, public toilet, water supply facilities, pump house, drainage, and sewerage including effluent treatment plant, storm water drains, etc., are proposed.

4) The DCZMA for CMDA areas resolved to recommend the above project to the Tamil Nadu State Coastal Zone Management Authority subject to the following conditions:

- a) The unit shall comply with the recommendation as stated in the Marine Impact Study Report and Disaster Management Report as conducted by Centre for Environment, Health and Safety, Faculty of Engineering & Technology, Annamalai University.
- b) Evidence, based on the erosion study conducted by the National Centre for Sustainable Coastal Management (NCSCM) should be produced, confirming that the project site is not falling in the High Eroding Coast. (the applicant furnished the information)
- c) The unit shall ensure that adequate safety precautions are provided for the ammonia storage / handling area in the proposed ice plant. Also, automatic water sprinkler arrangement shall be installed to ensure water spraying in the event when the concentration of ammonia exceeds work place environment.
- d) The unit shall utilize the dredged sand to reclaim land for establishing the landside infrastructure.

- e) The unit shall not generate trade effluent at any stage of the fish packing facility.
- f) The unit shall provide ETP of adequate capacity for the combined treatment of sewage and effluent proposed from vessel washing from dining hall, fish box cleaning, etc. and the treated effluent shall be utilized for gardening.
- g) The unit shall ensure that the R.O. rejects generated from desalination plant is let into sea at a distance recommended from competent authority to ensure no marine impact is created due to discharge of R.O. rejects.
- h) The solid waste generated in the premises shall be disposed scientifically.
- i) The unit shall establish the facility only after obtaining CRZ clearance and Consent to Establish of the Board.

5) As per CRZ Notification 2011, the site is falling in CRZ-II, CRZ-I (B)(inter-tidal zone), CRZ-IV. The total project cost is Rs.240 crores.

6) As per CRZ Notification 2011, vide para 4 (i) (a) Clearance shall be given for any activity within the CRZ only if it requires waterfront and foreshore facilities. Further construction of harbor is permissible activity vide para 4 (i) (f) of the said notification 2011. However, the said activities require clearance from the SEIAA vide para 4.2 (ii) (a) of CRZ Notification 2011.

7) The proposal was placed before 93rd meeting of the Tamil Nadu State Coastal Zone Management Authority held on 27.02.2017 and the Authority has resolved to clear the proposal.

8) Accordingly, as resolved in the 93rd meeting of the State Coastal Zone Management Authority, Clearance is hereby issued for the above project in CRZ under para 4 (i) (a) and 4 (i) (f) of the said CRZ Notification 2011, subject to the following conditions in addition to the conditions imposed by the District Coastal Zone Management Authority for CMDA areas.

- a) It should be ensured that there should not be any adverse impact on coastal eco-system due to the dredging activity and the dumping of dredged materials and proper mitigation measures should be evolved.
- b) The design of breakwaters should be based on the bathymetry and modeling studies.
- c) Shoreline evolution should be monitored periodically through reputed institutions and remedial measures need to be planned to prevent further erosion, if any, on the adjacent coastal areas due to the construction of breakwaters. Only those facilities which are integral to the Fishing Harbour shall be provided in CRZ areas and those which are not integral to may be located outside the CRZ areas.
- d) A detailed report on the details of solid waste (Bio-degradable / non- degradable etc.,) generated and a proper plan for segregation at source shall be formulated. Organic Waste Converter (OWC) of adequate capacity shall be provided to dispose the biodegradable waste. Further other solid waste such, as plastics may be collected and disposed for re-use. The local body may also be involved in the above task.
- e) The Fishermen community shall be adequately educated on the segregation of solid waste for proper management of the solid waste.
- f) Hygiene should be given priority and well maintained toilets should be provided.
- g) Specific areas for Office buildings and Fishermen Associations should be earmarked and no encroachments should be allowed in future for outsiders/ associations.
- h) Action shall be taken for the setting up of a Police Station, well in advance.
- i) Adequate parking facilities shall be provided.
- j) Adequate mitigation measures to be taken to prevent the Oil spillage and its adverse impact.
- k) Proper monitoring and management system to be prepared for handling Ammonia in the Ice Plants.

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.5.

- l) The activity should not have any adverse impact on the marine organisms. The impact on the corals, marine organisms, Turtle nesting etc., due to the above constructions, in long run, should be evaluated and monitored through a panel of experts, in which, ecologists should be included.
- m) Afforestation - garden to the fishermen in the Harbour area shall be taken in consultation with the Forests Department.
- n) No drawal of ground water in CRZ areas is permitted.
- o) The proposed activity shall not cause hindrance to the nearby human settlements/ authorized structures and fishing activities.
- p) Clearance under EIA Notification 2006 should be obtained from the SEIAA.

Sd./- H. Malleshappa,
Member Secretary,
Tamil Nadu State Coastal Zone Management Authority
& Director of Environment

To

The Asst. Director of Fisheries, Fisheries Department, No.11, T.H. Road,
Ponneri, Tiruvallur district - 601 204

Copy to

1. The Principal Secretary to Government, Environment and Forests Department,
Secretariat, Chennai - 600 009.
2. The Member-Secretary, Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building, No.1, Gandhi Irwin Road, Egmore, Chennai 600 008.
3. The District Environmental Engineer, TNPCB / Convener, District Coastal Zone
Management Authority (CMDA Area), Tamil Nadu Pollution Control Board, No.6/1,
Murugesan Street, Bala Vinayagar Nagar, Arumbakkam, Chennai - 600 106.

/ copy / Forwarded by order /


For Director of Environment



THIRU A.V. VENKATACHALAM, I.F.S
MEMBER SECRETARY

STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY – TAMIL NADU
3rd Floor, Panagal Maaligai,
No.1 Jeenis Road, Saidapet,
Chennai-15.
Phone No.044-24359973
Fax No. 044-24359975

TERMS OF REFERENCES (ToR)

Letter No.SEIAA-TN/F.No. 6440/SEAC – C/7(e)/ToR - 301/2017 dated: 22.01.2018

To
M/s. Fisheries Department,
Fishing Harbour Project Division
DMS Complex
Teynampet, Chennai – 600 006.

Sir,

Sub: SEIAA-TN – Terms of Reference (ToR) – Proposed Tuna Fishing Harbour at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu – Category “B1” and Schedule S.No. 7(e) - Port, Harbour, Fishing Harbour – ToR issued – Preparation of EIA Report – Regarding

- Ref: 1. Your application dated: 22.08.2015
2. Minutes of the 100th SEAC Meeting held on 20.12.2017 & 21.12.2017.
3. Minutes of the 266th SEIAA Meeting held on 22.01.2018.

Kindly refer to your proposal submitted to the State Level Impact Assessment Authority for Environmental Clearance.

The proponent of **M/s. Fisheries Department.**, submitted application for ToR on 22.08.2015, in Form-I, Pre- Feasibility report and draft TOR for the Tuna Fishing Harbour at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu.

The proposal seeking ToR was placed in the 100th SEAC meeting item No. 100 - 03 held on 20.12.2017 & 21.12.2017. Based on the proposal submitted and the presentation made, the SEAC decided to prescribe TOR for the preparation of EIA report along with Public Hearing. The proposal was considered in SEIAA meeting held on 22.01.2018 vide Item No.266 - 01 and after detailed discussion, the authority decided to prescribe following



MEMBER SECRETARY
SEIAA-TN

(4/4)

TOR for the preparation of EIA report along with the following **additional ToR**.

1. Bio diversity listed shall be classified as per IUCN classification as endangered, rare, etc as per the schedules of the Wildlife Act.
2. The EIA report shall be prepared as per the Harbor Mining Manual prescribed by the MOEF&CC and through accredited consultants for Ports & Harbours sector.
3. Loss to bio diversity anticipated with dredging operation both offshore and onshore may be elaborated.
4. The impact on bio diversity due to infrastructure development like roads, buildings, etc.
5. The anticipated threat for the underwater habitat due dredging.
6. Effect on fauna and flora due to the construction activities with materials like cements, paints, etc.
7. The project activities results increased intrusion, pathogens, virus, etc introduced due to the increased boating and other activities, etc.
8. The impact on migratory bird population due to the activity.
9. Impact on local community, their health and lifestyle may be discussed in detail.
10. Aesthetics of the beachscape and landscape be lost with the harbour construction
11. Along with tuna harvesting, will the other marine species also be harvested if so the sustainable harvest model envisaged
12. The copy of the fishing policy of Tamil Nadu may be appended.
13. The possibility of displacement of people due to such activities?
14. Effect on the traditional fishing beach due to harbour construction
15. Why not the existing harbour facilities be enhanced to meet the objectives.
16. Details of the critical elements to make it a sustainable harbour
17. Chance of plumeting of Tuna population leading to degradation of the critical marine habitat due to increased construction activities
18. The location of disposal point shall be arrived in consultation with the NIOT, Wetland and Coastal Zone Authorities by obtaining their approval.

A. STANDARD TERMS OF REFERENCE

- 1) Reasons for selecting the site with details of alternate sites examined/rejected/selected on merit with comparative statement and reason/basis for selection. The examination should justify site suitability in terms of environmental angle, resources sustainability

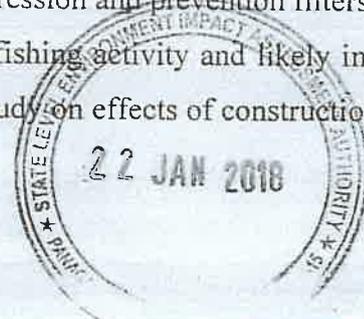


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MEMBER SECRETARY
SEIAA-TN

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associated with selected site as compared to rejected sites. The analysis should include parameters considered along with weight age criteria for short-listing selected site.

- 2) Details of the land use break-up for the proposed project. Details of land use around 10 km radius of the project site. Examine and submit detail of land use around 10 km radius of the project site and map of the project area and 10 km area from boundary of the proposed/existing project area, delineating project areas notified under the wild life (Protection) Act, 1972/critically polluted areas as identified by the CPCB from time to time/notified eco-sensitive areas/interstate boundaries and international boundaries. Analysis should be made based on latest satellite imagery for land use with raw images.
- 3) Submit the present land use and permission required for any conversion such as forest, agriculture etc. land acquisition status, rehabilitation of communities/ villages and present status of such activities.
- 4) Examine and submit the water bodies including the seasonal ones within the corridor of impacts along with their status, volumetric capacity, quality likely impacts on them due to the project.
- 5) Submit a copy of the contour plan with slopes, drainage pattern of the site and surrounding area
- 6) Submit the details of terrain, level with respect to MSL, filling required, source of filling materials and transportation details etc.
- 7) Examine road/rail connectivity to the project site and impact on the existing traffic network due to the proposed project/activities. A detailed traffic and transportation study should be made for existing and projected passenger and cargo traffic.
- 8) Submit details regarding R&R involved in the project
- 9) Submit a copy of layout superimposed on the HTL/LTL map demarcated by an authorized agency on 1:4000 scale along with the recommendation of the SCZMA.
- 10) Submit the status of shore line change at the project site
- 11) Details of the layout plan including details of channel, breakwaters, dredging, disposal and reclamation.
- 12) Details of handling of each cargo, storage, transport along with spillage control, dust preventive measures. In case of coal, mineral cargo, details of storage and closed conveyance, dust suppression and prevention filters.
- 13) Submit the details of fishing activity and likely impacts on the fishing activity due to the project. Specific study on effects of construction activity and pile driving on marine



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MEMBER SECRETARY
SEIAA-TN

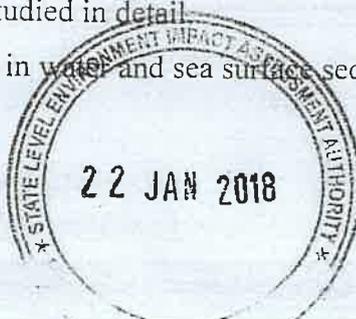
22/1/18

life.

- 14) Details of oil spill contingency plan.
- 15) Details of bathymetry study.
- 16) Details of ship tranquillity study.
- 17) Examine the details of water requirement, impact on competitive user, treatment details, use of treated waste water. Prepare a water balance chart.
- 18) Details of rainwater harvesting and utilization of rain water.
- 19) Examine details of Solid waste generation treatment and its disposal.
- 20) Details of desalination plant and the study for outfall and intake.
- 21) Examine baseline environmental quality along with projected incremental load due to the proposed project/activities.
- 22) The air quality monitoring should be carried out according to the notification issued on 16th November, 2009.
- 23) Examine separately the details for construction and operation phases both for Environmental Management Plan and Environmental Monitoring Plan with cost and parameters.
- 24) Submit details of a comprehensive Risk Assessment and Disaster Management Plan including emergency evacuation during natural and man-made disasters
- 25) Submit details of the trees to be cut including their species and whether it also involves any protected or endangered species. Measures taken to reduce the number of the trees to be removed should be explained in detail. Submit the details of compensatory plantation. Explore the possibilities of relocating the existing trees.
- 26) Examine the details of afforestation measures indicating land and financial outlay. Landscape plan, green belts and open spaces may be described. A thick green belt should be planned all around the nearest settlement to mitigate noise and vibrations. The identification of species/ plants should be made based on the botanical studies.
- 27) The Public Hearing should be conducted for the project in accordance with provisions of Environmental Impact Assessment Notification, 2006 and the issues raised by the public should be addressed in the Environmental Management Plan. The Public Hearing should be conducted based on the ToR letter issued by the Ministry and not on the basis of Minutes of the Meeting available on the web-site.



- 28) A detailed draft EIA/EMP report should be prepared in accordance with the above additional TOR and should be submitted to the Ministry in accordance with the Notification.
- 29) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
- 30) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
- 31) Any further clarification on carrying out the above studies including anticipated impacts due to the project and mitigative measure, project proponent can refer to the model ToR available on Ministry website "<http://moef.nic.in/Manual/Port and harbour>". Further the following **additional TOR** shall also be furnished in the EIA report.
1. One of the major environmental issues concerning the project is that 2 lakhs m³ of sea bed material will be dredged and proponent says that this will be used for shore line management. The characteristics of the dredged materials should be furnished along with the possible adverse impact of the dumping of the dredged material for shoreline management.
 2. Another issue will be the impact of diesel spillages from the boats on the sea water quality.
 3. The proponent should prepare a comprehensive line diagram in which all the facilities to be created should be marked. Then for each facility, the probable effluent generation and waste generation should be indicated with quantity and quality. Finally, the methodology for collection, treatment and reuse/disposal of the liquid and solid waste should be indicated. Specific attention should be paid to the marine discharges.
 4. Within 10km radius all the parameters like air, sediment and biology should be studied in detail.
 5. The impact of dredging should be evaluated in detail in the comprehensive EIA report.
 6. The sampling should be done in grid pattern and every one kilometre the samples (air, water, sediment and biological samples) within the 10km of radius. Atleast 10 samples should be studied in detail.
 7. Heavy metal studies in water and sea surface sediments can be studied



Besides the above, the below mentioned **general points** are also to be followed:

- a. Executive Summary of the EIA/EMP Report
- b. All documents to be properly referenced with index and continuous page numbering.
- c. Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.
- d. Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.
- e. Where the documents provided are in a language other than English, an English translation should be provided.
- f. The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.
- g. While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF&CC vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.
- h. Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.
- i. As per the circular no. J-11011/618/2010-IA.II(I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.
- j. The EIA report should also include (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.



MEMBER SECRETARY
SEIAA-TN

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In addition to the above, the following shall be furnished:-

The Executive summary of the EIA/EMP report in about 8-10 pages should be prepared incorporating the information on following points:

- 1) Project name and location (Village, District, State, Industrial Estate (if applicable).
- 2) Products and capacities. If expansion proposal then existing products with capacities and reference to earlier EC.
- 3) Requirement of land, raw material, water, power, fuel, with source of supply (Quantitative)
- 4) Process description in brief, specifically indicating the gaseous emission, liquid effluent and solid and hazardous wastes.
- 5) Measures for mitigating the impact on the environment and mode of discharge or disposal.
- 6) Capital cost of the project, estimated time of completion.
- 7) Site selected for the project - Nature of land - Agricultural (single/double crop), barren, Govt/ private land, status of acquisition, nearby (in 2-3 km.) water body, population, with in 10km other industries, forest, eco-sensitive zones, accessibility, (note - in case of industrial estate this information may not be necessary)
- 8) Baseline environmental data - air quality, surface and ground water quality, soil characteristic, flora and fauna, socio-economic condition of the nearby population
- 9) Identification of hazards in handling, processing and storage of hazardous material and safety system provided to mitigate the risk.
- 10) Likely impact of the project on air, water, land, flora-fauna and nearby population
- 11) Emergency preparedness plan in case of natural or in plant emergencies
- 12) Issues raised during public hearing (if applicable) and response given
- 13) CSR plan with proposed expenditure.
- 14) Occupational Health Measures
- 15) Post project monitoring plan

Besides the above, the below mentioned general points should also be followed:-

- a. A note confirming compliance of the TOR, with cross referencing of the relevant sections / pages of the EIA report should be provided.
- b. All documents may be properly referenced with index, page numbers and continuous page numbering.
- c. Copy of permission related to Port facility, Desalination plant, wind mill /solar power plant from competent Authority.
- d. Where data are presented in the report especially in tables, the period in which the data were collected and the sources should be indicated.
- e. While preparing the EIA report, the instructions for the proponents and instructions for the consultants issued by MoEF vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th



MEMBER SECRETARY
SEIAA-TN

August, 2009, which are available on the website of this Ministry should also be followed.

- f. The consultants involved in the preparation of EIA/EMP report after accreditation with Quality Council of India (QCI)/National Accreditation Board of Education and Training (NABET) would need to include a certificate in this regard in the EIA/EMP reports prepared by them and data provided by other organization/Laboratories including their status of approvals etc. In this regard circular no F. No.J - 11013/77/2004-IA-II(I) dated 2nd December, 2009, 18th March 2010, 28th May 2010, 28th June 2010, 31st December 2010 & 30th September 2011 posted on the Ministry's website <http://www.moef.nic.in/> may be referred.

▪ After preparing the EIA (as per the generic structure prescribed in Appendix-III of the EIA Notification, 2006) covering the above mentioned points, the proponent will take further necessary action for obtaining environmental clearance in accordance with the procedure prescribed under the EIA Notification, 2006.

▪ The final EIA report shall be submitted to the SEIAA, Tamil Nadu for obtaining Environmental Clearance.

▪ The TORs prescribed shall be **valid for a period of three years** from the date of issue, for submission of the EIA/EMP report as per OM No.J-11013/41/2006-IA-II(I)(part) dated 29th August 2017.

The receipt of this letter may be acknowledged.

SEIAA

MEMBER SECRETARY
SEIAA-TN

Copy to:

1. The Principal Secretary to Government, Environment & Forests Dept,
Govt. of Tamil Nadu, Fort St. George, Chennai - 9.
2. The Chairman, Central Pollution Control Board, Parivesh Bhavan,
CBD Cum-Office Complex, East Arjun Nagar, New Delhi 110032.
3. The Member Secretary, Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy, Chennai-600 032.
4. The APCCF (C), Regional Office, Ministry of Environment & Forest (SZ),
34, HEPC Building, 1st & 2nd Floor, Cathedral Garden Road, Nungampakkam, Chennai -
34.
5. Monitoring Cell, I A Division, Ministry of Environment & Forests,
Paryavaran Bhavan, CGO Complex, New Delhi 110003

6. Stock File.

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MEMBER SECRETARY
SEIAA-TN

4. The area allotment for solid waste disposal and sewage treatment & grey water treatment plant shall be furnished.
5. The proponent shall furnish the basement plan and proposed activities to be carried out in the basement.

On receipt of the aforesaid details, SEAC would further deliberate on this project and decide the further course of action.

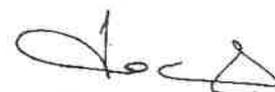
Agenda No: 141-05

(File.No.6440/2019)

**Proposed Tuna Fishing Harbour at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu by M/s. Fisheries Department – For Environmental Clearance
(SIA/TN/MIS/19435/2017)**

The proposal was placed in this 141st SEAC Meeting held on 16.12.2019. The project proponent gave detailed presentation. The salient features of the project and the environmental impact assessment as presented by the proponent are as follows:

1. The project is located at 13°09'41.37"N to 13°10'10.22" N latitude and 80°18'31.34" E to 80°18'42.33" E longitude.
2. The fishing harbour includes Northern breakwater – 852 m, Southern breakwater – 1088m, Quays (RCC bored pile) for MFVs – 730m, Quays (RCC bored pile) for FRPs – 110m.
3. Also, fish handling and auction hall for MFVs – 1273 sq.m, Tuna fish handling and packing hall – 1200 sq.m, Fish handling and auction hall for FRP boats – 258 sq.m, Fishery administrative office – 163 sq.m, Fishermen gear sheds – 1591.83 sq.m, Net mending sheds – 1032.4 sq.m, Fishermen rest sheds – 654.00 sq.m, Boat repair shop – 200.90 sq.m, Restaurant – 137.79 sq.m, Dormitory – 320.90 sq.m and dredging – 200700 cu.m.



CHAIRMAN
SEAC- TN

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4. The proponent was issued ToR vide Lr No: SEIAA-TN vide F.No.6440/SEAC-C/7(e)/ToR-301/2017 dated 22.01.2018

The SEAC noted the following:

1. The Proponent M/s. Fisheries Department has applied for Environmental Clearance "Tune Fishing Harbour" at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu.
2. The project/activity is covered under Category "B1" of Item 7(e) "Port, Harbour, Fishing Harbour" of the Schedule to the EIA Notification, 2006.

The SEAC noted that presentation does not include various essential impact studies and the following details

1. ToR compliance report was found to be not specific according to ToR Conditions
2. The quantification of sediment deposition and sediment erosion including the locations should be predicted and suitable environmental management plans for reducing the same should be furnished.
3. Impact in Tourism, Shoreline and Fish movements due to the proposed project needs to be studied and reported
4. Proposal for emergency response plan, risk assessment and mitigation plan for oil spill events.
5. The impact on the Ennoore creek due to implementation of the project.
6. The proponent shall explore the options of hollow structures instead of solid structure to reduce the erosion/deposition.
7. Overall the EIA report and presentation is not upto the mark.

Hence, the SEAC directed the proponent and the consultant to prepare the appropriate EIA and to appear for presentation once again with aforesaid details and other Environmental Impact data and studies in full shape.


CHAIRMAN
SEAC- TN
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For this project the original EC validity was completed by 11.08.2012. Further the proponent has applied for extension of EC validity vide his application dated 16.05.2013 and the extension for validity of the EC was issued up to 12.08.2017 by SEIAA-TN vide SEIAA Letter dated 24.02.2015.

Now the proponent has mentioned the OM dated 12.04.2016 and also claimed another two years for the extension of validity of the EC for the above said extension of validity for the Environmental clearance issue by the SEIAA-TN. Hence, the SEAC decided to get the clarification from SEIAA-TN/MoEF&CC since the reply submitted by the proponent is not satisfactory for the validity for the EC extension since the proponent has carried out the construction work for Block 7K during the inspection of sub-committee of the SEAC on 27.07.2019. Further it was reported that the construction work is under progress for the Block 7K & Block 7L in the compliance report issued by the Regional office. MOEF & CC, Chennai vide letter dated 01.02.2018.

2. The proponent shall earmark the area of green belt already developed in the Campus and the proposed green belt area to be developed with dimension and GPS coordinates in the layout plan since the proponent has not submitted the detail of green belt area.

On receipt of the above said details, the SEAC would further deliberate on this project and decide the further course of action.

Agenda No. 153-06

File No. 6440/2019

Proposed Tuna Fishing Harbor at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu by M/s. Fisheries Department – For Environmental Clearance(SIA/TN/MIS/19435/2017)

The proposal was placed in this 141st SEAC Meeting held on 16.12.2019. The project proponent gave detailed presentation. The salient features of the project and the environmental impact assessment as presented by the proponent are as follows:

1. The project is located at 13°09'41.37"N to 13°10'10.22" N latitude and 80°18'31.34" E to 80°18'42.33" E longitude.
2. The fishing harbour includes Northern breakwater – 852 m, Southern breakwater – 1088m, Quays (RCC bored pile) for MFVs – 730m, Quays (RCC bored pile) for FRPs – 110m.
3. Also, fish handling and auction hall for MFVs – 1273 sq.m, Tuna fish handling and packing hall – 1200 sq.m, Fish handling and auction hall for FRP boats – 258 sq.m, Fishery administrative office – 163 sq.m, Fishermen gear sheds – 1591.83 sq.m, Net mending sheds – 1032.4 sq.m, Fishermen rest sheds – 654.00 sq.m, Boat repair shop – 200.90 sq.m, Restaurant – 137.79 sq.m, Dormitory – 320.90 sq.m and dredging – 200700 cu.m.
4. The proponent was issued ToR vide Lr No: SEIAA-TN vide F.No.6440/SEAC-C/7(e)/ToR-301/2017 dated 22.01.2018

The SEAC noted the following:

1. The Proponent M/s. Fisheries Department has applied for Environmental Clearance "Tune Fishing Harbour" at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu.
2. The project/activity is covered under Category "B1" of Item 7(e) "Port, Harbour, Fishing Harbour" of the Schedule to the EIA Notification, 2006.

The SEAC noted that presentation does not include various essential impact studies and the following details

1. ToR compliance report was found to be not specific according to ToR Conditions
2. The quantification of sediment deposition and sediment erosion including the locations should be predicted and suitable environmental management plans for reducing the same should be furnished.
3. Impact in Tourism, Shoreline and Fish movements due to the proposed project needs to be studied and reported

4. Proposal for emergency response plan, risk assessment and mitigation plan for oil spill events.
5. The impact on the Ennoore creek due to implementation of the project.
6. The proponent shall explore the options of hollow structures instead of solid structure to reduce the erosion/deposition.
7. Overall the EIA report and presentation is not up to the mark.

Hence, the SEAC directed the proponent and the consultant to prepare the appropriate EIA and to appear for presentation once again with aforesaid details and other Environmental Impact data and studies in full shape. The proponent has submitted the reply to SEIAA-TN.

The proposal was once again placed in the 153rd SEAC meeting held on 04.06.2020 and the proponent gave the detailed presentation. Based on the presentation made by the proponent and the documents furnished, the SEAC decided to recommend the proposal for grant of Environmental Clearance to SEIAA subject to the following conditions in addition to normal conditions:

1. The Project proponent shall ensure that no creeks or rivers are blocked due to any activities at the project site and free flow of water is maintained.
2. Appropriate measures must be taken while undertaking digging activities to avoid any likely degradation of water quality. Silt curtains shall be used to contain the spreading of suspended sediment during dredging within the dredging area.
3. Measures should be taken to contain, control and recover the accidental spills of fuel and cargo handle.
4. Spillage of fuel / engine oil and lubricants from the construction site are a source of organic pollution which impacts marine life. This shall be prevented by suitable precautions and also by providing necessary mechanisms to trap the spillage.
5. No diversion of the natural course of the river shall be made without prior permission from the Ministry of Water resources.

6. All the erosion control measures shall be taken at water front facilities. Earth protection work shall be carried out to avoid erosion of soil from the shoreline/boundary line from the land area into the marine water body.
7. Dredged material shall be disposed safely in the designated areas.
8. Shoreline should not be disturbed due to dumping. Periodical study on shore line changes shall be conducted and mitigation carried out, if necessary. The details shall be submitted along with the six monthly monitoring report.
9. Dredging shall not be carried out during the fish breeding and spawning seasons.
10. The project proponent shall ensure that water traffic does not impact the aquatic wildlife sanctuaries that fall along the stretch of the river.
11. A detailed marine biodiversity management plan shall be prepared through the NIOS or any other institute of repute on marine, brackish water and fresh water ecology and biodiversity and submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on a study of the impact of the project activities on the intertidal biotopes, corals and coral communities, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes, other marine and aquatic micro, macro and mega flora and fauna including benthos, plankton, turtles, birds etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography.
12. Marine ecology shall be monitored regularly also in terms of sea weeds, sea grasses, mudflats, sand dunes, fisheries, echinoderms, shrimps, turtles, corals, coastal vegetation, mangroves and other marine biodiversity components including all micro, macro and mega floral and faunal components of marine biodiversity

Agenda No. 153-07

File No. 6467/2017

Proposed Construction of Port in S.F.Nos. 6, 104 at Thillaiyadi Village, Tharangambadi Taluk, Nagapattinam District, Tamil Nadu by Thiru. R. Ravichandran Assistant Director Of Fisheries - For Environmental Clearance.

Chairman
SEAC-TN

Annexure 5

32

MINUTES OF THE

382ND MEETING

STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY- TAMIL NADU

Date:23.6.2020

			<p>758/2016, M.A.No.920/2016, M.A.No.1122/2016, M.A.No.12/2017 & M.A. No. 843/2017) and O.A.No.405/2016 and O.A.No.520 of 2016 (M.A.No. 981/2016, M.A.No.982/2016 & M.A.No.384/2017).</p> <p>12. Prior clearance from Forestry & Wild Life including clearance from committee of the National Board for Wild life as applicable shall be obtained before starting the quarrying operation. If the project site attracts the NBWL clearance.</p> <p>13. To ensure safety measures along the boundary of the quarry site, security guards are to be posted during the entire period of mining operation.</p> <p>14. The mine closure plan submitted by the project proponent shall be strictly followed after the lapse of the mine.</p> <p>15. The amount of Rs. 98,000 (2% of the total project cost) shall be utilized as CER activities to carry out the development of the Toilet Facilities & Drinking Water Facilities for Koothampoondi village Government School as reported before obtaining the CTO from TNPCB.</p> <p>16. The proponent shall provide the fencing all around the mine lease area before commencement of the mining operation.</p> <p>17. The proponent shall plant tree saplings all around the mine lease area before commencement of the mining operation.</p>
5	To consider the proposal for the grant of Environmental Clearance for the Tuna	8440	After detailed discussion the Authority noted that there is a case pending in NGT (SZ) in OA No 28 of 2020. The Authority

Member Secretary

Member

Chairman/SE, AA TN

	Fishing Harbor at S.F.No. 7/4, 39, 40, 41, 42 & 49, ThiruvottriyurKuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu by M/s. Fisheries Department		decided to defer the subject till the disposal of the case and decided to request MS SEIAA to put up the agenda to Authority on disposal of the case.
6.	To consider the proposal for the grant of Environmental Clearance for the Proposed Development of Fishing Harbour in S.F.Nos.6,104 at Thillaiyadi Village, Tharangambadi Taluk, Nagapattinam District, Tamil Nadu by Thiru.R.Ravichandran Assistant Director Of Fisheries, Nagapattinam	6467	<p>After detailed discussion the Authority decided to issue Environment Clearance subject to following condition in addition to normal condition:</p> <ol style="list-style-type: none"> 1. The PP shall comply with the conditions imposed by TNSCRM Authorities. 2. The Project proponent shall ensure that no creeks or rivers are blocked due to any activities at the project site and free flow of water is maintained. 3. Appropriate measures must be taken while undertaking digging activities to avoid any likely degradation of water quality. Silt curtains shall be used to contain the spreading of suspended sediment during dredging within the dredging area. 4. Measures should be taken to contain, control and recover the accidental spills of fuel and cargo handle. 5. Spillage of fuel / engine oil and lubricants from the construction site are a source of organic pollution which impacts marine life. This shall be prevented by suitable precautions and also by providing necessary mechanisms to trap the spillage. 6. No diversion of the natural course of the river shall be made without prior permission from the Ministry of Water resources.

Member Secretary

Member

Chairman/SEIAA-TN

MINUTES

387th MEETING

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY- TAMIL NADU

Date: 05.08.2020 & 06.08.2020

			<p>furnished including segment, collect disposal mechanism.</p> <p>9. The structural stability from the reputed government institutions like Anna University, IIT, NIT, etc shall be furnished.</p> <p>10. The project proponent has to submit the photocopies with evidence for 15% developed of green belt as EIA report.</p>
14.	To consider the grant of Environmental Clearance for the construction of Tuna Fishing Harbor by M/s. Fisheries Department at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu	6440	The Authority discussed in detailed and in view of the orders of Hon'ble NGT (SZ) dated 21.07.2020 in O.A.No.28 of 2020 it was decided to issue of Environmental Clearance subject to the General conditions.
15.	To consider the proposal for the grant of Environmental Clearance for the Savudu quarry lease over an extent of 1.03.5 Ha by Thiru. M.Kumar at S.F.No.3/2A & 3/2B in Kongarayanallur Village, Nagapattinam Taluk, Nagapattinam District, Tamil Nadu.	7524	<p>After detailed discussion the Authority decided to grant Environmental Clearance subject to the conditions as recommended by the SEAC in addition to the following conditions.</p> <ol style="list-style-type: none"> 1. All the condition imposed by the District Collector, Nagapattinam Rc.No.35/Mines/2018 Dated: 28.01.2019 should be strictly followed. 2. The EMP Cost shall be deposited in a nationalized bank by opening separate account and head wise expense statement shall be furnished to TNPCB with a copy to SEIAA annually.


MEMBER SECRETARY


MEMBER


CHAIRMAN
SEIAA-TN



Thiru.R.VIJAYABASKARAN, ME,M.B.A.,
MEMBER SECRETARY (i/c)

**STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY – TAMIL NADU**

3rd Floor, Panagal Maaligai,
No.1 Jeenis Road, Saidapet,
Chennai-15.

Phone No.044-24359973

Fax No. 044-24359975

ENVIRONMENTAL CLEARANCE (EC)

Letter No. SEIAA-TN/F.No.6440/EC/7(e)/75/2020 dated:05.08.2020

To

Executive Engineer

Fishing Harbour Project Division

Chennai

Sir,

Sub: SEIAA, TN - Environmental Clearance for the proposed construction of Tuna Fishing Harbour with net fish handling capacity of 69,000TPA at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu by Department of Fisheries, Government of Tamil Nadu, Fishing Harbour Project Division - Issued - Regarding.

- Ref:**
1. Your application for ToR dated: 22.08.2017
 2. Lr No.SEIAA-TN/F.No.6440/SEAC-C/7(e)/ToR-301/2017 dt: 22.01.2018
 3. Online application No. SIA/TN/MIS/43388/2015, dated: 27.09.2019
 4. Proponent EIA report submitted to SEIAA-TN on 13.12.2019
 5. Minutes of the 141st SEAC Meeting held on 16.12.2019
 6. Proponent reply dated 17.02.2020
 7. Minutes of the 153rd SEAC Meeting held on 04.06.2020
 8. Minutes of 382st SEIAA Meeting held on 23.06.2020
 9. Proponent reply dated 24.07.2020
 10. Minutes of 387th SEIAA Meeting held on 05.08.2020.

This has reference to your application 4th cited, wherein you have submitted proposal for obtaining Environmental Clearance to proposed construction of Tuna Fishing Harbour with net fish handling capacity of 69,000TPA at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District under



MEMBER SECRETARY
SEIAA-TN

Category B1 and Schedule S.No. 7(e) under the Environment Impact Assessment Notification, 2006, as amended by the Ministry of Environment, Forests and Climate Change, Government of India, New Delhi.

The Tamil Nadu State Coastal Zone Management Authority issued CRZ clearance vide Lr.No. Proc.No.P1/2204/2016 dated: 10.03.2017

The proposal was considered as per the EIA Notification, 2006, by the State Level Expert Appraisal Committee, Tamilnadu in its 100th meeting held on 20.12.2017 & 21.12.2017 and prescribed ToR was issued vide Lr No.SEIAA-TN/F.No. 6440/SEAC-C/7(e)/ToR-301/2017 dated: 22.01.2018

The Public Hearing was conducted by TNPCB, Dated: 25.07.2019, The Final EIA study report and additional information was presented 153rd SEAC Meeting held on 04.06.2020. Based on the presentation made by the proponent and the documents furnished, the SEAC decided to recommend the proposal for grant of Environmental Clearance to SEIAA subject to the conditions in addition to normal conditions.

The Competent Authority and Authorized signatory has furnished detailed information in Form 1, Pre Feasibility Report, Conceptual Plan/EMP and liquidate enclosures are as follows:

2.0 Project Details

1.	(i) Name of the Project: (ii) Date of EIA Application:	Proposed construction of Tuna Fishing Harbour with net fish handling capacity of 69,000TPA at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu 13.12.2019.
2.	Name of Sector: Schedule No(in the EIA Notification, 2006)	7(e) Ports, harbor, Break waters, Dredging
3.	New Project/ Expansion	New
4.	Name of the Applicant/Project Proponent	M/s. Fisheries Department, Fishing Harbour Project Division DMS Complex



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		Teynampet, Chennai – 600 006.
5.	Project Location	Tuna Fishing Harbour at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu Co-ordinates: Lat - 13o09' 41.37" N to 13o10' 10.22" Long - 80o 18'31.34" E to 80o 18'42.33" E
6.	Project Cost	Rs. 240 Crores
7.	CRZ Classification of the project site	CRZ II, CRZ-I(B)(Inter-tidal zone), CRZ-IV
8.	CRZ Clearance	Lr.No. Proc.No.P1/2204/2016 dated: 10.03.2017
9.	Main Facilities proposed	The main facilities proposed in the fishery harbor layout are as follows: <ul style="list-style-type: none"> • Northern Breakwater 852 m • Southern Breakwater 1088 m • Dredging and disposal (2,00,000 cum) • Reclamation and leveling • Quays (RCC bored pile) for MFVs 730m • Quays (RCC bored pile) for FRPs 110 m • Internal road within the harbor complex • Fish Handling and Auction Hall for MFVs (1273 Sqm) • Tuna Fish Handling and Packing Hall (1200 Sqm) • Fish Handling and Auction Hall for FRP boats (258 Sqm) • Fishery Administrative Office 163 Sqm • Fishermen gear sheds (9Nos.x176.87 Sqm) 1591.83 Sqm • Net mending sheds (4Nos.x258.10Sqm) 1032.4 Sqm • Fishermen rest sheds (3Nos.x218.00Sqm) 654.00 Sqm • Boat repair shop (2 Nos.x100.45 Sqm) 200.90 Sqm • Restaurant (137.79 Sqm) • Dormitory (320.90 sqm) • RC sloping hard • Security/ guard house (26.50Sq.m) • Compound wall (1175m) • Radio communication tower (199.80sq.m)



		<ul style="list-style-type: none"> • Public toilet (3Nos x 35.86sq.m) 107.58sq.m • Navigational and radio communication equipment • Electric power supply and distribution including electric substation and general lighting • Fresh water storage, supply and distribution with ground water sumps, pump house and overtank • Seawater supply and distribution with shallow water tube well, pump house and overhead tank • Drainage and sewerage including effluent treatment plant, storm water drain and cross drainage works • Greeneries and landscaping in front of main gate and at other places • Fire extinguishers, fire hydrants and other equipment
	Extent of the land	<p>Reclaimed area –15.63 Ha Ware spread Area – 30.87 Ha</p> <p>The water spread areas and the proposed wharf facilities are envisaged with elaborate planning and engineering design to facilitate fishing activities and boat or vessel management for about 300 numbers of FRP boats(10m), 300 numbers of Trawlers(18m) and 200 numbers of Tuna boats(20m). Ensure -4m draft in the water spread area of the Harbor to facilitate the navigation of boats and vessels. Proposed to dredge 1,75, 240 cum of sand mud from off shore area to reclaim land of 15.46 Ha for establishing the land side infrastructures.</p>
10.	Total population	2000
11	Total Water Requirement	Fresh water – 250 KLD from RO plant, 500 KLD of sea water for fish washing and cleanings
12	Effluent generation and treatment	ETP – 30 KLD (disposed into sea)
13.	Solid waste Management	4-5TPD Through local body
14.	Green Belt Development	Create and maintain a “green corridor” all around the boundary, with compatible coastal species of trees and shrubs. Develop green belt with a suitable avenue trees and shrubs, all along their inner roads, road junctions and open spaces.



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3.0 Project Appraisal and Environment Clearance

The proposal was once again placed in the 153rd SEAC meeting held on 04.06.2020 and the proponent gave the detailed presentation. Based on the presentation made by the proponent and the documents furnished, the SEAC decided to recommend the proposal for grant of Environmental Clearance to SEIAA subject to the following conditions in addition to normal conditions:

1. The Project proponent shall ensure that no creeks or rivers are blocked due to any activities at the project site and free flow of water is maintained.
2. Appropriate measures must be taken while undertaking digging activities to avoid any likely degradation of water quality. Silt curtains shall be used to contain the spreading of suspended sediment during dredging within the dredging area.
3. Measures should be taken to contain, control and recover the accidental spills of fuel and cargo handle.
4. Spillage of fuel / engine oil and lubricants from the construction site are a source of organic pollution which impacts marine life. This shall be prevented by suitable precautions and also by providing necessary mechanisms to trap the spillage.
5. No diversion of the natural course of the river shall be made without prior permission from the Ministry of Water resources.
6. All the erosion control measures shall be taken at water front facilities. Earth protection work shall be carried out to avoid erosion of soil from the shoreline/boundary line from the land area into the marine water body.
7. Dredged material shall be disposed safely in the designated areas.
8. Shoreline should not be disturbed due to dumping. Periodical study on shore line changes shall be conducted and mitigation carried out, if necessary. The details shall be submitted along with the six monthly monitoring report.
9. Dredging shall not be carried out during the fish breeding and spawning seasons.
10. The project proponent shall ensure that water traffic does not impact the aquatic wildlife sanctuaries that fall along the stretch of the river.



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11. A detailed marine biodiversity management plan shall be prepared through the NIOS or any other institute of repute on marine, brackish water and fresh water ecology and biodiversity and submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on a study of the impact of the project activities on the intertidal biotopes, corals and coral communities, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes, other marine and aquatic micro, macro and mega flora and fauna including benthos, plankton, turtles, birds etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography.
12. Marine ecology shall be monitored regularly also in terms of sea weeds, sea grasses, mudflats, sand dunes, fisheries, echinoderms, shrimps, turtles, corals, coastal vegetation, mangroves and other marine biodiversity components including all micro, macro and mega floral and faunal components of marine biodiversity

The Authority after consideration of all the requisite documents with status and data and based on SEAC appraisal and recommendations for issue of Environmental Clearance in its 153rd meeting held on 04.06.2020, SEIAA placed the proposal in the 387th SEIAA meeting held on 05.08.2020. The Authority discussed in detailed and in view of the orders of Hon'ble NGT (SZ) dated 21.07.2020 in O.A.No.28 of 2020 it was decided to issue of Environmental Clearance subject to the conditions as recommended by SEAC and following conditions ~~in~~ addition to the General conditions.

1. The project proponent shall spent 2% of project cost for utilizing infrastructure facilities in nearby government school before obtaining CTO from TNPCB.
2. Environment Clearances is issued subject to the outcome of the Hon'ble NGT (SZ) order in O.A.No.28 of 2020.
3. The project proponent shall comply with conditions stipulated vide proc.No P1/2204/2016 dated 10/03/2017 issued by The Tamil Nadu State Coastal Zone Management Authority
- 4.



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Validity:

The SEIAA hereby accords Environmental Clearance to the above project under the provisions of EIA Notification dated 14th September, 2006 as amended, with validity for Seven years from the date of issue of EC, subject to the compliance of the terms and conditions stipulated below:

I. Statutory compliance:

1. The project proponent shall obtain forest clearance if applicable under the provisions of Forest (Conservation) Act, 1986, in case of the diversion of forest land for non-forest purpose involved in the project.
2. The project proponent shall obtain clearance from the National Board for Wildlife, if applicable. No dredging is allowed in protected habitat areas without prior permission from NBWL.
3. The project proponent shall prepare a Site-Specific Conservation Plan & Wildlife Management Plan and approved by the Chief Wildlife Warden. The recommendations of the approved Site-Specific Conservation Plan / Wildlife Management Plan shall be implemented in consultation with the State Forest Department. The implementation report shall be furnished along with the six-monthly compliance report. (Incase of the presence of schedule-I species in the study area).
4. Construction activity shall be carried out strictly according to the provisions of CRZ Notification, 2011 and the State Coastal Zone Management Plan as drawn up by the State Government. No construction work other than those permitted in Coastal Regulation Zone Notification shall be carried out in Coastal Regulation Zone area.
5. All the recommendations and conditions specified by State Coastal Zone Management Authority for the project shall be complied with.
6. The project proponent shall obtain Consent to Establish / Operate under the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the



Water (Prevention & Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/ Committee.

7. The project proponent shall obtain the necessary permission from the Central Ground Water Authority, in case of drawl of ground water / from the competent authority concerned in case of drawl of surface water required for the project.
8. All excavation related dewatering shall be as duly authorized by the CGWA. A NOC from the CGWA shall be obtained for all dewatering and ground water abstraction.
9. A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project should be obtained.
10. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Coast Guard, Civil Aviation Department shall be obtained, as applicable by project proponents from the respective competent authorities.

II. Air quality monitoring and preservation

1. The project proponent shall install system to carryout Ambient Air Quality monitoring for common/criterion parameters relevant to the main pollutants released (e.g. PM10 and PM2.5 in reference to PM emission, and SO2 and NOx in reference to SO2 and NOx emissions) within and outside the project area at least at four locations (one within and three outside the plant area at an angle of 120°each), covering upwind and downwind directions.
2. Appropriate Air Pollution Control (APC) system shall be provided for all the dust generating points including fugitive dust from all vulnerable sources, so as to comply prescribed emission standards.
3. Shrouding shall be carried out in the work site enclosing the dock/proposed facility area. This will act as dust curtain as well achieving zero dust discharge from the site. These curtain or shroud will be immensely effective in restricting disturbance from wind in affecting the



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- dry dock operations, preventing waste dispersion, improving working conditions through provision of shade for the workers.
4. Dust collectors shall be deployed in all areas where blasting (surface cleaning) and painting operations are to be carried out, supplemented by stacks for effective dispersion.
 5. The Vessels shall comply the emission norms prescribed from time to time.
 6. Diesel power generating sets proposed as source of backup power should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use of low sulphur diesel. The location of the DG sets may be decided in consultation with State Pollution Control Board.
 7. A detailed traffic management and traffic decongestion plan shall be drawn up to ensure that the current level of service of the roads within 5 kms radius of the project is maintained and improved upon after the implementation of the project. This plan should be based on cumulative impact of all development and increased habitation being carried out or proposed to be carried out by the project or other agencies in this 5 Kms radius of the site in different scenarios of space and time and the traffic management plan shall be duly validated and certified by the State Urban Development department and the P.W.D./ competent authority for road augmentation and shall also have their consent to the implementation of components of the plan which involve the participation of these departments.

III. Water quality monitoring and preservation

1. The Project proponent shall ensure that no creeks or rivers are blocked due to any activities at the project site and free flow of water is maintained.
2. Appropriate measures must be taken while undertaking digging activities to avoid any likely degradation of water quality. Silt curtains shall be



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- used to contain the spreading of suspended sediment during dredging within the dredging area.
3. No ships docking at the proposed project site will discharge its on-board waste water untreated in to the estuary/ channel/ Sea. All such wastewater load will be diverted to the proposed Effluent Treatment Plant of the project site.
 4. Measures should be taken to contain, control and recover the accidental spills of fuel and cargo handle.
 5. The project proponents will draw up and implement a plan for the management of temperature differences between intake waters and discharge waters.
 6. Spillage of fuel / engine oil and lubricants from the construction site are a source of organic pollution which impacts marine life. This shall be prevented by suitable precautions and also by providing necessary mechanisms to trap the spillage.
 7. Total fresh water use shall not exceed the proposed requirement as provided in the project details. Prior permission from competent authority shall be obtained for use of fresh water.
 8. Sewage Treatment Plant shall be provided to treat the wastewater generated from the project. Treated water shall be reused for horticulture, flushing, backwash, HVAC purposes and dust suppression.
 9. A certificate from the competent authority for discharging treated effluent/ untreated effluents into the Public sewer/ disposal/drainage systems along with the final disposal point should be obtained.
 10. No diversion of the natural course of the river shall be made without prior permission from the Ministry of Water resources.
 11. All the erosion control measures shall be taken at water front facilities. Earth protection work shall be carried out to avoid erosion of soil from the shoreline/boundary line from the land area into the marine water body.




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IV. Noise monitoring and prevention

1. Noise level survey shall be carried as per the prescribed guidelines and report in this regard shall be submitted to Regional Officer of the Ministry as a part of six-monthly compliance report.
2. Noise from vehicles, power machinery and equipment on-site should not exceed the prescribed limit. Equipment should be regularly serviced. Attention should also be given to muffler maintenance and enclosure of noisy equipments.
3. Acoustic enclosures for DG sets, noise barriers for ground-run bays, ear plugs for operating personnel shall be implemented as mitigation measures for noise impact due to ground sources.
4. The ambient noise levels should conform to the standards prescribed under E(P)A Rules, 1986 viz. 75 dB(A) during day time and 70 dB(A) during night time.

V. Energy Conservation measures

1. Provide solar power generation on roof tops of buildings, for solar light system for all common areas, street lights, parking around project area and maintain the same regularly;
2. Provide LED lights in their offices, residential areas, jetties and other areas wherever possible.

VI. Waste management

1. Dredged material shall be disposed safely in the designated areas.
2. Shoreline should not be disturbed due to dumping. Periodical study on shore line changes shall be conducted and mitigation carried out, if necessary. The details shall be submitted along with the six monthly monitoring report.
3. Necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that they conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986.



4. The solid wastes shall be managed and disposed as per the norms of the Solid Waste Management Rules, 2016.
5. Any wastes from construction and demolition activities related thereto shall be managed so as to strictly conform to the Construction and Demolition Rules, 2016.
6. A certificate from the competent authority handling municipal solid wastes should be obtained, indicating the existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from project.
7. Used CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/ rules of the regulatory authority to avoid mercury contamination.
8. Oil spill contingency plan shall be prepared and part of DMP to tackle emergencies. The equipment and recovery of oil from a spill would be assessed. Guidelines given in MARPOL and Shipping Acts for oil spill management would be followed. Mechanism for integration of terminals oil contingency plan with the overall area contingency plan under the co-ordination of Coast should be covered.

VII. Green Belt

1. Green belt shall be developed in area as provided in project details with a native tree species in accordance with CPCB guidelines. The greenbelt shall inter alia cover the entire periphery of the plant.
2. Top soil shall be separately stored and used in the development of green belt.

VIII. Marine Ecology

1. Dredging shall not be carried out during the fish breeding and spawning seasons.
2. Dredging, etc shall be carried out in the confined manner to reduce the impacts on marine environment.
3. The dredging schedule shall be so planned that the turbidity developed is dispersed soon enough to prevent any stress on the fish population.



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4. While carrying out dredging, an independent monitoring shall be carried out through a Government Agency/Institute to assess the impact and necessary measures shall be taken on priority basis if any adverse impact is observed.
5. A detailed marine biodiversity management plan shall be prepared through the NIOS or any other institute of repute on marine, brackish water and fresh water ecology and biodiversity and submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on a study of the impact of the project activities on the intertidal biotopes, corals and coral communities, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes, other marine and aquatic micro, macro and mega flora and fauna including benthos, plankton, turtles, birds etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography.
6. Marine ecology shall be monitored regularly also in terms of sea weeds, sea grasses, mudflats, sand dunes, fisheries, echinoderms, shrimps, turtles, corals, coastal vegetation, mangroves and other marine biodiversity components including all micro, macro and mega floral and faunal components of marine biodiversity
7. The project proponent shall ensure that water traffic does not impact the aquatic wildlife sanctuaries that fall along the stretch of the river.

IX. Public hearing and Human health issues

1. The work space shall be maintained as per international standards for occupational health and safety with provision of fresh air respirators, blowers, and fans to prevent any accumulation and inhalation of undesirable levels of pollutants including VOCs.
2. Workers shall be strictly enforced to wear personal protective equipments like dust mask, ear muffs or ear plugs, whenever and wherever necessary/required. Special visco-elastic gloves will be used by labour exposed to hazards from vibration.




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SEIAA-TN

3. In case of repair of any old vessels, excessive care shall be taken while handling Asbestos & Freon gas. Besides, fully enclosed covering should be provided for the temporary storage of asbestos materials at site before disposal to CTSDF.
4. Safety training shall be given to all workers specific to their work area and every worker and employee will be engaged in fire hazard awareness training and mock drills which will be conducted regularly. All standard safety and occupational hazard measures shall be implemented and monitored by the concerned officials to prevent the occurrence of untoward incidents/ accidents.
5. Emergency preparedness plan based on the Hazard identification and Risk Assessment (HIRA) and Disaster Management Plan shall be implemented.
6. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
7. Occupational health surveillance of the workers shall be done on a regular basis.

X. Corporate Environment Responsibility

1. The project proponent shall comply with the provisions contained in this Ministry's OM vide F.No. 22-65/2017-IA.111 dated 1" May 2018, as applicable, regarding Corporate Environment Responsibility
2. The company shall have a well laid down environmental policy duly approved by the Board of Directors. The environmental policy should prescribe for standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental / forest /wildlife norms/ conditions. The company shall have defined system of reporting infringements / deviation / violation of the environmental / forest / wildlife norms / conditions and / or shareholders / stake holders. The copy of the board resolution in this



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regard shall be submitted to the MoEF&CC as a part of six-monthly report.

3. A separate Environmental Cell both at the project and company head quarter level, with qualified personnel shall be set up under the control of senior Executive, who will directly to the head of the organization.
4. Action plan for implementing EMP and environmental conditions along with responsibility matrix of the company shall be prepared and shall be duly approved by competent authority. The year wise funds earmarked for environmental protection 6 measures shall be kept in separate account and not to be diverted for any other purpose. Year wise progress of implementation of action plan shall be reported to the Ministry/Regional Office along with the Six Monthly Compliance Report.
5. Self environmental audit shall be conducted annually. Every three years third party environmental audit shall be carried out.

XI. Miscellaneous

1. The project proponent shall make public the environmental clearance granted for their project along with the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days and in addition this shall also be displayed in the project proponent's website permanently.

2. The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.

3. The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.
4. The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the ministry of Environment, Forest and Climate Change at environment clearance portal.




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5. The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.
6. The criteria pollutant levels namely; SPM, RSPM, SO₂, NO_x (ambient levels) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
7. The project proponent shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.
8. The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
9. The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report, commitment made during Public Hearing and also that during their presentation to the Expert Appraisal Committee.
10. No further expansion or modifications in the plant shall be carried out without prior approval of the Ministry of Environment, Forests and Climate Change (MoEF&CC).
11. Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.
12. The SEIAA may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.
13. The SEIAA reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.
14. The Regional Office of this Ministry shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer



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(s) of the Regional Office by furnishing the requisite data / information/monitoring reports.

15. The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and Rules and any other orders passed by the Hon'ble Supreme Court of India / High Courts and any other Court of Law relating to the subject matter.
16. Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

A. Common conditions applicable for Pre-construction, Construction and Operational Phases:

1. Any appeal against this environmental clearance shall lie with the Hon'ble National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
2. The Environmental safeguards contained in the application of the proponent /mentioned during the presentation before the State Level Environment Impact Assessment Authority / State Level Expert Appraisal Committee should be implemented in the letter and spirit.
3. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire and Rescue Services Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wild Life (Protection) Act, 1972, State / Central Ground Water Authority, Coastal Regulatory Zone Authority, other statutory and other authorities as applicable to the project shall be obtained by project proponent from the concerned competent authorities.




MEMBER SECRETARY
SEIAA-TN

4. The SEIAA reserves the right to add additional safeguard measures subsequently, if non-compliance of any of the EC conditions is found and to take action, including revoking of this Environmental Clearance as the case may be.
5. A proper record showing compliance of all the conditions of Environmental Clearance shall be maintained and made available at all the times.
6. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company. The status of compliance of environmental clearance conditions and shall also be sent to the Regional Office of the Ministry of Environment and Forests & Climate Change, Chennai by e-mail.
7. The Regional Office of the Ministry located at Chennai shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information / monitoring reports.
8. "Consent for Establishment" shall be obtained from the Tamil Nadu Pollution Control Board and a copy shall be submitted to the SEIAA, Tamil Nadu.
9. In the case of any change(s) in the scope of the project, a fresh appraisal by the SEAC/SEIAA shall be obtained before implementation.
10. The conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability Insurance Act, 1991, along with their amendments, draft Minor Mineral Conservation & Development Rules, 2010 framed under MMDR Act 1957, National Commission for protection of Child Right Rules, 2006 and rules made there under and also any other orders passed by the Hon`ble Supreme Court of India/Hon`ble High Court of Madras and any other Courts




MEMBER SECRETARY
SEIAA-TN

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of Law, including the Hon'ble National Green Tribunal relating to the subject matter.

11. The Environmental Clearance shall not be cited for relaxing the other applicable rules to this project.
12. Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
13. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF & CC, Chennai, the respective Zonal Office of CPCB, Bengaluru and the TNPCB. The criteria pollutant levels namely; PM10, PM2.5, SO2, NOx (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored.
14. The SEIAA, TN may cancel the environmental clearance granted to this project under the provisions of EIA Notification, 2006, if, at any stage of the validity of this environmental clearance, if it is found or if it comes to the knowledge of this SEIAA, TN that the project proponent has deliberately concealed and/or submitted false or misleading information or inadequate data for obtaining the environmental clearance.
15. The Environmental Clearance does not imply that the other statutory / administrative clearances shall be granted to the project by the concerned authorities. Such authorities would be considering the project on merits and be taking decisions independently of the Environmental Clearance.
16. The SEIAA, TN may alter/modify the above conditions or stipulate any further condition in the interest of environment protection, even during the subsequent period.
17. The Environmental Clearance does not absolve the applicant/proponent of his obligation/requirement to obtain other statutory and administrative clearances from other statutory and administrative authorities.



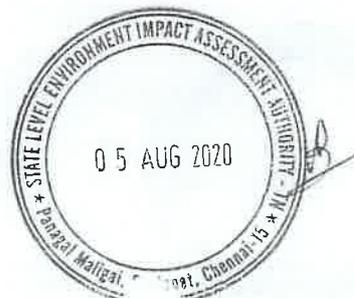
18. Where the trees need to be cut, compensation plantation in the ratio of 1:10 (i.e. planting of 10 trees for every one tree that is cut) should be done with the obligation to continue maintenance.
19. The project activity should not cause any disturbance & deterioration of the local bio diversity.
20. The project activity should not impact the water bodies. A detailed inventory of the water bodies and forest should be evaluated and fact reported to the Forest Department for monitoring.
21. All the assessed flora & fauna should be conserved and protected.
22. As per MoEF & CC, GoI, Office Memorandum dated 30.03.2015, prior clearance from Forestry & Wildlife angle including clearance from obtaining committee of the National Board for Wildlife as applicable shall be obtained before starting the operation, if the project site is located within 10KM from National Park and Sanctuaries.
23. The safety measures proposed in the report should be strictly followed.
24. It is the sole responsibility of the proponent that the water supply through pipeline should not pollute the soil/ ground water/ adjacent canals/ lakes/ ponds, etc.
25. The project proponent should treat and dispose solid waste & E-waste as per the Solid Waste Management Rule 2016 as amended and E-Waste Management Rules, 2016
26. The project proponent shall comply with the relevant conditions stipulated under 7(e) Port, Harbour, Break water and Dredging category in the MoEF&CC OM F. No. 22-34/2018-IA.III dated 04/01/2019.
27. The proponent shall ensure that proposed activities in CRZ areas are as per provisions of CRZ Notification, 2011 (amended time to time).
28. The proponent shall ensure that no public nearby is affected due to proposed jetty construction. Further, tidal flow of sea water should not be disturbed.
29. There shall not be any disposal of wastes, sewage, lubricant oil into sea from the proposed facilities and ferry services.



30. Common utilities like drinking water facility, Toilets etc. shall be provided with adequate signage thereof.
31. Adequate distance shall be maintained between the drinking water and toilet blocks.
32. There shall not be any disposal of construction debris in CRZ area.
33. All other required permissions should be obtained before the commencement of the project. The project proponent shall obtain clearance from the National Board for Wildlife, if applicable. No dredging is allowed in the project area.

B. Specific Conditions – Pre construction phase:

1. The project authorities should advertise with basic details at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of clearance. The press releases also mention that a copy of the clearance letter is available with the State Pollution Control Board and also at website of SEIAA, TN. The copy of the press release should be forwarded to the Regional Office of the Ministry of Environment and Forests located at Chennai and SEIAA-TN.
2. All required sanitary and hygienic measures for the workers should be in place before starting construction activities and they have to be maintained throughout the construction phase.
3. A First Aid Room shall be provided in the project site during the entire construction and operation phases of the project.
4. The present land use surrounding the project site shall not be disturbed at any point of time.
5. The green belt area shall be planted with indigenous native trees.
6. Natural vegetation listed particularly the trees shall not be removed during the construction/operation phase. In case any trees are likely to be disturbed, shall be replanted.
7. During the construction and operation phase, there should be no disturbance to the aquatic eco-system within and outside the area.
8. The Provisions of Forest Conservation Act, 1980, Wild Life Protection Act, 1972 & Bio diversity Act, 2002 should not be violated.



9. There should be required safety plan during construction and operation phase project.

C. Specific Conditions – Operational Phase/Post construction phase/Entire life of the project:

1. Necessary permission to be obtained for quarrying construction materials for the project as per the EIA Notification, 2006 and subsequent amendments thereof.
2. Measures to be taken to develop skills of the local villagers particularly with respect to the trades related to construction works such as electrician, welder, fitter, etc.
3. Muck disposal be carried out only in the approved and earmarked sites. The dumping sites shall be located sufficiently away from the river/water bodies. Efforts be made to reuse the muck for construction and other filling purposes and balanced be disposed of at the designated disposal sites.
4. A separate Environmental Cell both at the project and company head quarter level, with qualified personnel shall be set up under the control of senior Executive, who will directly to the head of the organization.
5. Action plan for implementing EMP and environmental conditions along with responsibility matrix of the project proponent shall be prepared and submitted. Year wise progress of implementation of action plan shall be reported to the Ministry/Regional Office along with the Six Monthly Compliance Report.
6. No further expansion or modifications in the proposal shall be carried out without prior approval of the SEIAA-TN.
7. The project proponent shall utilize the CER amount for various activities mentioned in the MoEF & CC dated 01.05.2018.
8. After 5 years of the commissioning of the project. A study shall be undertaken regarding impact of the project on the environment and downstream ecology. The study shall be undertaken by an independent agency, decided in consultation with the competent authority.



9. Solar energy saving shall be increased to at least 10% of total energy utilization.
10. The Project proponent shall get due permission from the wetland Authority before the commencement of the work, if applicable.
11. The project activities should in no way disturb the manmade structures.
12. The Proponent shall do afforestation/ restoration programme contemplated to strengthen the open spaces shall preferably include native species along with the financial forecast for planting and maintenance for 5 years.
13. "Consent to Operate" should be obtained from the Tamil Nadu pollution Control Board before the start of the operation of the project and copy shall be submitted to the SEIAA-TN.
14. The noise level shall be maintained as per MoEF & CC /CPCB/TNPCB guidelines/norms both during day and night time.
15. The proponent is required to provide a hazardous waste /E-waste collection and disposal mechanism.
16. Used CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination.
17. A copy of the Environmental clearance (EC) letter shall be made available in Site.
18. Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
19. The Environmental Clearance is issued based on the documents furnished by the project proponent. In case any documents found to be incorrect/not in order at a later date the Environmental Clearance issued to the project will be deemed to be revoked/ cancelled.



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Copy to:

1. The Additional Chief Secretary to Government, Environment & Forests Dept, Govt. of Tamil Nadu, Fort St. George, Chennai - 9.
2. The Chairman, Central Pollution Control Board, PariveshBhavan, CBD Cum-Office Complex, East Arjun Nagar, New Delhi 110032.
3. The Member Secretary, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai-600 032.
4. The APCCF (C), Regional Office, Ministry of Environment & Forest (SZ), 34, HEPC Building, 1st& 2nd Floor, Cathedral Garden Road, Nungampakkam, Chennai - 34.
5. Monitoring Cell, I A Division, Ministry of Environment & Forests, ParyavaranBhavan, CGO Complex, New Delhi 110003.
6. The District Collector, Thiruvallur District
7. The Additional Chief Secretary to Government, Fisheries Department, Secretariat, Chennai 600 009.
8. Stock File.

SEIAA
TN



Item No.4 & 5:-

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No. 28 of 2020 (SZ)

WITH

Appeal No. 28 of 2020 (SZ) &
I.A. No. 115 of 2020 (SZ)

IN THE MATTER OF:

MEENAVA THANTHAI K.R. SELVARAJ KUMAR

MEENAVAR NALA SANGAM

(Registered under section 10 of the
Tamil Nadu Societies Act, in SI. No. 205 of 2015 dated 26.06.2015)

Represented by its President

M.R.Thiyagarajan

S/o Late C. Rajalingam

Office at No.48, East Madha Church Street,
Royapuram, Chennai-600 013.

... Applicant (s)

Versus

STATE OF TAMIL NADU

Through the Chief Secretary,

Government of Tamil Nadu,

Secretariat Chennai 600 009 and Ors.

...Respondent(s)

WITH

MEENAVA THANTHAI K.R. SELVARAJ KUMAR

MEENAVAR NALA SANGAM

(Registered under section 10 of the

Tamil Nadu Societies Act, in SI. No. 205 of 2015 dated 26.06.2015)

Represented by its President

M.R.Thiyagarajan

S/o Late C. Rajalingam

Office at No.48, East Madha Church Street,
Royapuram, Chennai-600 013.

... Appellant (s)

Versus

**TAMIL NADU STATE ENVIRONMENTAL IMPACT ASSESSMENT
AUTHORITY**

Through the Member Secretary,

Ground Floor, Panagal Maligai,

No.1 Jeenis Road, Saidapet,

Chennai-600 015 and Ors.

...Respondent(s)

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O.A. No.28/2020 (SZ):

For Applicant(s): Mr. G. Stanley Hebzon Singh.

For Respondent(s): Dr. D. Shanmuganathan for R1, R5 to R7.
Mrs. M. Sumathi for R2 & R3.
Mr. S. Sai Sathya Jith for R4.

Appeal No.28/2020 (SZ):

For Applicant(s): Mr. Ritwick Dutta.

For Respondent(s): Mrs. M. Sumathi for R1.
Dr. D. Shanmuganathan for R2 & R3.
Mr. S. Sai Sathya Jith for R4.

Judgment Pronounced on: 28th September 2022.

CORAM:

HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

ORDER

Judgment pronounced through Video Conference. Both the original applications are disposed of with directions vide separate Common Judgment.

Pending interlocutory application, if any, shall stand disposed of.

Sd/-
Justice K. Ramakrishnan, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.28/2020 (SZ) &
Appeal No.28/2020 (SZ),
I A. No. 115 of 2020 (SZ)
28th September 2022. Mn.

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No. 28 of 2020 (SZ)

WITH

Appeal No. 28 of 2020 (SZ) &
I.A. No. 115 of 2020 (SZ)

IN THE MATTER OF:

MEENAVA THANTHAI K.R. SELVARAJ KUMAR

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M.R.Thiyagarajan

S/o Late C. Rajalingam

Office at No.48, East Madha Church Street,

Royapuram, Chennai-600 013.

... Applicant (s)

Versus

- 1) **STATE OF TAMIL NADU**
Through the Chief Secretary,
Government of Tamil Nadu,
Secretariat Chennai 600 009
- 2) **TAMIL NADU STATE ENVIRONMENTAL IMPACT
ASSESSMENT AUTHORITY**
Through the Chairman,
Ground Floor, Panagal Maligai,
No.1 Jeenis Road, Saidapet,
Chennai-600 015,
- 3) **TAMIL NADU STATE EXPERT APPRAISAL COMMITTEE**
Through the Chairman
3rd Floor, Panagal Maligai,
No.1 Jeenis Road, Saidapet, Chennai -600 015.
- 4) **TAMIL NADU POLLUTION CONTROL BOARD**
Through the Chairman,
76, Mount Salai, Guindy,
Chennai - 600 032
- 5) **TAMIL NADU STATE CAOSTAL MANAGEMENT AUTHORITY**
Through the Member Secretary
Panagal Building, Saidapet,
Chennai - 600 032.

6) **DEPARTMENT OF FISHERIES,**
Government of Tamil Nadu
Through the Director,
3rd Floor, Integrated Animal Husbandry and Fishing Building,
Nandanam, Chennai - 600 035.

7) **THE DISTRICT COLLECTOR**
First Floor, Collectorate
Thiruvallur - 602 001.

*(R7 - Suo Moto Impleaded as per Order
of the Tribunal dt.07.02.2020)*

...Respondent(s)

WITH

MEENA VA THANTHAI K.R. SELVARAJ KUMAR
MEENAVAR NALA SANGAM
(Registered under section 10 of the
Tamil Nadu Societies Act, in SI. No. 205 of 2015 dated 26.06.2015)
Represented by its President
M.R.Thiyagarajan
S/o Late C. Rajalingam
Office at No.48, East Madha Church Street,
Royapuram, Chennai-600 013.

... Appellant (s)

Versus

1) **TAMIL NADU STATE ENVIRONMENTAL IMPACT
ASSESSMENT AUTHORITY**
Through the Member Secretary,
Ground Floor, Panagal Maligai,
No.1 Jeenis Road, Saidapet,
Chennai-600 015.

2) **DEPARTMENT OF FISHERIES, TAMIL NADU**
Through the Assistant Director,
Fishing Harbour Project Division
No.11, Thiruvottriyur NH Road,
Near New Bus Stand, Ponneri, Tiruvallur,
Tamil Nadu-601 204

3) **STATE OF TAMIL NADU**
Through the Chief Secretary,
Government of Tamil Nadu,
Secretariat Chennai 600 009

4) **TAMIL NADU POLLUTION CONTROL BOARD**
Through the Member Secretary,
76, Mount Salai, Guindy,
Chennai - 600 032.

...Respondent(s)

O.A. No.28/2020 (SZ):

For Applicant(s): Mr. G. Stanley Hebzon Singh.
 For Respondent(s): Dr. D. Shanmuganathan for R1, R5 to R7.
 Mrs. M. Sumathi for R2 & R3.
 Mr. S. Sai Sathya Jith for R4.

Appeal No.28/2020 (SZ):

For Applicant(s): Mr. Ritwick Dutta.
 For Respondent(s): Mrs. M. Sumathi for R1.
 Dr. D. Shanmuganathan for R2 & R3.
 Mr. S. Sai Sathya Jith for R4.

Judgment Reserved on: 29th August 2022.

Judgment Pronounced on: 28th September 2022.

CORAM:

HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

Whether the Judgment is allowed to be published on the Internet - Yes.

Whether the Judgment is to be published in the All India NGT Reporter - Yes.

COMMON JUDGMENT

Delivered by Justice K. Ramakrishnan, Judicial Member

O.A. No.28 of 2020 (SZ):

1. This Original Application [O.A. No.28 of 2020 (SZ)] was filed by the applicant claiming to be a protector of fishermen community and authority to represent the Meenavar Nala Sangam. When he came to know that the 6th respondent in that case viz., the Fisheries Department was about to establish a Tuna Fishing Harbour in CRZ Zone at S.F. No.7/4, 39, 40, 41, 42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District filed this application alleging that they were trying to establish the same without obtaining necessary clearance under the EIA Notification, 2006 as well as CRZ Notification, 2011 and 2019.

2. According to the applicant, the project that is to be established by the 6th respondent will fall under 'B' Category of Item 7 (e) (Port, Harbour, Fishing Harbour) to schedule attached to the EIA Notification, 2006 and though it is a permissible activity under the CRZ Notification requiring sea front facility also be established after obtaining prior clearance from the CZMA as per the provisions of the CRZ Notification, 2011 and also under EIA Notification, 2006. The applicant had produced the photographs showing the nature of work that is being undertaken by the 6th respondent of making alleged unauthorized construction involving reclamation and dredging activities in CRZ zone as evidenced by Annexure - A2. It was understood that the 6th respondent had proposed to construct a Tuna Fishing Harbour with 69,000 TPA in the above said area covering 30.87 Ha. within the break waters and a land side reclaimed area for building infrastructure in 15.63 Ha. The applicant produced the copy of the Project Map as Annexure - A3 with the application. The 6th respondent's activities envisages the following:-

- i. Breakwaters - Northern break water 852 m and Southern Break water 1088 m.*
- ii. Dredging and disposal (2,00,000 cu.m.)*
- iii. Reclamation and levelling*
- iv. Quays (RCC bored pile) for MFVS 730 m v) Quays (RCC bored pile) for FRPs 110 m*
- v. Internal road within the harbour complex*
- vi. Fish Handling and auction hall for MFVs (1273 Sq.m.)*
- vii. Tuna Fish Handling and Packing Hall (1200 Sq.m.)*
- viii. Fish Handling and auction hall for FRP boats (258 Sq.m.)*
- ix. Fishery Administration office 163 Sq.m. and other incidental activities."*

3. It is understood that the 6th respondent applied for the Environmental Clearance (EC) before the State Environmental Impact Assessment Authority - Tamil Nadu (*hereinafter referred to as 'SEIAA - Tamil Nadu'*) to consider the project and on receipt of the same, the project as appraised by the State Expert Appraisal Committee - Tamil Nadu (*hereinafter referred to as 'SEAC - Tamil Nadu'*) in its 141st meeting held on 16.12.2019, evidenced by Annexure - A4 produced along with the application, where they have noted the following:-

"The SEAC noted the following :

1. The Proponent M/s. Fisheries Department has applied for Environmental Clearance "Tune Fishing Harbor" at S.F.No. 7/4 , 39 , 40 , 41 , 42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk. Thiruvallur District, Tamil Nadu.

2. The project / activity is covered under Category "B1" of Item 7 (e) "Port, Harbour, Fishing Harbour" of the Schedule to the EIA Notification, 2006.

The SEAC noted that the presentation does not include various essential impact studies and the following details

1. ToR compliance report was found to be not specific according to TOR Conditions

2. The quantification of sediment deposition and sediment erosion including the locations should be predicted and suitable environmental management plans for reducing the same should be furnished.

3. Impact in Tourism, Shoreline and Fish movement due to the proposed project needs to be studied and reported

4. Proposal for emergency response plan, risk assessment and mitigation plan for oil spill events.

5. The impact on the Ennore creek due to implementation of the Project'

6. The proponent shall explore the options of hollow structures instead of solid structure to reduce the erosion / deposition.

7. Overall the EIA report and presentation is not up to the mark.

Hence, the SEAC directed the proponent and the consultant to prepare the appropriate EIA and to appear for presentation once again with aforesaid details and other environmental impact data and studies in full shape."

4. It is clear from the above that without getting necessary clearance, they are unauthorizedly proceeding with the constructions. The proposed project area will fall under critically vulnerable ecologically sensitive area classified as CRZ - I as per the CRZ Notification, 2011 and proceeding with the work without obtaining necessary clearance from the CZMA will amount to illegality. They also constructed a road unauthorizedly in CRZ area without obtaining necessary permission evidenced by Annexure - A5, Photographs. The Annexure - A6 produced by the applicant is a photograph showing the illegal dumping in the CRZ area by the 6th respondent. They also produced Annexure - A7, Photographs showing the nature of construction made by the 6th respondent including certain structures and buildings in CRZ area causing hindrance to the fishermen community in that area. Annexure - A8, Representation was made on 24.12.2019 by the applicant to the SEIAA - Tamil Nadu stating that the project proponent is proceeding with the illegal construction without obtaining necessary clearance but no action was taken by the authorities.

5. That prompted the applicant to file this application seeking the following reliefs:-

"(i) Issue directions to Respondent No. 2 to 5 to initiate appropriate action against the 6th Respondent for their illegal and unauthorized constructions, reclamation

and dredging activities of Tuna Fishing Harbor In CRZ Zone at S.F.No.7/4, 39, 40, 41, 42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu without obtaining the prior Environmental clearance as laid down under the Category "B" of Item.7 (e) "Port, Harbour, Fishing Harbour" of the Schedule to the EIA Notification, 2006 and CRZ Clearance under CRZ Notification 2011.

(ii) Restrain the 6th respondent from permitting further construction and other related activities in the CRZ zone with respect to their project named Tuna Fishing Harbour.

(iii) Direct the 6th respondent to remove the entire unauthorized construction including road, buildings and other structures in the CRZ zone without obtaining any permissions under EIA Notification, 2006 and CRZ Notification, 2011 and to restore the area to its original condition.

(iv) Impose environmental Compensation upon the 6th respondent who has intentionally damaged the environment as well as marine eco system in Thiruvottriyur kuppam Village, Ennore Taluk, Thiruvallur District.

(v) Direct the regulatory authorities to initiate penal proceedings against the officials of the 6th respondent in so far as they have critically damaged the environment.

(vi) Pass any order or orders as this Hon'ble Tribunal may deem fit, and appropriate in the facts and the circumstances of the present Application."

6. The District Collector - Thiruvallur District was Suo-Motu impleaded as additional 8th respondent as per order dated 07.02.2020.

7. The 6th respondent filed counter affidavit denying most of the allegations made in the application. It is further contended that the Thiruvallur District is having 28 km coastal boundary and 77 fishermen villages are located on the coastal stretch. There are about 116 Mechanized Fishing Vessels (MFVS) and about 4,500 country crafts / out board motorized boats (OBMS) are registered boats in the district, but there is no fishing harbour in Thiruvallur District. Therefore, all the 116 Mechanized Fishing Vessels (MFVS) and about country crafts / out board motorized boats (OBMS) are being operated from the Chennai Fishing Harbour. The Chennai Fishing is the only fishing harbour available for Chennai, Thiruvallur and Kancheepuram districts. There is huge congestion in Chennai Fishing Harbour and both Mechanized Fishing Boats and FRP boats are facing operational difficulties. The Chennai Fishing Harbour is under the control of Chennai Port Trust. The Government of Tamil Nadu is implementing various schemes to reduce the fishing pressure in seashore waters and also exploit the possibilities of under exploited deep sea fishing and activities, among fishermen to create job opportunities and improving their socio-economic status. Promoting deep sea fishing is one among them, which attracts more revenue through exports to other countries. Construction of Tuna Fishing Harbour will have sufficient infrastructure facilities to handle Tuna and other deep sea varieties which

will enhance the export of fishery products and also proposal to decongest the existing Chennai fishing harbour. For this purpose, the Government has accorded administrative sanction, vide G.O. (D) No.373 Animal Husbandry, Dairying and Fisheries (FS-1) Department dated 22.12.2014 to carry out the techno-economic feasibility studies of the project. Accordingly, required surveys and all physical and numerical modelling studies were carried out based on the available wave parameters and previous cyclones. Based on the studies, it was found that the proposed site is feasible for construction of Tuna Fishing Harbour and prepared detailed project report (DPR) and the stakeholders' meeting was held on 02.06.2015 as part of the DPR. The Anna University, Chennai had prepared the Coastal Zone Regulation Map showing all the details of Coastal Regulation Zone categories and their ecological sensitivity. The Anna University has reported that the size proposed for the construction of Tuna Fishing Harbour falls within the permissible area of CRZ norms and the site is not ecologically and environmentally sensitive as per CRZ Notification, 2011 and Environmental Impact Assessment Notification, 2006. The necessary District Level Coastal Regulation Zone (CRZ) clearances were obtained from the District Level Coastal Zone Management Authorities headed by the District Collector, vide their letter no. CRZ - 29 / DEE / TNPCB / CHN / DCZMA / 2016 dated 27.10.2016. Thereafter, the State Level CRZ Clearances were obtained from the Tamil Nadu Coastal Zone Management Authority (TNCZMA), headed by the Principal Secretary, Ministry of Forests and Environment, Government of Tamil Nadu vide their proceedings No.P1/2204/2016 dated 10.03.2017. After obtaining CRZ clearances, Online application was submitted to Tamil Nadu State Environmental Impact Assessment Authority (TN-SEAA) on 22-08-2017 for Environmental Clearances (EC) and the presentation on the project was made to State Expert Appraisal Committee during their 100th meeting held on 20.12.2017 and 21.12.2017. The Tamil Nadu State Environmental Impact Assessment Authority (TN SEIAA) considered the proposal in its 266th meeting held on 22.01.2018 and issued the Terms of Reference (ToR) to carryout Environmental Impact Assessment (EIA) and public hearing meeting vide their No. SEIAA-TN/F.No6440/SEAC - C / 7 (e) ToR - 301 / 2017 dated 22.01.2018.

The detailed Environmental Impact Assessment (EIA) study was carried out by the Centre for Environmental Studies, Annamalai University, Parangipettal, Cuddalore District and public hearing meeting was conducted on 25.07.2019 by the Chennai District Collector. The public from local area have attended over whelmingly expressed that the project would help to improve their livelihood and socio-economic status and they have produced the copy of the minutes of public hearing meeting along with the counter. The online application was submitted on 01.10.2019 for environmental clearances to TN-SEIAA and made presentation on 16.12.2019 before the State Expert Appraisal Committee (SEAC) during its 141st meeting and received the minutes of the meeting, in which it has been directed to represent again after submitting further details. The same have been attended and resubmitted to SEAC on 17-02-2020 and waiting further reply from them. The Construction of Fishing Harbour is a permitted activity in CRZ - IB, which is called inter tidal zone, that is the zone between high tide level (HTL) and low tide level (LTL), as per CRZ Notification 2019. In Clause 5.1.2(i) Land reclamation for ports and harbours; 5.1.2 (ii) Activities related to water front or directly needing foreshore facilities such as ports and harbour, Jetties, quays, Wharves, erosion control etc. are permitted activities. The basic purpose of getting CRZ Clearance is that although the permitted activities are being carried out in coastal zone, it should not be done in ecologically sensitive area like Mangrove area and turtle nesting area and also for getting environmental clearance for permitted activities is that it should not affect the biodiversity of the location, spoil the environment by causing any means of pollution and not affecting the lifestyle of locals etc. 90% of the processes have been completed for getting environmental clearances and they have already obtained required CRZ Clearance for the project. They denied the allegation that they are doing reclamation, construction of buildings and roads in an illegal manner and they have not started the work and they will start the work after obtaining necessary permissions and being the Government project of public importance during the pendency of the application for Environmental Clearance (EC), they may be permitted to continue the work, as they have followed the procedure and norms in obtaining CRZ and Environmental

Clearance (EC). No road was constructed in CRZ area by the Fisheries Department. There is street called Kasi Koil Battai in Town Survey No.22 of the Thiruvottriyurkuppam which is being used. So, it is totally false that the Fisheries Department had constructed the road in CRZ area. The Fisheries Department is casting tetra pods in the shore and placing granite stores on the existing two groynes, which will not affect the ecosystem and did not damage the ecosystem as alleged. The construction of fishing harbour was proposed after carrying out all required technical studies and analysis. So, they prayed for accepting their contentions and dismissal of the application.

8. The 5th respondent filed counter denying most of the allegations made in the application except those are admitted by them. They contended that on 06.10.2016, an environmental clearance was issued to PWD to construct series of 19 groynes from Ennore to Ernavoorkuppam by the 2nd respondent and the present impugned site falls nearby the project area reflected in the clearance. On 02.12.2016, the Assistant Director of Fisheries, Thiruvallur at Ponneri, Tiruvallur District submitted a proposal, seeking clearance under CRZ Notification 2011, for the construction of a Tuna Fishing Harbour of fish handling capacity of 69,000 Tons Per Annum at the same site with the facilities proposed by the Project Proponent which were already extracted in the earlier paragraphs as mentioned in the application filed by the applicant, as such we are not extracting the same. As per the approved Coastal Zone Management Plan (CZMP), the impugned site is falling in CRZ-II, CRZ-I (B) (inter-tidal zone) and CRZ-IV. The allied facilities such as fishermen gear sheds, mending sheds, rest sheds, boat repair shop, restaurant, dormitory, security / guard house, radio communication tower, public toilet, water supply facilities, pump house, drainage and sewerage including effluent treatment plant, storm water drains, etc. have also been proposed. The District Coastal Zone Management Authority (DCZMA) for CMDA areas resolved to recommend the above project to the Tamil Nadu State Coastal Zone Management Authority subject to the following conditions:

"a) The unit shall comply with the recommendation as stated in the Marine Impact Study Report and Disaster Management Report as conducted by Center for

Environment, Health and Safety, Faculty of Engineering & Technology, Annamalai University.

b) Evidence, based on the erosion study conducted by the National Center for Sustainable Coastal Management (NCSCM) should be produced, confirming that the project site is not falling in the High Eroding Coast. (the applicant furnished the information)

c) The unit shall ensure that adequate safety precautions are provided for the ammonia storage / handling area in the proposed ice plant. Also, automatic water sprinkler arrangement shall be installed to ensure water spraying in the event when the concentration of ammonia exceeds the work place environment.

d) The unit shall utilize the dredged sand to reclaim land for establishing the landside infrastructure.

e) The unit shall not generate trade effluent at any stage of the fish packing facility.

f) The unit shall provide ETP of adequate capacity for the combined treatment of sewage and effluent proposed from vessel washing from dining hall, fish box cleaning, etc. and the treated effluent shall be utilized for gardening.

g) The unit shall ensure that the R.O. rejects generated from desalination plant is let into sea at a distance recommended from competent authority to ensure no marine impact is created due to discharge of R.O. rejects.

h) The solid waste generated in the premises shall be disposed scientifically.

i) The unit shall establish the facility only after obtaining CRZ clearance and Consent to Establish of the Board."

9. Thereafter, the proposal was placed before the 93th meeting of the Tamil Nadu State Coastal Zone Management Authority held on 27.02.2017 and the authority resolved to clear the proposal and it was communicated to the Fisheries Department vide Proceedings No.P1/2204/2016 dated 10.03.2017, subject to the following conditions in addition to the conditions imposed by the DCZMA for CMDA areas viz.,

"a. It should be ensured that there should not be any adverse impact on coastal eco-system due to the dredging activity and the dumping of dredged materials and proper mitigation measures should be evolved.

b. The design of breakwaters should be based on the bathymetry and modelling studies.

c. Shoreline evolution should be monitored periodically through reputed institutions and remedial measures need to be planned to prevent further erosion, if any, on the adjacent coastal areas due to the construction of breakwaters. Only those facilities which are integral to the Fishing Harbour shall be provided in CRZ areas and those which are not integral to may be located outside the CRZ areas.

d. A detailed report on the details of solid waste (Bio-degradable / non-degradable etc.) generated and a proper plan for segregation at source shall be formulated. Organic Waste Converter (OWC) of adequate capacity shall be provided to dispose the biodegradable waste. Further other solid waste such as plastics may be collected and disposed for re-use. The local body may also be involved in the above task.

e. The Fishermen community shall be adequately educated on the segregation of solid waste for proper management of the solid waste.

f. Hygiene should be given priority and well maintained toilets should be provided.

g. Specific areas for Office buildings and Fishermen Associations should be earmarked and no encroachments should be allowed in future for outsiders / associations.

h. Action shall be taken for the setting up of a Police Station, well in advance.

i. Adequate parking facilities shall be provided.

j. Adequate mitigation measures to be taken to prevent the oil spillage and its adverse impact.

k. Proper monitoring in the management system to be prepared for handling Ammonia in the Ice Plants.

l. The ecologists should be included organisms. The impact on the corals, marine organisms, turtle nesting etc., due to the above constructions, in long run, should be evaluated and monitored through a panel of experts, in which,

m. Afforestation garden to the fishermen in the Harbour area shall be taken in consultation with the Forests Department.

n. No dratwal of ground water in CRZ areas is permitted.

o. The proposed activity shall not cause hindrance to the nearby human settlements / authorized structures and fishing activities.

p. Clearance under EIA Notification 2006 should be obtained from the SELAA."

10. Representation was received from the applicant, dated 26.12.2019 and the same was forwarded to the District Environmental Engineer, Tamil Nadu Pollution Control Board, Arumbakkam, Chennai, vide this office letter dated 13.01.2020 for taking action and to send remarks. The Government of Tamil Nadu constituted District Coastal Zone Management Authorities (DCZMA) for all the Coastal districts vide G.O.Ms.No. 163 Environment and Forests Department dated 09.06.1998 and the District Environmental Engineer of the Tamil Nadu Pollution Control Board is the Convener of the District Coastal Zone Management Authority to take appropriate action in this regard. To take action on violation under the CRZ Notification, as discussed in the 79th meeting of the TNSCZMA, dated 18.08.2014, it was resolved that all the District Collectors, District Coastal Zone Management Authorities, CMDA, Corporation of Chennai are responsible for identification of violations and to take action on the violators, by following the procedures, laid down under the Environment (Protection) Act, 1986. The Joint Committee was appointed by this Tribunal with certain members and they have directed to submit the report. The fish handling capacity of the project is more than 10,000 Tons per Annum (i.e. 69,000 Tons per Annum), and it requires further Clearance from the State Environment Impact Assessment Authority (SEIAA) under Environment Impact Assessment Notification (EIA), 2006. They have already granted the clearance as required under the CRZ Notification following the procedure. So, they prayed for accepting their contentions and passing appropriate orders.

11. As per order dated 07.02.2020, this Tribunal appointed a Joint Committee comprising of (i) District Collector – Thiruvallur District, (ii) Tamil Nadu Pollution Control Board, (iii) SEIAA – Tamil Nadu and (iv) a Senior

Officer from the SCZMA - Tamil Nadu to inspect the area in question and submit a factual as well as action taken report, including the violations (if any) found. In the meantime, this Tribunal directed the 6th respondent to maintain the Status Quo until further orders.

12. The Joint Committee has filed the report which was considered by this Tribunal by order dated 21.07.2020 extracted in Para (5) of the order which reads as follows:-

"1.0 Orders of the Hon'ble Tribunal

The Petitioner Meenava Thanthai K.R. Selvaraj Kumar, Meenavar Nala Sangam prayed to the Hon'ble National Green Tribunal, to initiate appropriate action against the 6th respondent Department of Fisheries, Government of Tamil Nadu for their illegal unauthorized constructions, reclamation and dredging activities of Tuna Fishing Harbour in CRZ Zone at S.F.No.7/4,39,40,41,42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu without obtaining the prior Environmental clearance as laid down under the Category "B" of Item.7(e) "Port, Harbour, Fishing Harbour" of the Schedule to the EIA Notification, 2006 and CRZ Clearance under CRZ Notification 2011."

The petitioner alleged that Department of Fisheries, Government of Tamil Nadu is establishing a Tuna Fishing Harbour in CRZ Zone at S.F.No.7/4,39, 40,41,42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District without obtaining necessary clearance and also Coastal Regulation Zone Clearance as required under EIA Notification 2006 and CRZ Notification 2011.

According to the petitioner, it is under CRZ I under the CRZ Notification, 2011 and without getting prior permission any activity in that area is illegal. The petitioner also produced the minutes of the meeting of the State Level Expert Appraisal Committee dated 16/12/2019 which dealt with that project for appraisal and observed that the presentation and EIA report submitted by the project proponent is not proper and they will have to submit a fresh EIA report on the basis of the directions given by them and necessary presentation will have to be made by consultant to satisfy the state level expert appraisal committee to consider the project.

The Petitioner also submitted substantial evidence in the form of photographs taken at the site showing the nature of activities being carried out in that area.

In order to ascertain the present status of the project, Hon'ble National Green Tribunal, Southern Zone, Chennai vide Paragraph 9 constituted a Joint Committee comprising of District Collector, Thiruvallur, Tamil Nadu State Pollution Control Board, State Environment Impact Assessment Authority and Senior Officer from the Tamil Nadu State Coastal Zone Management Authority to inspect the area in question and submit the factual and action taken report including any violations found before the Tribunal within a period of one month.

The Hon'ble National Green Tribunal, Southern Zone, Chennai also directed State Environment Impact Assessment Authority (SEIAA) to act as the nodal agency for co-ordination and also for providing necessary logistics for this purpose. The copy of the order is enclosed as Annexure I.

2.0 - Composition of the Committee

The joint committee was constituted comprising the following members as directed by the Hon'ble National Green Tribunal.

1.	Dr. R. Sivacoumar	Member, State Environment Appraisal Committee (SEAC), Tamil Nadu
2.	Shri. M. Malaiyandi	Joint Chief Environmental Engineer (Monitoring), Tamil Nadu Pollution Control Board, Chennai Zone
3.	Shri. D. Estearan	Assistant Conservator of Forests, Department of Environment, Chennai
4.	Shri. M. Mathukalavan	Revenue Divisional Officer, Chennai North

3.0 Joint Inspection of the Committee

The Joint Committee has inspected the project site of TUNA Fishing harbour of the Department of Fisheries, Government of Tamil Nadu located at Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District in the presence of Thiru. Murugesan, Executive Engineer, Department of Fisheries on March 17, 2020.

The joint committee held discussion with Department of Fisheries, Government of Tamil Nadu and visited in and around the project site to ascertain the factual information as per the court directives and took photographs of the salient features of the project site to get the first hand information about the site (Plate 1)

4.0 Assessment of the Joint Committee

During the time of inspection, the committee observed the following:

1. The Fishing Harbour (Fish handling capacity - 69,000TPA) and its components such as Breakwaters, Quays, Internal roads, Fish Handling and Auction Hall Packing Hall etc. are proposed in CRZ IV (towards sea side), CRZ I (B) (between LTL & HTL- inter tidal zone) and CRZ II (towards landside) at new town survey number. 2712 (old SF.No.7/4, 39, 40, 41, 42 & 49), Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruwallur District.
2. The Fisheries Department, Government of Tamil Nadu obtained CRZ clearance from the Tamil Nadu State Coastal Zone Management Authority vide Proceeding.No.Pl/220412016 dated 1010312017 for the construction of Tuna Fishing Harbour of fish handling capacity of 69000 TPA at Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruwallur District under CRZ Notification 2011 and the same is attached as Annexure II.
3. As the project falls under the Category "B" of Item. 7(e) "Port, Harbour, Fishing Harbour" of the Schedule to the EIA Notification, 2006, the public hearing was conducted on 2510712019 by the TNPCB and Executive Engineer, Fisheries Department informed, application filed to the SEIAA for Environmental Clearance under the EIA Notification 2006 is in progress.
4. Two approach roads of roughly 17.2m of width are existing at the north and south directions of the project site as shown in Plate 2.
5. A temporary office shed (with air conditioning) measuring approximately 3m x 10m was built inside the project site as shown in Plate 3.
6. During the time of inspection by the Joint Committee, one silo made up of Mild Steel (MS) with capacity of 100 MT for storing the cement, blue metal jelly of size 1/4" & 1/2" and mixer machine for the preparation of mortar for making gryones are present inside the project site as shown in Plate 4.
7. Three break water structures of 150m each existing at the site, of which 2 were extended from the initial existing projection of 150m. The break water structure in the southern direction of the project site is extended up to 400m (proposed is 1088m) from the initial projection of 150m and another existing break water structure of 150m was extended up to 320m (proposed is 852m) in the northern direction as shown in Plate 5.
8. During the time of inspection, no open and bore wells are existing inside the project site.
9. There is one sewage carrying open drain (nullah) flowing through the project site and untreated sewage is mixing with the sea inside the project site as shown in Plate 6.
10. There are no permanent stones available for showing the high tide and low tide line within the project site erected by the Director of Environment, Government of Tamil Nadu.
11. At the time of inspection, no construction/dredging/reclamation activities related to fishing harbour were carried out within the project site. Also, the 6th respondent Fisheries Department, Government of Tamil Nadu has not constructed any permanent structures pertaining to fishing harbour except the extension of break water as stated above."

13. Thereafter, on that day, the Additional Advocate General who appeared for the 6th respondent submitted that the application for Environmental Clearance (EC) is pending before the SEIAA - Tamil Nadu. The learned Additional Advocate General submitted that since the application was pending, no decision was taken by the SEIAA - Tamil Nadu in the pending application and this Tribunal directed the SEIAA - Tamil Nadu to consider the application and pass appropriate orders in the application pending for Environmental Clearance (EC) submitted by the 6th

respondent and pendency of this application will not prevent from exercising their statutory powers in accordance with law.

14. The matter was taken up on 14.09.2020 and on that day, this Tribunal had considered the another Joint Committee report received on 14.09.2020 and extracted in Para (7) of the order which reads as follows:-

"The Petitioner Meenava Thanthai K.R. Selvaraj Kunnar, Meenavar Nala Sangam prayed to the Hon'ble National Green Tribunal that to initiate appropriate action against the 6th respondent Department of Fisheries, Government of Tamil Nadu for their illegal unauthorized constructions, reclamation and dredging activities of Tuna Fishing Harbour in CRZ Zone at S.F.No.7/4,39,40,41,42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu without obtaining the prior Environmental clearance as laid down under the Category "B" of Item.7(e) "Port, Harbour, Fishing Harbour" of the Schedule to the EIA Notification, 2006 and CRZ Clearance under CRZ Notification 2011."

It is alleged in the petition that Department of Fisheries, Government of Tamil Nadu is establishing a Tuna Fishing Harbour in CRZ Zone at S.F.No.7/4,39,40,41,42 & 49, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District without obtaining necessary clearances and also Coastal Regulation Zone Clearances as required under EIA Notification 2006 and CRZ Notification 2011.

According to the petitioner, it is under CRZ I under the CRZ Notification, 2011 and without getting prior permission any activity in that area is illegal. The petitioner also produced the minutes of the meeting of the State Appraisal Committee dated 16/12/2019 which dealt with that project for appraisal and observed that the presentation and EIA report submitted by the project proponent is not proper and they will have to submit a fresh EIA report on the basis of the directions given by them and necessary presentation will have to be made by consultant to satisfy the appraisal committee to consider the project.

The Petitioner also submitted substantial evidence in the form of photographs taken at the site showing the nature of activities going on in that area.

In order to ascertain the present status of the project, Hon'ble National Green Tribunal, Southern Zone, Chennai in its order dated 07.02.2020 vide para-9 constituted a Joint Committee comprising of District Collector, Thiruvallur, the Tamil Nadu State Pollution Control Board, State Environment Impact Assessment Authority and Senior Officer from the Tamil Nadu State Coastal Zone Management Authority to inspect the area in question and submit the factual and action taken report including any violations found before the Tribunal within a period of one month.

The Hon'ble National Green Tribunal, Southern Zone, Chennai also directed State Environment Impact Assessment Authority (SEIAA) to act as the nodal agency for co-ordination and also for providing necessary logistics for this purpose.

As per the above said directions of the Hon'ble NGT (SZ), the joint committee filed its first inspection report during March, 2020.

2.0 Orders of the Hon'ble Tribunal

The Hon'ble National Green Tribunal order dated 21/07/2020 has directed that

11. *"On going through the report, we find that no environment compensation has been assessed, and whether any damage has been caused to the environment / coastal area has not been mentioned. So, we feel it appropriate to direct the committee to assess the environment compensation as well and the question as to whether it has to be awarded or not can be considered by this Tribunal after hearing both sides on that aspect later.*
- 13 *The committee is directed to submit further report as directed within a period of one month from today to this Tribunal i.e. on or before 14.09.2020 through email or by e-filing at ngts-filing@gmail.com."*

The copy of the order is enclosed as Annexure 1

3.0 Joint Inspection of the Committee

The Joint Committee comprising of the following members have again inspected the project site of TUNA Fishing harbour by the Department of Fisheries, Government of Tamil Nadu located at Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District in the

presence of Thiru Murugesan, Executive Engineer, Department of Fisheries on September 09, 2020.

1.	Dr. R.Sivacoumar	Member, State Expert Appraisal Committee (SEAC), Tamil Nadu.
2.	M.Malaiyandi	Joint Chief Environmental Engineer (Monitoring), Tamil Nadu Pollution Control Board, Chennai Zone.
3.	D.Eswaran	Assistant Conservator of Forests, Department of Environment, Chennai.
4.	V Ravi	Revenue Divisional Officer, Chennai North, Chennai District.

The joint committee held discussions with Department of Fisheries, Government of Tamil Nadu and inspected the project site to verify if any further constructions has been carried out after the previous inspection of the committee and took photographs.

4.0 Assessment of the Joint Committee

During the time of inspection, the committee observed the following in addition to the observations submitted by the committee in the earlier report to the Hon'ble National Green Tribunal, Southern Zone, Chennai.

1. Two more temporary sheds were found at the project site as shown in the Photographs.
2. Two gigantic grins were seen at the site one near the northern approach road and the other one at the southern break water facility.
3. Many Solid gryones weighting 4 MT were seen inside the project area as well all along the shore line in the southern direction.
4. No construction/dredging/reclamation activities related to fishing harbour were carried out within the project site.

5.0 Conclusion and Recommendation of the Joint committee

In order to assess the damage caused by the Department of Fisheries, Government of Tamil Nadu to the environment / coastal area before obtaining Environmental Clearance (EC) from the SEIAA of Tamil Nadu and its consequent compensation resulting from the damages caused, the Joint committee is of the opinion that, it needs to be carried out by reputed institute/organizations working in these field."

15. Thereafter, this Tribunal had passed the following orders:-

"8. It is mentioned in the report that in order to assess the damage caused to the environment on account of the work done by the Department of Fisheries of Government of Tamil Nadu to the Environment/Coastal area without obtaining environmental clearance from State Environment Impact Assessment Authority (SEIAA) of Tamil Nadu and its assessment of consequent compensation resulting from the damage caused, the Joint Committee opined that it needs to be carried out by a reputed institute/organisation working in these fields.

9. The learned counsel appearing for the applicant submitted that, in view of the objections filed by the applicant, if the department is permitted to carry out their work, it will not be possible for the committee to assess the compensation for the purpose of enabling this Tribunal to decide the matter in accordance with law.

10. The learned Advocate General appearing for the State Department submitted, since the monsoon is fast approaching and the project will have to be proceeded with as necessary clearances have already been obtained from the concerned authorities, they may be permitted to proceed with the work subject to this Tribunal enquiring in to the question of damage, if any, caused to the environment and imposition environmental compensation if any, required after getting the further report of the committee and they have no objection even deputing any other expert agency along with the committee to assist them and get the necessary data for this Tribunal to decide the matter in accordance with law.

11. It is an admitted fact that there were some activities done by the Fisheries Department namely, 6th respondent for the purpose of proceeding with the proposed project without getting the necessary Environmental Clearance under EIA Notification 2006.

12. The learned Additional Advocate General submitted that as per the counter statement of 5th respondent, it is clearly mentioned that on 06.10.2016, an environmental clearance was issued to Public Works Department (PWD) to construct series of 19 Groynes from Ennore to Ernavoorkuppam by the 2nd respondent and only they are carrying out that work alone.

13. They also mentioned in the counter statement that the Coastal Zone Management Authority also granted necessary clearance under CRZ Notification 2011, for this purpose. But the allegation in the application was that they are proceeding with the construction work of the project without getting necessary environment clearance especially when the application filed by them for that purpose was pending with the authority and this Tribunal has only taken cognizance of the application in respect of the work being carried out without obtaining necessary clearance which is required for that project.

14. Even for the construction of the road etc., or making preparations for the project as per EIA Notification, 2006, prior environment clearance is required. If any work has been done in violation of the EIA Notification, 2006 then, this Tribunal is entitled to go into the question regarding the nature of damage caused to the environment, on account of this violation and also fixing the liability of the payment of environmental compensation if any, caused on the person/department responsible for the same.

15. Since, the committee members have mentioned that they don't have the expertise to assess the environmental damage and they wanted assistance of an expert agency, we feel that it is necessary to include an expert in remote sensing for the purpose of identifying the area prior to the activities and what is the nature and extent of the damage caused and also what is the amount required for restoring the same to its original position as these details will have to be taken into account by this Tribunal for proper disposal of this case.

16. So, for that purpose we include an expert from the Institute of Remote Sensing, Anna University, Chennai as additional Member in the committee so that, the committee can with the help of the expert collect data regarding the prior position of the area. Time series satellite data from July, 19 till date can be procured for appearing the appropriate period of commencement of construction and to what extent this has been done and the committee is directed to assess the environmental compensation based on the available data and submit the further report to this Tribunal.

17. We have not issued any interim order of injunction restraining them from doing proceeding with the work.

18. We have only recorded the undertaken given by the learned Additional Advocate General that they will not precede with the work of the project without getting the necessary environment clearance from the authorities.

19. So under such circumstances, we don't think that there is any necessity for us to pass any interim order regarding the proceeding with the project as such. However, the right of the applicant to challenge the environmental clearance in accordance with law is left open.

20. The Registry is directed to communicate this order to Anna University, to depute an expert from Institute of Remote Sensing under their University to assist the committee appointed by this Tribunal for the things mentioned above and also the committee members, so as to enable them to comply with the direction of assessing environmental compensation and submit a further report in this regard."

16. The applicant filed response to the earlier Joint Committee report received in 11.09.2020, wherein they have reiterated the contentions raised by them in the application. The construction of existing breakwater without prior Environmental Clearance (EC) would be highly detrimental to the marine ecology of the area and these aspects were not properly considered by the authorities. The impact of the constructions was also not considered. They denied the allegation that there existed road but in fact, these roads were constructed for this purpose which is clear from the documents and photographs already produced.

17. The applicant also filed rejoinder to the reply submitted by the 6th respondent denying the allegations and also the admissions made by them that they have not obtained necessary clearance from the SEIAA - Tamil Nadu under the EIA Notification and even the CRZ Clearance granted was subject to obtaining clearance under the EIA Notification, 2006 and any work done against such condition will amount to violation as has been observed by the Hon'ble Apex Court **Common Cause Vs. Union of India**¹ and the **Alembic Pharmaceutical Limited Vs. Rohit Prajapathi**². So, the prayer for continuing with the work cannot be permitted. Further, the SEAC - Tamil Nadu has considered the proposal in its 153rd Meeting held on 04.06.2020 where they have merely accepted the response of the project proponent and recommended the project for granting the Environmental Clearance (EC) without applying its mind and they will be challenging the same before the appropriate forum in accordance with law. So, they prayed for accepting their contentions.

18. The Joint Committee also filed a further report dated Nil, e-filed on 05.03.2021 which reads as follows:-

"4.0 Assessment of Status Report by IRS, Anna University

Accordingly, the Institute of Remote Sensing (IRS), Anna University, Chennai has prepared the report for the period between July 2019 and September 2020 using Time series satellite Data and furnished the report under title "Assessment of status in the vicinity of Tuna Fish Landing site at Ernavur, Thiruvottriyur kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu".

In the report, it was concluded that

A silo and one temporal structure has been erected around June 2019.

Activities such as strengthening of groynes and other permanent structures are not seen till June 2019.

The groynes A and C, supposedly the part of proposed Tuna Fish landing harbour are strengthened after June 2019, whose lengths had been increased by 235m and 153m by Feb 2020.

Production of tetra pods using the silo must have been started around June 2019.

The seaward distance of the coastline from the HTL varies between 5.40m to 67.2m at different points as depicted in the Map 2 of the IRS, Anna University.

No evidence of other construction activity found during the field visit.

The copy of the report is enclosed as Annexure-II.

5.0 Assessment of Environmental Compensation

The Executive Engineer, Fishing Harbour project Division, Department of Fisheries, Government of Tamil Nadu vide his letter dated 10/09/2020 (Copy enclosed as

¹ (2017) 9 SCC 499

² 2020 SCC Online SC 347

Annexure-III) has reported that the Fisheries Department has stopped all the activities of Tuna Fishing Harbour on 07/10/2020.

As directed by the Hon'ble National Green Tribunal, the Joint Committee opined that the Environmental compensation (EC) has to be calculated from the date of commencement of construction activity to the date of stoppage of construction activity by the Fisheries Department.

The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of O.A No.593/2017 (wP (CNIL) No.37512012, Paryavaran Suraksha Samiti & Anr. vs. Union of India & ors. has directed the central Pollution control Board (CPCB) to arrive methodology for assessing Environmental Compensation (EC) and action plan to utilize the fund. Accordingly the GPCB has formulated the methodology for assessing Environmental compensation (EC) to be levied on industrial units in Chapter -I in which it is reported that the following cases can be considered for levying Environmental Compensation (EC).

- a) Discharges in violation of consent conditions, mainly prescribed standards / consent limits.
- b) Not complying with the directions issued, such as direction for closure due to non installation of OCEMS, non-adherence to the action plans submitted etc.
- c) Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.
- d) Accidental discharges lasting for short durations resulting into damage to the environment.
- e) Intentional discharges to the environment - land, water and air resulting into acute injury or damage to the environment.
- f) Injection of treated/partially treated/untreated effluents to ground water.

In this case, the 6th respondent Department of Fisheries, Government of Tamil Nadu has extended the break water structures in the Southern & Northern direction of the project site from the existing groins and formation of roads by violating the condition no "p) Clearance under the EIA Notification 2006 should be obtained from the SEIAA" of CRZ clearance obtained from the Tamil Nadu State Coastal Zone Management Authority vide Proceeding No.PV2204/2016 Dated 10/03/2017. Hence the committee decided to assess the Environmental Compensation (EC) as per the following CPCB methodology as directed by the Hon'ble Nation Green Tribunal (SZ).

Environmental Compensation Formula
 $EC: PI \times N \times R \times S \times LF$

where EC-Environmental compensation, PI-Pollution index of industry sector, N-Number days of violation took place, R-A factor in Rs for EC, S-Factor for scale of operation, LF- Location Factor

Note:

- i) The industrial sectors have been categorized into Red, Orange and Green based on their pollution index in the range of 60-100, 41-59 and 21-40 respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental compensation for Red, Orange and Green Categories of industries respectively.
- ii) N, number of days for which violation took is the period between the day of violation observed/ due date of directions compliance and the day of compliance verified by PCB/SPCB/PCC.
- iii) R, is a factor in rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the Environmental Compensation in cases of Violation.
- iv) S could be based on small/medium/large industries categorization which may be 0.5 for micro or small, 1 for medium and 1.5 for large units.
- v) LF, could be based on the population of the city/town and location of the industrial unit. For the industrial unit located within municipal boundary or up to 10 Km distance from the municipal boundary of the city/town, following factors (LF) may be used.

Sr.No	Population (Million)	Location Factor (LF)
1	Less than 1	1.0
2	1 to 5	1.25
3	5 to 10	1.5
4	10 and more	2.0

Calculation of Environmental Compensation to the 6th respondent as per the CPCB Guidelines

The day of violations commenced (Date of break water structures installation noticed as reported in the report of Remote sensing Department, Anna University).	-	01.07.2019
The day of violations stopped (Date of construction activities stopped by the Fisheries Department and reported).	-	07.02.2020
The number of days of violations took place (From 01.07.2019 to 07.02.2020)	N	222
Pollution Index for Red category industries as per CPCB Guidelines (Ports and harbour, jetties and dredging operations comes under the red category (1046) as per CPCB letter dated.07.03.2016).	PI	80
Factor in Rs for EC as per CPCB Guidelines	R	250
Factor for scale of operation as per CPCB Guidelines	S	1.5
LF as per CPCB Guidelines (Population of Greater Chennai Corporation is 7.1 Million – Source Greater Chennai Corporation Website).	LF	1.5
Environmental Compensation(EC)	$PI \times N \times R \times S \times LF = 80 \times 222 \times 250 \times 1.5 \times 1.5$	$= 99,90,000/-$

5.0 Recommendation:

The 6th respondent, Department of Fisheries, Government of Tamil Nadu had obtained CRZ clearance from the Tamil Nadu State Coastal Zone Management authority vide Proceeding Dated.10.03.2017 under the Coastal Regulation Zone Notification, 2011 and subsequently obtained Environmental Clearance from the Tamil Nadu State Environmental Impact Assessment Authority (SEIAA) vide Proceeding Dated.05/08/2020 under the EIA Notification, 2006.

Nevertheless, the Fisheries Department has extended the existing groins and formed the temporary roads without obtaining the Environmental Clearance under the EIA Notification, 2006 as the establishment of Tuna Fishing Harbour is a public welfare scheme and delay in execution will affect the general public in getting their basic rights in time and also escalation in project cost."

19. The Joint Committee also filed a further report dated Nil; e-filed on 23.03.2021 more or less reiterating the same facts narrated in the report e-filed on 05.03.2021 which was extracted above, but they have produced certain annexure as the report prepared by Indian Institute of Remote Sensing, Anna University and letter received from the Fisheries Department mentioning that the SEIAA has granted Environmental Clearance (EC) vide their Letter No. SEIAA-TN/F.No.6440/EC/7(e)/75/2020 dated 05.08.2020.

20. The 6th respondent has filed objection to the Joint Committee report alleging that none of the factors relied on by them for assessing compensation on the basis of the guidelines issued by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.593 of 2017 is applicable to the facts of this case and the compensation of Rs.99,90,0000/- assessed by the Joint Committee is not proper and fair and none of the activities have affected the environment resulting any environmental degradation warranting imposition of environmental compensation. They also relied on certain observations made by some of the participants in the public hearing who welcomed the project at the earliest. So, they prayed for accepting their contentions and exonerating them from payment from compensation.

21. The 6th respondent also filed the same counter again along with certain photographs and e-filed the same again on 02.08.2022.

Appeal No.28 of 2020 (SZ):-

22. This Appeal was filed against the Environmental Clearance (EC) granted to this project vide their Proceedings Letter No.SEIAA-TN/F.No.6440/EC/7(e)/75/2020 dated 05.08.2020, evidenced by Annexure - A1 under Section 16 r/w Section 18 of the National Green Tribunal Act, 2010 by the appellant who is none other than the applicant in O.A. No.28 of 2020 (SZ).

23. It was alleged in appeal memorandum that the Environmental Clearance (EC) granted is an ex-post facto clearance which is not permissible under the EIA Notification, 2006 or under the Environment (Protection) Act, 1986. Further, the fact that the project proponent had started the work without obtaining necessary Environmental Clearance (EC) and the appellant also produced Annexure - A2/CRZ Clearance dated 10.03.2017 where there was stipulation to obtain clearance under the EIA Notification for the project before proceeding with the work. When the 2nd respondent who is the 6th respondent in O.A. No.28 of 2020 (SZ) started certain work in the area evidenced by Annexure -

A3/Photographs, they filed an O.A. No.28 of 2020 and this Tribunal ordered Status Quo on 07.02.2020, evidenced by Annexure - A4/Order.

24. The appellant also produced the Annexure - 5/Order dated 14.09.2020 of the Tribunal in O.A. No.28 of 2020, where this Tribunal had directed the Committee to assess the environmental damage and cost of restoration etc. They have submitted misleading facts in Form - I and they have not mentioned only some of the existing polluting units within the area of 10 Km and the appellant had produced the Annexure - A6 showing the existing units and also produced Annexure - A7/Form - I Application submitted by the project proponent. The baseline studies were conducted two years prior to the grant of ToR for the project during 3rd February to 27th April, 2016 and the ToR for the project in question was granted on 22.01.2018, wherein they have been directed to conduct baseline studies, but no subsequent study was conducted for this purpose and this is against the decision of the Tribunal in **Sarpanch Gram Panchayat Tiroda Vs. Ministry of Environment Forest and Climate Change & Ors.** and **T. Mohana Rao Vs. Ministry of Environment Forest and Climate Change & Ors.** of this Tribunal. The ToR dated 22.01.2018 issued to the project proponent was produced as Annexure - A8. They have not complied with the ToR conditions on certain aspects regarding the biodiversity study, impact on biodiversity due to infrastructure development, anticipated threat to the underwater habitat due to dredging, effect on the traditional fishing beach due to harbour construction, why the existing harbour facilities should not be enhanced instead of going for a new project, chance of plummeting Tuna population leading to degradation of the critical marine habitat due to the increased construction and the location of the disposal point shall be arrived in consultation with the NIOT and the Wetland and Coastal Zone Authorities by obtaining their approval. But in the EIA Report, the same were not specifically answered, evidenced by Annexure - A9/Relevant paragraphs of the EIA Report prepared during February 2018. Further, the SEAC - Tamil Nadu in the meeting held on 16.12.2019 viz., 141st Meeting, they have found that the EIA Report prepared were not proper and it was not up to the mark for the following reasons:- *1. ToR compliance report found to be not specific according to ToR conditions. 2. The quantification of sediment deposition and*

sediment erosion including the locations should be predicted and suitable environmental management plans for reducing the same should be furnished. 3. Impact in tourism, shoreline and fish movements due to the proposed project needs to be studied and reported 4. Proposal for emergency response plan, risk assessment and mitigation plan for oil spill events 5. The impact on the Ennoore creek due to implementation of the project 6. The proponent shall explore the options of hollow structures instead of solid structures to reduce the erosion/deposition 7. Overall the EIA Report and presentation not upto the mark.

" evidenced by Annexure - A10/Minutes of the 141st Meeting of the SEAC - Tamil Nadu. Thereafter, the project proponent filed further EIA Report but it was not in tune with the directions issued and they have relied on certain studies purportedly conducted by the IIT Madras on shoreline management and they also produced certain answers to the queries without conducting further study, evidenced by Annexure - A11. Without considering the non-compliance of the ToR conditions and also non-compliance of the directions issued by the SEAC - Tamil Nadu in its 141st meeting, the SEAC - Tamil Nadu without application of mind, in its 153rd Meeting held on 04.06.2020 recommended the project for issuance of Environmental Clearance (EC) with certain conditions, wherein they have directed to conduct further studies on biodiversity and other aspects and without getting an opportunity to peruse the same, they have recommended the project, based on which, the impugned Environmental Clearance (EC) was granted by the SEIAA - Tamil Nadu. Further, the baseline data considered was more than three years old at the time when the public hearing was conducted and the Environmental Clearance (EC) application was filed which in fact against the O.M. dated 08.06.2022 issued by the MoEF&CC, including the earlier O.Ms. dated 28.08.2014 and 29.08.2017 in this regard. Further, the subsequent EIA Report prepared on the basis of the directions of the SEAC - Tamil Nadu in their 141st meeting was not placed before the public for their comments, as it was new details that had been collected and the public hearing conducted with unacceptable baseline data had vitiated the public hearing and the SEIAA - Tamil Nadu ought to have directed to conduct the further public hearing on this aspect and non-compliance of the same vitiates the proceedings.

25. It is further alleged in the appeal memorandum that the Environmental Clearance (EC) was granted without application of mind and without considering the impact of the project and without complying with the directions in the ToR and further directions issued by the SEAC - Tamil Nadu and without getting an opportunity to consider the studies to be conducted in the recommendation made by the SEAC - Tamil Nadu while recommending the project and it will go to show that the entire procedure adopted was not proper.

26. So, according to them, the Environmental Clearance granted has to be set aside and they filed this seeking the following reliefs:-

"(i) Quash the impugned Environmental Clearance dated 05.08.2020 issued by the Tamil Nadu SEIAA to the Tamil Nadu Fisheries Department for the proposed Tuna Fishing Harbor, Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu.

(ii) Direct the State Government to initiate prosecution against the Project Proponent for under Section 19 of the Environment (Protection) Act, 1986 for having commenced with the project related activities without obtaining prior Environmental Clearance under the EIA Notification, 2006.

(iii) Direct the project proponent to place all additional studies purportedly undertaken with respect to the TOR issued by the SEIAA vide letter dated 22.01.2018 before the public for fresh public consultation

(iv) Direct the project proponent to conduct a proper cumulative and carrying capacity study of the Ennore region, in light of the fact that several heavy industries are already existing in the said area and that any new project should be based on the outcome of such study

(v) Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case."

27. The 2nd respondent filed counter contending that the appeal is not maintainable. According to them, the Environmental Clearance (EC) was granted after considering all the aspects strictly following the procedure provided under the EIA Notification. When the SEAC - Tamil Nadu in its 141st Meeting directed the 2nd respondent to conduct further studies, they have submitted their detailed explanation answering para-wise compliance of the ToR issued and only after satisfaction of the same, the SEAC - Tamil Nadu in its 153rd meeting recommended the project with certain conditions/studies which the project proponent is prepared to comply/conduct. Even in the public hearing conducted on 25.07.2019, most of the persons who appeared in the public hearing had welcomed the project and none had objected the same. So, there was no necessity for conducting the further public hearing and the technical issues will

have to be considered between the SEAC/SEIAA - Tamil Nadu and the project proponent and if the SEAC - Tamil Nadu is satisfied, they are entitled to recommend the project with certain conditions or additional conditions, if they feel that is required for protecting the environment which the project proponent is bound to comply with. They have also given the reasons and the necessity for going for the present project considering the inconvenience expressed by the fishermen community for parking their mechanized and other boats and they further contended that they are prepared to comply with any of the conditions imposed by the Tribunal. The Environmental Clearance (EC) granted need not be set aside for any of the reasons stated by the appellant which are unsustainable in law. So, they prayed for dismissal of the appeal.

28. The 1st respondent filed counter affidavit contending that they received a proposal from the 2nd respondent for this project for issuance of ToR and the same was placed before the 100th Meeting of the Expert Appraisal Committee held on 20.12.2017 and 21.12.2017 and the SEAC - Tamil Nadu had recommended the ToR for preparation of EIA Report and also for conducting the public hearing. The project proposal was placed in the 266th Meeting held on 22.01.2018 and the SEIAA - Tamil Nadu issued the ToR for preparation of EIA Report along with public hearing in addition to the certain conditions vide Letter No.SEIAA-TN-F.No.6440/SEAC-C/7(e)/ToR-301/2017 dated 22.01.2018. The 2nd respondent had applied to the SEIAA-TN on 27.09.2019 through Online Parvesh Portal vide SIA/TN/MIS/43388/2015 for issuance of Environmental Clearance (EC) for the project and submitted the hardcopy of the EIA Report along with the minutes of the public hearing to SEIAA - Tamil Nadu on 13.12.2019. The proposal was placed in the 141st meeting of the SEAC - Tamil Nadu held on 16.12.2019 and based on appraisal, the Expert Appraisal Committee had requested certain additional details to be furnished by the project proponent and the project proponent had furnished the reply to the SEIAA on 17.02.2020. In the meantime, the appellant herein filed Original Application as O.A.No.28 of 2020 before this Tribunal alleging certain violations and as per the directions of the Tribunal, the project area was inspected by the Joint Committee appointed by this Tribunal on

17.03.2020 and inspection report was filed. The proposal was again placed before the SEAC - Tamil Nadu in their 153rd Meeting held on 04.06.2020 and based on the presentation made by the project proponent and the documents furnished, they decided to recommend the project to grant Environmental Clearance (EC) with certain conditions. The project proposal was placed before the SEIAA - Tamil Nadu in their 382nd meeting held on 23.06.2020 and after considering all the aspects, they decided to defer the matter pending disposal of the Original Application No.28 of 2020. But later, the Tribunal by order dated 21.07.2020 in O.A. No.28 of 2020, directed the SEIAA - Tamil Nadu to consider the application and pass appropriate orders in accordance with law and the pendency of the application should not be a ground for not exercising their powers vested under the statutes. Accordingly, the project was placed in the 387th meeting of SEIAA held on 05.8.2020 and on that day, after considering all the documents including the orders passed by the Tribunal in O.A. No.28 of 2020, decided to issue Environmental Clearance (EC) by Proceedings dated 05.08.2020 subject to certain conditions recommended by the SEAC - Tamil Nadu and also with further conditions that the Environmental Clearance (EC) granted was subject to the outcome of the pending O.A. No.28 of 2020 before this Tribunal. All the aspects were considered and the Joint Committee also considered the nature of work alleged to be done and submitted the report and according to them, the Environmental Clearance (EC) was granted after considering all the aspects and there is no necessity to set aside the same.

29. The appellant filed rejoinder to the reply submitted by the 2nd respondent denying the allegations and reiterating the contentions of non-compliance of the statutory requirements giving details in a tabular form and also reiterated the contentions of non-application of mind by the SEAC and SEIAA - Tamil Nadu for in respect of non-compliance of the ToR conditions and not submitting the proper report before the SEAC - Tamil Nadu as directed in their 141st meeting and non-conducting the public hearing a fresh on the basis of the further details submitted.

30. The 2nd respondent filed further reply to the rejoinder submitted by the appellant reiterating their contentions and compliance of the conditions imposed and further mentioned that they have not committed any default or violation. Further, the data collected by the accredited agency was further compared with the further samples taken and as such, there was no further pollution or impact being caused on account of their proposed activity. They also mentioned about the detailed studies conducted by them and impact of the same and the conditions in the ToR and their compliance and reply mentioned in the EIA Report in detail by showing the pages in the EIA Report and submitted that they have fully complied with the same and it is only on the basis of the satisfaction, that the Environmental Clearance (EC) was granted.

31. Since both these cases are interconnected, this Tribunal felt that both these cases can be disposed of by a common Judgment.

32. Heard the learned counsel appearing for the applicant/appellant and respondents in both the cases.

33. The learned counsel appearing for the applicant/appellant in both these cases argued that O.A. No.28 of 2020 (SZ) was filed at a time when the project proponent viz., Fisheries Department (6th respondent in O.A. and 2nd respondent in Appeal) had attempted to carry out some work in connection with the establishment of Tuna Fishing Harbour in the disputed site and this Tribunal had ordered Status Quo and the Tribunal also appointed a Joint Committee and the Joint Committee had submitted the report where in the disputed land, certain constructions were found to be made. According to the appellant, the road itself was formed by the project proponent as part of their project without obtaining necessary clearance. Even the CRZ Clearance did not permit them to lay any road in that area and there was a condition imposed that they can start the project only after obtaining the Environmental Clearance (EC) under the EIA Notification, 2006. So, the violations committed by them has to be taken note of by the Tribunal and appropriate environmental compensation has to be directed to be paid by the project proponent as far as O.A. No.28 of 2020 is concerned.

34. As regards the appeal is concerned, the application for Environmental Clearance (EC) was considered by the SEIAA - Tamil Nadu as though it is a fresh application without considering the fact that certain violations have been committed by the project proponent by starting the work without obtaining prior Environmental Clearance (EC) which is required under the EIA Notification, 2006 for the project. Further, the baseline data were collected long prior to the submission of application of Environmental Clearance (EC) and the ToR was issued nearly after two years after the collection of baseline data and the EIA study and the public hearing was conducted after three years of collecting the baseline data and the Environmental Clearance (EC) application along with the Final EIA Report was filed much thereafter. Further, the Draft EIA Report was prepared within a short span of time and it was presented before the public domain which itself will go to show that there was no possibility of conducting proper evaluation for preparing the EIA Report on the basis of the ToR issued. So, as per the Office Memorandums issued by the MoEF&CC during 2014, 2017 and 2022, the baseline data collected can be used within a period of three years of its collection and thereafter, the same cannot be used for any purpose including the public hearing and consideration of Environmental Clearance (EC), if the public hearing and the Environmental Clearance (EC) application filed after three years of collection of the baseline data. In this case, the baseline data was collected during February and April 2016 and the public hearing was conducted and Environmental Clearance (EC) application along with the final EIA Report was filed after three years of collection of baseline data and as such, the appraisal of the project with the above baseline data is vitiated and this aspect has not been considered either by the SEAC or SEIAA - Tamil Nadu as well.

35. The learned counsel appearing for the appellant further argued that the SEACC - Tamil Nadu while considering the EIA report submitted in its 141st meeting directed the project proponent to conduct further EIA Study on certain aspects and observed that the EIA Report prepared was not up to the mark and it is thereafter, the project proponent had submitted a presentation along with certain studies conducted by them supposed to

be an EIA study on the basis of the subsequent directions given by the SEIAA - Tamil Nadu and that was considered by the SEAC - Tamil Nadu in their meeting. But when new particulars were furnished which were not there in the earlier EIA Report, then the public has got a right to know about the same and without conducting further public hearing on that aspect, vitiates the entire proceedings, as has been observed by the Hon'ble Apex Court in several decisions including the **Hanuman Laxman Aroskar Vs. Union of India & Ors.**³ and by this Tribunal in **Sarpanch Gram Panchayat Tiroda Vs. Ministry of Environment Forest and Climate Change & Ors.** and **T. Mohana Rao Vs. Ministry of Environment Forest and Climate Change & Ors.** and these aspects were not considered by the SEAC or SEIAA - Tamil Nadu.

36. Further, in the subsequent meeting conducted by the SEAC - Tamil Nadu, after submitting the presentations in their 153rd meeting, they have recommended the project without application of mind and without considering the fact that none of the studies directed to be conducted were conducted by them and with the insufficient data, they have recommended the project with certain specific conditions to the project proponent to carry out the certain studies as directed by them as per the decision of the SEAC - Tamil Nadu in their 141st meeting. That shows that though the SEAC - Tamil Nadu was not satisfied with the report submitted, they have mechanically recommended the project without getting an opportunity to evaluate the further study (if any) conducted by the project proponent on the basis of the specific recommendations made are sufficient or not. A reading of the reply submitted by the project proponent to the queries raised by the SEAC - Tamil Nadu in their 141st meeting in respect non-compliance of ToR conditions relying on the studies said to have been conducted by the project proponent will go to show that those studies were not conducted at all and sufficient details required by the SEAC - Tamil Nadu had not been furnished by the project proponent and the impact of the project has not been properly assessed, including the impact of the project on the socioeconomic aspects of the fishermen community in that area.

³ (2019) SCC Online SC 441

37. So, according to the learned counsel appearing for the appellant that the entire procedure adopted is not proper and against the procedure laid down in EIA Notification, 2006 and as such, the Environmental Clearance (EC) granted has to be set aside.

38. On the other hand, the learned counsel appearing for the SEIAA - Tamil Nadu submitted that the Environmental Clearance (EC) was granted after conducting proper evaluation as provided under the EIA Notification, 2006 and as amended from time to time and there was no necessity for conducting further public hearing as claimed by the appellant, as even in the Draft EIA Report, most of the aspects have been mentioned which is required for the purpose of projecting the issue before the public to get their views on the project and most of the persons who attended the meeting had welcomed the project and none of them have opposed the project as well. Further, the clarifications / studies directed were all of technical in nature and it is a matter between the SEAC/SEIAA - Tamil Nadu and the project proponent and nothing to do with the public for further consultation and as such, further consultation is not required in this case. The SEAC - Tamil Nadu when recommended the project had issued further specific conditions regarding the studies to be conducted and that shows the application of mind of SEAC - Tamil Nadu in evaluating the project and the SEIAA - Tamil Nadu also granted the Environmental Clearance (EC) on the basis of the recommendations made incorporating these recommendations/ conditions apart from imposing further specific and general conditions to be carried out by the project proponent. So, according to them, the Environmental Clearance (EC) granted is proper and does not call for any interference.

39. The learned counsel appearing for the project proponent submitted that as regards the O.A. No.28 of 2020 (SZ) is concerned, there is nothing survives, as the grievance of the applicant was that the project proponent had commenced the work without obtaining necessary CRZ Clearance and Environmental Clearance (EC). The allegation that they did not obtain CRZ Clearance is not correct as even from the averments made in the application, the grant of CRZ Clearance was mentioned and the

applicant also relied on the conditions imposed in the CRZ Clearance that the project proponent has to obtain Environmental Clearance (EC) as required under the EIA Notification, 2006, but the CRZ Clearance granted was not challenged before any forum. Further, the baseline data was collected on the basis of the standard SOP issued by the MoEF&CC during 2015 and further details were collected and studies were conducted on the basis of the ToR issued and in order to avoid the delay, detailed studies were conducted by the project proponent even simultaneously when they applied for Environmental Clearance (EC). The data was collected properly and even if any directions issued for collection of further baseline data, it will not be possible to ascertain the situation which was in existence at the time when the studies were conducted. Further, even in the public hearing conducted, there was no objection regarding the establishment of the project but they have raised only other issues regarding the grant of employment etc. which the project proponent had answered and convinced the people who had attended the public hearing. All other data that were collected and mentioned in the subsequent EIA Report were only technical matters which the SEAC/SEIAA - Tamil Nadu wanted and nothing more. Further, they have given detailed answers on the basis of each queries relating to the ToR condition and compared the same with the studies conducted by them in the EIA Report and only after convincing with the same, the SEAC - Tamil Nadu has recommended the project with certain conditions and the SEIAA - Tamil Nadu has issued the Environmental Clearance (EC) accepting the recommendations incorporating those recommendations in the Environmental Clearance (EC) granted and the project proponent is prepared to conduct those studies and implement the recommendations of the consultant agency on those aspects. Further, it is a project which is intended to protect the interest of the fishermen community in that area and most of the fishermen in the Thiruvallur District on the coastal zone will be benefited by the project. There is no onshore or offshore dredging which has got any impact on the environment. There was no much fish breeding in that area and as such, the establishment of the unit is not going to affect the fish population in that area and these things have been elaborated in the EIA Report and the

answers submitted by the project proponent subsequently. So, there is no necessity to set aside the Environmental Clearance (EC) and if the Tribunal feels that further studies (if any) to be conducted, the project proponent being the Government instrumentality committed to protect the environment especially coastal environment and working for the benefit of the fishermen community will carry out the same and all necessary protection will be given for protecting the coastal environment in that area. Further, as per the Joint Committee report, there was no work related to the project was carried out and no permanent structures were made in that area. The road was in existence earlier which was used by the local fishermen and it was not laid down by the project proponent as part of the project which is evident from the observations made by the Joint Committee and considering the public interest and being a welfare project intended to protect the interest of the fishermen community, there is no necessity impose any environmental compensation and that only cause loss to the public exchequer and nothing more. So, they prayed for dismissal of both the original application as well as the appeal.

40. We have considered the pleadings, report submitted, submissions made by the learned counsel appearing for the parties and written submissions submitted and also perused the documents available on record.

41. The points that arose for consideration in O.A. No.28 of 2020 (SZ) are:-

- a. Whether there was any violation of environmental laws committed by the Project Proponent/6th respondent in carrying out their Tuna Fishing Harbour project in the disputed area?
- b. If so, what is the nature of violations committed and its impact on environment?
- c. If there is any damage caused to the environment or serious violations committed, then what is the quantum of compensation to be imposed on the Project Proponent/6th respondent viz., the Fisheries Department?

- d. What is the further directions (if any) to be issued applying the "*Precautionary Principle*" and "*Sustainable Development*" to protect the environment?
- e. Relief and costs.

42. The points that arose for consideration in **Appeal No.28 of 2020 (SZ)** are:-

- a. Whether the Environmental Clearance granted in favour of the 2nd respondent is liable to be set aside for any of the reasons stated in the appeal memorandum?
- b. If this Tribunal felt that there is no necessity to set aside the Environmental Clearance, then what is the nature of further directions to be issued by the Tribunal to be carried out by the 2nd respondent/project proponent?
- c. What are all the further directions (if any) to be issued by the Tribunal to be followed by the project proponent as well as the SEIAA - Tamil Nadu applying the "*Precautionary Principle*" and "*Sustainable Development*" to protect the environment?
- d. Relief and costs.

POINTS in O.A. No.28 of 2020 (SZ):-

43. As regards the O.A. No.28 of 2020 (SZ) is concerned, the grievance of the applicant was that the project proponent had started the project without obtaining necessary Environmental Clearance (EC) and CRZ Clearance. Even in the application, it was mentioned that the CRZ Clearance was granted in 2017 but there was a clause in the CRZ Clearance granted that clearance under the EIA Notification, 2006 has to be obtained. It is also seen from the allegations made in the application itself that the application for Environmental Clearance (EC) was pending with the SEIAA - Tamil Nadu from 2015 onwards but they have not obtained the Environmental Clearance (EC) so far.

44. It is also seen from the Joint Committee report that there was an attempt on the part of the project proponent viz., 6th respondent in O.A. No.28 of 2020 who is the 2nd respondent in Appeal No.28 of 2020 to proceed with the project as is evident from the report of the Joint Committee. This Tribunal even at the time of admitting the matter, ordered status quo of the project until further orders and when they obtained the Environmental Clearance (EC), this Tribunal modifies that order and permitted the project proponent to proceed with the work in accordance with the Environmental Clearance (EC) leaving open the right of the applicant/appellant to challenge the Environmental Clearance (EC) granted before the appropriate forum and any work done will be subject to the outcome of the appeal (if any) filed against the Environmental Clearance filed.

45. So, the only question that has to be considered is whether there was any violation committed and what is the nature of violation committed and whether any environmental compensation to be imposed and if so, what is the quantum of compensation to be imposed.

46. In the first report of the Joint Committee, the following things were noted:-

"One silo made up of Mild Steel (MS) with capacity of 100 MT for storing the cement, blue metal jelly of size ¼" and ½" and mixer machine for the preparation of mortar for making groynes were present inside the project site. They also given the photographs showing these aspects. Three break water structures of 150m each existing at the site, of which, two were extended from the initial existing projection of 150m. The break water structure in the southern direction of the project site was extended upto 400 m (proposed is 1088 m) from the initial projection of 150 m and another existing break water structure of 150 m was extended up to 320 m (proposed is 852m) in the northern direction as shown in the picture. There is one sewage carrying open drain (Nallah) flowing through the project site and untreated sewage is mixing with the sea inside the project site."

47. Further, it was specifically mentioned in the report that there was no permanent stone available for showing the High Tide Line and Low Tide Line within the project site erected by the Director of Environment, Government of Tamil Nadu and no construction/dredging/reclamation activities related to Fishing Harbour were carried out within the project site. They have not constructed any permanent structure pertaining to Fishing Harbour except the extension of the break waters as stated above.

48. In the report (e-filed on 05.03.2021) submitted by the Joint Committee, they have assessed the environmental compensation on the basis of the formulae evolved by the CPCB viz., $EC = PI \times N \times R \times S \times LF$ to the tune of Rs.99,90,000/- (Rupees Ninety Nine Lakhs and Ninety Thousand only) and they also made certain recommendations in Point (5.0) which reads as follows:-

"5.0 Recommendation:

The 6th respondent, Department of Fisheries, Government of Tamil Nadu had obtained CRZ clearance from the Tamil Nadu State Coastal Zone Management authority vide Proceeding Dated.10.03.2017 under the Coastal Regulation Zone Notification, 2011 and subsequently obtained Environmental Clearance from the Tamil Nadu State Environmental Impact Assessment Authority (SEIAA) vide Proceeding Dated.05/08/2020 under the EIA Notification, 2006.

Nevertheless, the Fisheries Department has extended the existing groins and formed the temporary roads without obtaining the Environmental Clearance under the EIA Notification, 2006 as the establishment of Tuna Fishing Harbour is a public welfare scheme and delay in execution will affect the general public in getting their basic rights in time and also escalation in project cost."

49. They also filed the third report received on 23.03.2021 producing the photographs and Google images of the buildings and also the report of the Institute of Remote Sensing, Anna University, Chennai. It is further seen from the reports that there existed a road even earlier, even as per the revenue records and as such, the contention of the applicant that the road was laid by the project proponent for this purpose has not been established.

50. The CPCB formulae as such cannot be applied in this case and considering the nature of the project and also the nature of work undertaken by them before getting Environmental Clearance (EC) not of much impact but they have done some work before getting the Environmental Clearance (EC), we feel that the principles laid down in **Goel Ganga Developments India Private Limited Vs. Union of India through Secretary, Ministry of Environment, Forest & Climate Change & Ors.**⁴ and **Alembic Pharmaceutical Limited Vs. Rohit Prajapathi**⁵ can be considered for this purpose instead of applying the CPCB formulae. It is seen from the counter statement that the project is **Rs.4 Crore**. So, taking **3% (Three percent)** of the project cost, the compensation payable will come to **Rs.12,00,000/- (Rupees Twelve Lakhs only)** which we feel

⁴ (2019) 9 SCC 288

⁵ 2020 SCC Online SC 347

will be sufficient for the purpose of meeting the ends of justice. So, the Fisheries Department is directed to pay the environmental compensation of **Rs.12,00,000/- (Rupees Twelve Lakhs only)** to the SCZMA - Tamil Nadu **within a period of 3 (Three) months** and the SCMA - Tamil Nadu is directed to utilize the amount for the purpose of improving the shoreline management and also for improving the coastal marine protection/conservation after preparing a plan in consultation with the Department of Environment, Climate Change and Forest, State of Tamil Nadu and an Expert Agency in this regard and utilize the amount for this purpose in a scientific manner.

51. In view of the detailed discussions and observations made above, we feel that the Original Application [O.A. No.28 of 2020 (SZ)] can be disposed of by giving following directions:-

- a. The Project Proponent/6th respondent in O.A. No.28 of 2020 (SZ) had committed some violation of proceeding with the project though not having much impact and gravity without obtaining necessary Environmental Clearance (EC) though they obtained CRZ Clearance in the year 2017 and the application for Environmental Clearance (EC) was pending from 2015.
- b. Considering the nature of violation, the 6th respondent in O.A. No.28 of 2020 is directed to pay the environmental compensation of **Rs.12,00,000/- (Rupees Twelve Lakhs only)** to the SCZMA - Tamil Nadu **within a period of 3 (Three) months** and if the amount is paid, they are directed to utilize the amount for the purpose of improving the shoreline management and also for improving the coastal marine protection/conservation, after preparing a plan in consultation with the Department of Environment, Climate Change and Forest, State of Tamil Nadu and an Expert Agency in this regard and utilize the amount for this purpose in a scientific manner.
- c. If the amount is not paid within time specified, then the SCZMA - Tamil Nadu is directed to recover the amount from the 6th respondent in accordance with law.

- d. The 6th respondent is directed to strictly comply with the condition imposed in the CRZ Clearance and the Environmental Clearance (EC) granted while proceeding with the work subject to the further orders to be passed by the Tribunal in Appeal No.28 of 2020 (SZ).

52. The points are answered accordingly.

POINTS in Appeal No.28 of 2020 (SZ):-

53. In this appeal [Appeal No.28 of 2020 (SZ)], the grant of Environmental Clearance (EC) to the project in dispute was challenged on the ground that the baseline data collected were more than three years at the time when it was presented before the public hearing and the application for Environmental Clearance (EC) submitted.

54. The further contention of the appellant was that the SEAC - Tamil Nadu was not satisfied with the EIA Report and they wanted to prepare a further report on certain aspects and it is on that basis, further report was prepared and after the preparation of the further report, no public hearing was conducted thereby opportunity for the public to know the contents of the further EIA Report which was a fundamental principle for the public consultation in respect of the project which was denied to them. Further, the ToR conditions were not properly considered and the reply given by the project proponent also will go to show that there was no proper study conducted on the basis of the ToR issued. There was no quantification of sediment deposition and sediment erosion conducted. The impact of tourism shoreline and fish movement due to the proposed activity were also not considered and properly addressed. Further, the violation aspect has not been considered and it will amount to ex-post facto clearance and moreover, it cannot be treated as a regular application for fresh project.

55. The appellant relied on decision reported in *M/s. Electrotherm (India) Limited Vs. Patel Vipulkumar Ramjibhai & Ors.*⁶, *T. Mohana Rao Vs. Director, MoEF&CC, Government of India*⁷ and *Sarpanch Gram Panchayat Tiroda & Ors. Vs. MoEF&CC & Ors. (Appeal No.03 of 2021)*⁸.

56. On the other hand, the contention of the project proponent was that all aspects have been considered by the authorities and proper studies have been conducted and being a public welfare scheme, protecting the interest of the fishers, there is no necessity for further public hearing. Further, whatever studies required have been conducted and the queries made by the Expert Appraisal Committee was answered by the project proponent by giving detailed statements and only after satisfaction, the same has been considered and the SEAC - Tamil Nadu has recommended the project with certain condition and the SEIAA - Tamil Nadu has granted the Environmental Clearance (EC). There is no illegality committed and whatever studies directed by SEAC - Tamil Nadu will be conducted by the project proponent and for that purpose, the Environmental Clearance (EC) need not be set aside as claimed.

57. The case of the SEIAA - Tamil Nadu was that the fact that certain aspects and clarification sought and further studies were directed shows the application of mind of the SEAC/SEIAA - Tamil Nadu and public hearing was conducted in accordance with law and other aspects are only technical matters to be considered between the SEAC/SEIAA - Tamil Nadu and the project proponent and the public has no role in the same and there is no necessity for a further public hearing required in this case. Further studies were directed to be conducted while recommending the proposal shows the proper application of mind by the SEAC - Tamil Nadu. So, there is no necessity to set aside the Environmental Clearance (EC) as claimed by the appellant.

⁶ (2026) 9 SCC 300

⁷ 2012 SCC Online NGT 40

⁸ 2011 SCC Online NGT 10

58. As regards the violation aspect is concerned, while considering the allegations made in O.A. No.28 of 2020 (SZ), this Tribunal had considered those aspects and imposed environmental compensation of **Rs.12,00,000/- (Rupees Twelve Lakhs only)** to be payable by the Project Proponent/Fisheries Department. Further, the Joint Committee report in that case will go to show that there was no much impact on account of the work done by the project proponent before getting the Environmental Clearance (EC) and no permanent structures were made and no road was formed as alleged in the Original Application No.28 of 2020 (SZ). So, under such circumstances, it cannot be said that the project work had progressed to a substantial level which is likely to affect the impact assessment study so as to treat this as an ex-post facto clearance as claimed by the appellant.

59. Further, in the decision reported in **Electro Steels Limited Vs. Union of India & Ors.**⁹, the Hon'ble Apex Court has come to the conclusion that in appropriate case and exceptional cases, the authority can grant even ex-post facto clearance applying the principle of '*Doctrine of Proportionality*' as found by the Hon'ble Apex Court in **Lafarge Umiam Mining Private Limited Vs. Union of India**¹⁰. So under such circumstances, we do not think that there is any necessity to set aside the Environmental Clearance (EC) granted on the ground that it was an ex-post facto clearance and the SEAC and SEIAA - Tamil Nadu have not considered this aspect, especially when along with the representations sent by the applicant, the Joint Committee report was also produced before the SCZMA - Tamil Nadu and the SEIAA - Tamil Nadu and they were aware of the same and it is only after that the Environmental Clearance (EC) was granted.

60. Further, it is seen from the documents and the file produced by the SEIAA - Tamil Nadu that the application for Environmental Clearance (EC) was filed as early as 2015 for issuance of ToR and the study and public hearing was conducted and the application for Environmental Clearance (EC) applied in 2019 along with the EIA Report and that was pending with the authority. So under such circumstances, we feel that

⁹ 2021 SCC Online SC 1247

¹⁰ (2011) 7 SCC 338

this can be taken as an application seeking ex-post facto application for setting aside the Environmental Clearance (EC) as claimed by the appellant.

61. The other ground raised by the appellant was that the baseline data were collected three years prior to the public hearing and also three years prior to filing the Environmental Clearance (EC) application and such data should not have been relied on by the SEAC and SEIAA – Tamil Nadu in view of the Office Memorandum issued by the MoEF&CC vide their O.M. No. J-11013/41/2006-IA-II(1) (Part) dated 22.08.2014, where it was specifically mentioned as follows:-

“(iv) Extension of Validity of TORs beyond the outer limit of three years for all projects or activities and four years for River Valley and HEP projects shall not be considered by the Regulatory Authority. In such cases, the project proponent, will have to start the process de novo and obtain fresh TORs in case the proponent is still interested in pursuing the clearance for the project. Re-use of old baseline data (provided it is not more than 3 years old) for the purpose of preparation of fresh EIA and EMP report will be considered subject to due diligence by the EAC/SEAC which may make appropriate recommendations including the need for revalidation. Baseline data older than 3 years will not be used for preparation of EIA / EMP report. In any case, the PH shall have to be conducted afresh in such cases

v) Instances have also come to the notice of this Ministry wherein, though the EIA / EMP report is submitted by the proponent within the validity period of TORs, the case remains pending for want of additional information from the proponent, State Government, etc., as sought by the EAC / Ministry. This Ministry has already decided vide OM No. J-LLO/3/5/2009-IA-II (Part) dated 30.10.2012 that such cases will be delisted in case such information is not received within six months. In some cases the proponents been requesting for re-listing of their projects after the requisite information has been submitted after considerable lapse of time. For such cases, it has been decided that they could be considered provided the date of public hearing is not more than 3 years old and the data used in preparation of EIA / EMP report is not more than 3 years old. In case these conditions are not met, the proponent will have to start the process de novo after obtaining fresh TORs.”

62. The appellant had given the details of the data of baseline collected and the public hearing conducted and date of Environmental Clearance (EC) application as follows:-

Event	Date
• The Data for EIA was collected from	February to April, 2016 [EIA Report Para 3.1]
• The date of Public Hearing	25-7-2019
• Date of EC Application	13-12-2019

63. There is no dispute regarding this aspect as well. The Office Memorandum relied on by the learned counsel for the appellant viz., O.M. No. J-11013/41/2006-IA-II(1) (Part) dated 29.08.2017 reads as follows:-

"OFFICE MEMORANDUM

Subject: Terms of Reference for EIA/EMP studies for the projects/activities requiring Environmental Clearance under the EIA Notification, 2006 - Extension of validity period - regarding.

In order to streamline the process and provide greater clarity in issuing Terms of Reference (ToRs) for undertaking EIA/EMP studies for the projects/activities requiring Environmental Clearance under the EIA Notification, 2006, the following decisions have been taken with immediate effect:

(i) The validity of ToRs for projects/activities (except for River Valley and HEP Projects), for submission of EIA/EMP reports shall be three years.

(ii) The validity of ToRs for River Valley and HEP Projects, for submission of EIA/EMP report shall be four years.

(iii) The above validity period can be extended by the concerned Regulatory Authority for a maximum period of one year without referring the proposal to the EAC/SEAC concerned, provided an application is made by the applicant before expiry of the validity period, together with an updated Form-1 and proper justification and there is no change in terms and conditions of the ToRs. After the lapse of validity, such extension will need EAC/SEAC consideration.

(iv) Thus, an outer limit of validity of ToRs shall be 4 years for all the projects/activities and 5 years for River Valley and HEP Projects.

(v) The ToRs will specifically mention the date of expiry of validity.

(vi) Extension of validity of ToRs beyond the outer limit of four years for all projects/activities, and five years for River Valley and HEP projects, shall not be allowed/considered by the Regulatory Authority.

(vii) The baseline data used for preparation of EIA/EMP reports may be collected at any stage, irrespective of the request for ToR or the issue thereof. However, such a baseline data and the public consultation should not be older than 3 years, at the time of submission of the proposal, for grant of Environmental Clearance, as per ToRs prescribed.

(viii) Public consultation shall be conducted during the validity of the ToRs. The public consultation conducted after the expiry of ToRs shall not be accepted by the Regulating Authority.

(ix) In case the proposal for Environmental Clearance along with EIA/EMP reports based on the ToRs prescribed, is not submitted within the validity period of ToRs, and/or not complying with the above conditions, the process shall be started de novo. The already collected baseline data may be re-used, provided it is not more than 3 years old and duly recommended by EAC/SEAC in their due diligence.

(x) In case, any proposal for ToR is delisted for want of additional information within the time period, as stipulated by the Ministry, the same can be listed again after the requisite information is submitted.

2. This Office Memorandum is issued in supersession of the earlier OMs of this Ministry as under:

i) No. J-11013/41/2006-IA-11 (I) dated 22.03.2010;

ii) No. Z-11012/1/2013-IA-1 (Part) dated 19.11.2013;

iii) No. Z-11012/1/2013-IA-1 (part) dated 12.12.2013;

iv) No. J-11013/41/2006-IA-11 (I) dated 22.08.2014;

v) No. J-11013/41/2006-IA.II (I) dated 08.10.2014;

vi) No. J-11013/41/2006-IA.11(1) dated 07.11.2014; and

vii) No. J-11015/109/2013-1A.11(M) dated 12.01.2017

3. This issues with the approval of the competent authority."

64. The same was reiterated in the Office Memorandum issued in 2022 as well. Further, the Office Memorandum issued in 2022 cannot have any retrospective operation as well.

65. This was dealing with the extension of validity period while considering this aspect in Clause - 7, it was mentioned as follows:-

"The baseline data used for preparation of EIA/EMP reports may be collected at any stage, irrespective of the request for ToR or the issue thereof. However, such a baseline data and the public consultation should not be older than three years, at the time of submission of the proposal, for grant of Environmental Clearance, as per the ToRs prescribed."

66. So, it is clear from this that on the basis of the ToR issued, if the EIA Report was not prepared and public consultation was not done and the Environmental Clearance (EC) application was not filed within the validity period of ToR issued in such circumstances, it was considered that such baseline data for public consultation should not be older than three years. But in this case, the ToR was issued in 2017 but the public consultation was conducted within a period of validity of the ToR and there was no extension sought for preparation of the EIA Report. It is on the basis of the ToR, the Draft EIA Report was prepared and it was on that basis, public hearing was conducted. So, under such circumstances, it cannot be said that the baseline data collected for the purpose of preparation of EIA Report having more than three years cannot be used on the basis of the Office Memorandum issued. The Office Memorandum will have to be considered on the basis of the circumstances in which it was issued and the purpose for which it was issued and that will have to be strictly interpreted and the circumstances mentioned in the O.M. is not applicable to the facts of this case and as such, the baseline data collected prior to three years of public hearing and submissions of the Environmental Clearance (EC) application is not applicable to the fact of this case.

67. Further, the baseline data was collected between the 3rd February and 27th April, 2016. The ToR was recommended by the SEAC in their 100th meeting held on 20th - 21st December, 2017 and the ToR was issued by the SEIAA - Tamil Nadu on 22.01.2018. The draft EIA Report was prepared during February 2018 and the public hearing was conducted on 25.07.2019 and the application for Environmental Clearance (EC) after public hearing was submitted on 13.12.2019. It is clear from this that the

public hearing and the application for Environmental Clearance (EC) were made within the validity period of the ToR issued as per the letter of the SEIAA dated 22.01.2018. So, there is nothing wrong in SEIAA - Tamil Nadu while considering the baseline data collected for the purpose of considering the Environmental Clearance (EC), as those things were collected within the validity period of the ToR issued and not beyond that period.

68. The other contentions raised by the appellant was that the EIA Report prepared by the project proponent along with the Environmental Clearance (EC) application when appraised by the SEAC - Tamil Nadu in the 141st meeting came to the conclusion that the EIA Report was not in terms of the ToR issued and they directed the project proponent to prepare the EIA Report on the basis of the directions as per their minutes dated 16.12.2019 and thereafter, the project proponent had submitted their report along with their answers to the questions on 17.02.2020 and the SEAC - Tamil Nadu in their 153rd meeting considered the same, but they recommended the project without getting proper EIA Report as directed by them and imposed Condition No.11 that detailed marine biodiversity plan to be prepared report to be based on study on the impact of the project activities on intertidal biotopes, corals, and coral communities, molluscs, sea grasses, sea weeds, etc.

69. Further, there was no further public hearing conducted on the basis of the fresh report submitted relying on the decision reported in **M/s. Electrotherm (India) Limited Vs. Patel Vipulkumar Ramjibhai & Ors.**¹¹ and also **T. Mohana Rao Vs. Director, MoEF&CC, Government of India**¹² is also not sustainable.

70. It is true that after the public hearing and preparation of the final EIA Report, the application for Environmental Clearance (EC) submitted by the project proponent was considered by the SEAC - Tamil Nadu in their 141st Meeting held on 16.12.2019 and after appraisal, they have mentioned that the study does not include the following aspects viz.,

¹¹ (2016) 9 SCC 300

¹² 2012 SCC Online NGT 40

"The SEAC noted that presentation does not include various essential impact studies and the following details:- 1. ToR compliance report was found to be not specific according to ToR Conditions 2. The quantification of sediment deposition and sediment erosion including the locations should be predicted and suitable environmental Management plans for reducing the same should be furnished. 3. Impact in Tourism, Shoreline and Fish movements due to the proposed project needs to be studied and reported 4. Proposal for emergency response plan, risk assessment and mitigation plan for oil spill events. 5. The impact on the Enmoore creek due to implementation of the project. 6. The proponent shall explore the options of hollow structures instead of solid structures to reduce the erosion / deposition. 7. Overall the EIA report and presentation is not up to the mark."

71. Thereafter, directed the project proponent and consultant to prepare an appropriate EIA Report and appear for presentation once again with aforesaid details and other environmental impact datas and studies in full shape. For this, the Fisheries Department had submitted the Annexure - A11/Letter answering the questions issued by the SEAC - Tamil Nadu for preparation of further EIA Report which reads as follows:

Letter no:-DB/D1/C25/2017 Date:-17.02.2020.

Sir,

Sub: Fisheries - SEIAA - SEAC - Environmental Clearance for a Proposed Tuna Fishing Harbour at Thiruvottriyur Kuppam Village, Ennore Taluk, Thiruvallur District - Submission of Additional details and revised additional TOR - Request for EC clearance - Regarding.

Ref: 1. Online Proposal No. SIA/TN/MIS/43388/2015
dated:05.10.2016
2. Minutes of the Meeting of 141st meeting of SEAC held on 16.12.2019.

During the presentation for Environmental Clearance for before the SEAC on 16.12.2019, the Chairman and the Committee members were raised some queries. The minutes of the meeting of 141st SEAC is also received. The queries during the presentation and the points in minutes of meeting were attended and submitted herewith for kind perusal.

Q1: Show the Photograph of "TUNA" Fish

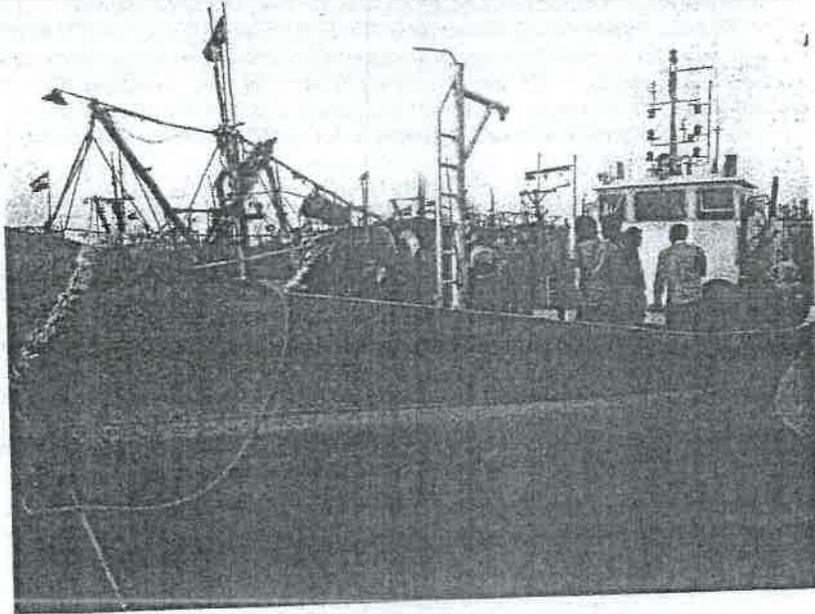
The photograph of TUNA fish taken from Chennai Fishing Harbour is submitted below.



100

Q2: Show the Tuna boat being used for Tuna fish Catches.

The Photograph of Tuna boat taken from Chennai Fishing Harbour is submitted Below.



Q3: Whether the Tuna Fishing Harbour is designed to decongest the Chennai Fishing Harbour?

There are about 1300 MFVs and 1700 OBMs/ FRBs are being operated from Chennai Fishing Harbour. The Chennai fishing harbour has been created in 1985 to facilitate about 585 MFVs. Thereafter, about 645 m long wharfs/ Jetties were created to accommodate about 215 MFVs and 718 m long low level wharf have been created for OBMs / FRBs. Therefore there is about 500 MFVs and 300 OBMs are left over without berthing facilities. The Tuna fishing harbour has been designed for 500MFVs and 300 OBMs/ FRBs which will reduce the congestion in Chennai Fishing Harbour. The table showing the designed capacity of Chennai Fishing Harbour and Tuna Fishing Harbour is given below.

Type of boats in CFH	CFH Designed in CFH	Additional facilities created upto 2019	Total berthing facilities available	Total No. of boats in CFH	Deficit	Designed capacity of TFH	Remarks
MFV	385	215	800	1300	500	500	645m long Wharfs / Jetties created upto 2019.
OBM	Beach landing	1400	1400	1400	300	300	718m long Low Level created.

Besides, the following are the pointwise replies for the 742nd minutes of the meeting of SEAC held on 16-12-2019.

Q1. ToR compliance report was found to be not specific according to ToR Conditions.

The revised compliance report for additional ToR is enclosed for reference.

Q2. The quantification of sediment deposition and sediment erosion including the locations should be predicted and suitable environmental management plans for reducing the same should be furnished.

The report on wave tranquility and the shore line management, prepared by the IIT Madras, based on the Model studies, shows that there will be erosion on north, however, the series of existing groynes on the north would mitigate the erosion. A copy of the report is enclosed.

Q3. Impact in Tourism, Shoreline and Fish movements due to the proposed project needs to be studied and reported.

The shoreline management has been studied by the IIT Madras and the report is enclosed. The report shows that there will not be considerable shoreline movement due to existing series of groynes. There will not be any impact on Tourism as the project area is not a notified tourism place and as well, there would not be any impact on fish movements, as there is no fish movements in wave breaking points, where this project is proposed.

Q4. Proposal for emergency response plan, risk assessment and mitigation plan for oil spill events.

Being a fishing harbour, there would not be any possibility of Vulnerable oil spills from the fishing boats. This harbour is about 6 km away from the Chennai Port Trust, which operates commercial ships etc and there may be any oil spills in port area. The oil spills are accidental issues, did happened only once in the history of Chennai Port Trust. Hence, there is no plan for oil spill for this project.

Q5. The Impact on the Ennore creek due to implementation of the project.

The report on shoreline Management prepared by IIT Madras recommends that there would n't be any impact on shoreline, due to series of existing groynes on either side of proposed fishing harbour. Therefore, there would n't be any impact on ennore creek, due to implementation of this project, as it is located after these existing series of groynes.

Q6. The proponent shall explore the options of hollow structures instead of solid structure to reduce the erosion/deposition.

The breakwater has been designed by IIT Madras. Same based on the physical modelling. As per design, monopiles are proposed as armour layer in construction of break water, which are having a rubble of 50% (50% hollow portion).

72. After this, the proposal was considered by the SEAC - Tamil Nadu in their 153rd meeting held on 04.06.2020 and on that day, they considered the project and recommended the project with certain conditions and one of the condition imposed was as follows:-

"11. A detailed marine biodiversity management plan shall be prepared through the NIOS or any other institute of repute on marine, brackish water and fresh water ecology and biodiversity and submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on a study of the impact of the project activities on the intertidal biotopes, corals and coral communities, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes, other marine and aquatic micro, macro and mega flora and fauna including benthos, plankton, turtles, birds etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography."

73. It is on that basis the Environmental Clearance (EC) was granted by the SEIAA after incorporating all these recommendations with other general and specific conditions. So, the dictum laid down in **M/s. Electrotherm (India) Limited Vs. Patel Vipulkumar Ramjibhai & Ors. and T. Mohana Rao Vs. Director, MoEF&CC, Government of India** (cited supra) are not applicable to the facts of this case.

74. In *M/s. Electrotherm (India) Limited's* case, when expansion for Environmental Clearance (EC) was applied, the public hearing was exempted and that was deprecated by the Hon'ble Apex Court and directed the MoEF&CC to revisit the issue and directed to conduct public hearing on the expansion project and if the public hearing reflects in favour of the expansion of the project, then it will be hold good. But considering the fact that the expansion activity has already started and started functioning, they did not order closure of the unit and it was mentioned that it will be subject to the public hearing and further appraisal by the MoEF&CC and that was not the case in this case. Here, the public hearing was conducted on the basis of the draft EIA Report prepared on the basis of the ToR issued and thereafter, the final EIA Report was prepared and submitted for consideration of granting Environmental Clearance (EC) and others matters are only a matter of technical issues between the project proponent and the SEAC/SEIAA - Tamil Nadu and that is nothing to do with the project which is likely to affect the public as major issue regarding the socioeconomic aspect and other aspects have been mentioned in the draft EIA Report which was

placed before the public domain and the public hearing and views of the public were collected and on that basis, final EIA report was prepared by the project proponent.

75. The dictum laid down in **Hanuman Laxman Aroskar Vs. Union of India & Ors.**¹³ **Sarpanch Gram Panchayat Tiroda & Ors. Vs. MoEF&CC & Ors. (Appeal No.03 of 2021)**¹⁴ and **Samantha Vs. Union of India**¹⁵ are not applicable to the facts of this case.

76. There is no merit in the submission that the EIA Report was prepared in haste and the baseline data were collected prior to the ToR issued was also not having any substance, because the MoEF&CC had issued Office Memorandum, wherein they have issued standard ToR enabling the project proponent to prepare the EIA Report in order to avoid delay in preparing EIA Report even prior to the filing of the application for formal ToR as required under the EIA Notification, 2006 and they need only to collect further details on the basis of the additional ToR issued over and above the standard ToR issued in the Office Memorandum by the SEAC and SEIAA - Tamil Nadu and on that basis, they will have to prepare and conduct further studies and prepare the EIA Report.

77. On the basis of the same, when feasibility report was prepared for the purpose of considering the feasibility of the project for getting approval from the Government was utilized by the project proponent for preparation of the EIA Report within the validity period of the ToR and as such, the contention of the appellant that the baseline data collected prior to the issuance of the ToR should not have been issued and should not have been considered is without any basis and the same are rejected.

78. But there is some force in the submission made by the learned counsel appearing for the appellant that when the SEAC - Tamil Nadu had directed the project proponent to conduct further studies on certain aspects having some impact on marine ecology viz., quantification of

¹³ (2019) 5 SCC Online SC 441

¹⁴ 2011 SCC Online NGT 10

¹⁵ 2014 All India NGT Reporter 1 SZ 1

sediment deposition and sediment erosion including location should be predicted and suitable EMP for reducing the same should be furnished. Proposal for emergency response plan, risk assessment and mitigation plan for oil spill event, the impact on Ennore Creek due to implementation of the project. The project proponent shall explore the option of hollow structure instead of solid structure to reduce the erosion / deposition. Further, they have not conducted the biodiversity study and the biodiversity management plan as required in the ToR. Onshore and Offshore sediment impact also will have to be considered as per the ToR but that was not done in this case. Instead of preparing a fresh study on that aspect, they have only given the answers to the report referring the same in the EIA Report. But a perusal of the EIA Report will go to show that those aspects were not reflected in the EIA Report submitted.

79. Further, even at the time when the project was recommended by the SEAC - Tamil Nadu after considering the replies, they directed the project proponent to conduct a detailed marine biodiversity management plan prepared through NIOT or any other institute of repute on marine. Brackish water and freshwater ecologically and biodiversity and submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on the study of the impact of the project activities on intertidal biotopes, corals, and coral communities, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes and other marine and aquatic micro, macro and mega flora and fauna including benthos, plankton, turtles, birds, etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography. Further, recommendation No. 12 says marine ecology shall be monitored regularly also in terms of the seaweeds, sea grass, mudflats, sand dunes, fishes, echinoderms, shrimps, turtles, corals, coastal vegetation, mangroves and other marine biodiversity components including all micro, macro and mega flora and faunal components of marine biodiversity.

80. So, it is clear from this that a biodiversity study ought to have been conducted and the study conducted by the Fisheries Department and the consultant on that aspect was not to the satisfaction of the SEAC - Tamil Nadu. Once such study is conducted, then it ought to have been brought to the appraisal of the SEAC - Tamil Nadu to ascertain as to whether that is sufficient or not so as to impose any further condition to protect environment even as per the Clause 7 and 8 of the EIA Notification, 2006 for the purpose of appraisal. Such an opportunity was denied to the SEAC - Tamil Nadu. So, under such circumstances, we feel that instead of setting aside the Environmental Clearance (EC), we feel that the same can be suspended only to the extent of commissioning the project and proceeding with the project in respect of onshore and permitting the project proponent to proceed with the work will be sufficient and that will meet the ends of justice.

81. In view of the detailed discussions and observations made above, we feel that the Appeal [Appeal No.28 of 2020 (SZ)] can be disposed of by giving following directions:-

- a. The claim of the appellant that the baseline data collected prior to the ToR and the consideration of the project after three years of the collection of baseline data which will vitiate and not conducting the public hearing after further details submitted by the project proponent as directed by the SEAC - Tamil Nadu in its 141st meeting will vitiate the issuance of Environmental Clearance (EC) are rejected for the reasons discussed above in the Judgment.
- b. There is no necessity to set aside the Environmental Clearance (EC) as claimed by the appellant, but suspending the Environmental Clearance (EC) to the extent of directing the project proponent not to commission the project but permitting to undertake the project work in onshore area only till such time further studies are completed and further conditions are to be imposed, if any, by the SEIAA - Tamil Nadu will be sufficient and for that purpose, following directions are issued:
 - i. The project proponent is directed to conduct a study of sediment deposit and sediment erosion including predicting

- the locations and suitable environment management plan for reducing the same on the basis of the ToR issued and the directions issued by the SEAC - Tamil Nadu in their 141st meeting.
- ii. The project proponent is also directed to conduct a study on impact of spillage of fuel or engine oil, lubricant from the construction site and source of other pollution and impacts and suitable precautionary methods to be taken to avoid pollution and trap the spillage should be conducted.
 - iii. A detailed marine biodiversity management plan prepared through NIOT or any other institute of repute on marine, brackish water and freshwater ecologically and biodiversity and must be submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on the study of the impact of the project activities on intertidal biotopes, corals and coral communities (if any) in the area, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes and other marine and aquatic micro, macro and mega flora and fauna including benthos, planktons, turtles, birds, etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography in tune with the recommendations made by the SEAC - Tamil Nadu while recommending the project.
 - iv. The study must be conducted by the project proponent and prepare a biodiversity management plan and in consultation with biodiversity board and the CRZ authority.
 - v. After conducting studies and getting report through accredited agency, then the same shall be placed before the SEAC - Tamil Nadu for consideration and on receipt of the same, the SEIAA- Tamil Nadu shall place the same before the SEAC - Tamil Nadu and they shall consider the sufficiency or otherwise of the same and on that basis, if any, further conditions are to be imposed to protect the marine environment then they shall impose the same and recommend

the project or pass appropriate findings and forward the same with recommendation / findings to the SEIAA - Tamil Nadu and on receipt of the same, the SEIAA - Tamil Nadu shall appraise the same and take appropriate decision imposing additional conditions or otherwise on the basis of the findings of the SEAC - Tamil Nadu and incorporate the same in the Environmental Clearance (EC) granted.

- c. The project proponent is directed to complete the studies **within a period of 6 (Six) months** and on submission of the report by the project proponent, the SEAC / SEIAA - Tamil Nadu are directed to complete the process of further appraisal as directed by this Tribunal **within a further period of 3 (Three) months** and issue necessary further conditions or modifications or findings in accordance with law.
- d. Once the SEIAA - Tamil Nadu imposed further conditions, then the project proponent is directed to carry out those conditions as well while proceeding with the project.
- e. The Environmental Clearance (EC) granted will be subject to the further orders to be passed by the SEAC and SEIAA - Tamil Nadu as directed by this Tribunal.

82. The points are answered accordingly.

83. In result, both the Original Application as well as the Appeal are allowed in part and disposed of with the following directions:-

(I) O.A. No.28 of 2020 (SZ):

- a. The Project Proponent/6th respondent in O.A. No.28 of 2020 (SZ) had committed some violation of proceeding with the project though not having much impact and gravity without obtaining necessary Environmental Clearance (EC) though they obtained CRZ Clearance in the year 2017 and the application for Environmental Clearance (EC) was pending from 2015.

- b. Considering the nature of violation, the 6th respondent in O.A. No.28 of 2020 is directed to pay the environmental compensation of **Rs.12,00,000/- (Rupees Twelve Lakhs only)** to the SCZMA - Tamil Nadu **within a period of 3 (Three) months** and if the amount is paid, they are directed to utilize the amount for the purpose of improving the shoreline management and also for improving the coastal marine protection/conservation, after preparing a plan in consultation with the Department of Environment, Climate Change and Forest, State of Tamil Nadu and an Expert Agency in this regard and utilize the amount for this purpose in a scientific manner.
- c. If the amount is not paid within time specified, then the SCZMA - Tamil Nadu is directed to recover the amount from the 6th respondent in accordance with law.
- d. The 6th respondent is directed to strictly comply with the condition imposed in the CRZ Clearance and the Environmental Clearance (EC) granted while proceeding with the work subject to the further orders to be passed by the Tribunal in Appeal No.28 of 2020 (SZ).

(II) Appeal No.28 of 2020 (SZ):

- a. The claim of the appellant that the baseline data collected prior to the ToR and the consideration of the project after three years of the collection of baseline data which will vitiate and not conducting the public hearing after further details submitted by the project proponent as directed by the SEAC - Tamil Nadu in its 141st meeting will vitiate the issuance of Environmental Clearance (EC) are rejected for the reasons discussed above in the Judgment.
- b. There is no necessity to set aside the Environmental Clearance (EC) as claimed by the appellant, but suspending the Environmental Clearance (EC) to the extent of directing the project proponent not to commission the project but permitting to undertake the project work in onshore area only till such

time further studies are completed and further conditions are to be imposed, if any, by the SEIAA - Tamil Nadu will be sufficient and for that purpose, following directions are issued:

- i. The project proponent is directed to conduct a study of sediment deposit and sediment erosion including predicting the locations and suitable environment management plan for reducing the same on the basis of the ToR issued and the directions issued by the SEAC - Tamil Nadu in their 141st meeting.
- ii. The project proponent is also directed to conduct a study on impact of spillage of fuel or engine oil, lubricant from the construction site and source of other pollution and impacts and suitable precautionary methods to be taken to avoid pollution and trap the spillage should be conducted.
- iii. A detailed marine biodiversity management plan prepared through NIOT or any other institute of repute on marine, brackish water and freshwater ecologically and biodiversity and must be submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on the study of the impact of the project activities on intertidal biotopes, corals and coral communities (if any) in the area, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes and other marine and aquatic micro, macro and mega flora and fauna including benthos, planktons, turtles, birds, etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography in tune with the recommendations made by the SEAC - Tamil Nadu while recommending the project.
- iv. The study must be conducted by the project proponent and prepare a biodiversity management plan and in

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consultation with biodiversity board and the CRZ authority.

v. After conducting studies and getting report through accredited agency, then the same shall be placed before the SEAC - Tamil Nadu for consideration and on receipt of the same, the SEIAA- Tamil Nadu shall place the same before the SEAC - Tamil Nadu and they shall consider the sufficiency or otherwise of the same and on that basis, if any, further conditions are to be imposed to protect the marine environment then they shall impose the same and recommend the project or pass appropriate findings and forward the same with recommendation / findings to the SEIAA - Tamil Nadu and on receipt of the same, the SEIAA - Tamil Nadu shall appraise the same and take appropriate decision imposing additional conditions or otherwise on the basis of the findings of the SEAC - Tamil Nadu and incorporate the same in the Environmental Clearance (EC) granted.

- c. The project proponent is directed to complete the studies **within a period of 6 (Six) months** and on submission of the report by the project proponent, the SEAC / SEIAA - Tamil Nadu are directed to complete the process of further appraisal as directed by this Tribunal **within a further period of 3 (Three) months** and issue necessary further conditions or modifications or findings in accordance with law.
- d. Once the SEIAA - Tamil Nadu imposed further conditions, then the project proponent is directed to carry out those conditions as well while proceeding with the project.
- e. The Environmental Clearance (EC) granted will be subject to the further orders to be passed by the SEAC and SEIAA - Tamil Nadu as directed by this Tribunal.

(III) Considering the circumstances, parties are directed to bear their respective costs in the respective cases.

- (IV) The Registry is directed to communicate this order to the SEIAA - Tamil Nadu, State Biodiversity Board, Chairman - SCZMA, Director of Fisheries, Additional Chief Secretary to Government, Department of Environment, Climate Change and Forest and the Chief Secretary to Government, State of Tamil Nadu for their information and compliance of direction.
- (V) The SEIAA - Tamil Nadu is directed to take back the file (relating to the issuance of EC) produced before the Tribunal at the earliest.

84. With the above observations and directions, both the Original Application and the Appeal are disposed of accordingly.

85. In view of the disposal of the Appeal, pending interlocutory application [I.A. No.115 of 2020 (SZ)] is also disposed of accordingly, as no further separate orders are required in this regard.

Sd/-
Justice K. Ramakrishnan, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.28/2020 (SZ) &
Appeal No.28/2020 (SZ),
I.A. No. 115 of 2020 (SZ)
28th September 2022. Mn.



In view of the above, the Authority after detailed discussions decided to forward the request to SEAC for seeking remarks on the above request of the proponent. In this regard, the proposal was placed in the 383rd SEAC meeting. During the meeting, the Committee, after deliberations, decided to defer the proposal and take up for discussion in the ensuing meeting.

Agenda No. 383-34

6440/2020

proposed construction of Tuna Fishing Harbour with net fish handling capacity of 69,000TPA at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu by Department of Fisheries, Government of Tamil Nadu, Fishing Harbour Project Division SIA/TN/MIS/43388/2015, dated: 27.09.2019 – For amendment in Environmental Clearance

This proposal was placed in this 383rd meeting of SEAC held on 15.06.2023. The details of the project furnished by the proponent are available on the PARIVESH web portal (parivesh.nic.in).

The SEAC noted the following:

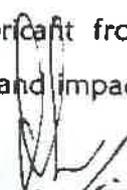
- The SEIAA has issued the Terms of Reference (ToR) to carryout Environment Impact Assessment (EIA) and Public hearing meeting, vide their Lr. No. SEIAA-TN/F.No.6440/SEAC-C/7(e) ToR-301/2017 dated:22.01.2018.
- SEIAA has granted Environmental Clearance (EC) vide their Letter No. SEIAA-TN/F.No.6440/EC/7(e)/75/ 2020 dated 05.08.2020.
- In the meantime, anticipating the Environmental Clearance and considering the importance of Welfare schemes, only casting of Tetra pods and placing of Granite stones on the existing groynes were started by the PP.
- Subsequently, in Hon'ble NGT one Original Application OA N o.28/2020 was filled by the Meenava Thanthai K.R. Selvaraj Kumar, Meenava Nala Sangam rep. by its President M.R. Thiyagarajan against the Construction of Tuna Fishing harbour in CRZ Zone at Thiruvottriyur, Thiruvallur District. The Application was filed before the National Green Tribunal as the Department of Fisheries, is alleged commenced the works without getting permissions.


MEMBER SECRETARY
SEAC -TN


CHAIRMAN
SEAC- TN

- The Hon'ble National Green Tribunal (NGT) in OA No.28/2020 is given the directions. As per the Hon'ble court direction the work was stopped from 10.02.2020. The Tamil Nadu Environmental Impact Assessment Authority granted Environmental Clearance (EC) on 05.08.2020. Based on the Hon'ble NGT direction work has been resumed from 21.09.2020 and now the work has been completed 94% and as per court order further onshore works are in progress.
- After, So many hearings the Hon'ble NGT judgment in Original Application No.28/2020 as well as the Appeal No.28/2020 dated: 28.09.2022 as follows,
 - a) The claim of the appellant that the baseline data collected prior to the ToR and the consideration of the project after three years of the collection of baseline data which will vitiate and not conducting the public hearing after further details submitted by the project proponent as directed by the SEAC – Tamil Nadu in its 141st meeting will vitiate the issuance of Environmental Clearance (EC) are rejected for the reasons discussed above in the Judgment.
 - b) There is no necessity to set aside the Environmental Clearance (EC) as claimed by the appellant, but suspending the Environmental Clearance (EC) to the extent of directing the project proponent not to commission the project but permitting to undertake the project work in onshore area only till such time further studies are completed and further conditions are to be imposed, if any, by the SEIAA – Tamil Nadu will be sufficient and for that purpose, following directions are issued:
 - i. The project proponent is directed to conduct a study of sediment deposit and sediment erosion including predicting the locations and suitable environment management plan for reducing the same on the basis of the ToR issued and the directions issued by the SEAC – Tamil Nadu in their 141st meeting.
 - ii. The project proponent is also directed to conduct a study on impact of spillage of fuel or engine oil, lubricant from the construction site and source of other pollution and impacts and

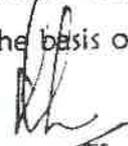

 MEMBER SECRETARY
 SEAC -TN


 CHAIRMAN
 SEAC-TN

suitable precautionary methods to be taken to avoid pollution and trap the spillage should be conducted.

- iii. A detailed marine biodiversity management plan prepared through NIOT or any other institute of repute on marine, brackish water and freshwater ecologically and biodiversity and must be submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on the study of the impact of the project activities on intertidal biotopes, corals and coral communities (if any) in the area, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes and other marine and aquatic micro, macro and mega flora and fauna including benthos, planktons, turtles, birds, etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography in tune with the recommendations made by the SEAC – Tamil Nadu while recommending the project.
- iv. The study must be conducted by the project proponent and prepare a biodiversity management plan and in consultation with biodiversity board and the CRZ authority.
- v. After conducting studies and getting report through accredited agency, then the same shall be placed before the SEAC – Tamil Nadu for consideration and on receipt of the same, the SEIAA– Tamil Nadu shall place the same before the SEAC – Tamil Nadu and they shall consider the sufficiency or otherwise of the same and on that basis, if any, further conditions are to be imposed to protect the marine environment then they shall impose the same and recommend the project or pass appropriate findings and forward the same with recommendation / findings to the SEIAA – Tamil Nadu and on receipt of the same, the SEIAA – Tamil Nadu shall appraise the same and take appropriate decision imposing additional conditions or otherwise on the basis of the


MEMBER SECRETARY
SEAC -TN


CHAIRMAN
SEAC- TN

findings of the SEAC – Tamil Nadu and incorporate the same in the Environmental Clearance (EC) granted.

- c) The project proponent is directed to complete the studies within a period of 6 (Six) months and on submission of the report by the project proponent, the SEAC / SEIAA – Tamil Nadu are directed to complete the process of further appraisal as directed by this Tribunal within a further period of 3 (Three) months and issue necessary further conditions or modifications or findings in accordance with law.
 - d) Once the SEIAA – Tamil Nadu imposed further conditions, then the project proponent is directed to carry out those conditions as well while proceeding with the project.
 - e) The Environmental Clearance (EC) granted will be subject to the further orders to be passed by the SEAC and SEIAA – Tamil Nadu as directed by this Tribunal.
- Considering the circumstances, parties are directed to bear their respective costs in the respective cases

Based on this Appeal No.28/2022 (SZ) the marine biodiversity management plan prepared through Centre of Advanced Study in Marine Biology Faculty of Marine Sciences, Parangipettai - Annamalai University and submitted by the PP.

During the meeting, SEAC decided to defer the proposal and take it up in the ensuing meeting.


MEMBER SECRETARY
SEAC -TN


CHAIRMAN
SEAC -TN

MINUTES

633rd MEETING

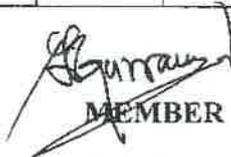
**STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY-TAMIL NADU**

Date: 26.06.2023 & 27.06.2023

			<p>Therefore, the Committee decided that the PP shall apply afresh application along with Modified Mining Plan approved by the competent authority for obtaining the Environmental Clearance, enumerating the previous history of the project. Also, the PP is requested to withdraw the proposal seeking EC, vide SIA/TN/MIN/273508/2022 Dated 28.05.2022. SEIAA may take up the withdrawal process with the proponent based on merits.</p> <p>Based on the above, the authority decided to accept the request for withdrawal of online proposal No. SIA/TN/MIN/273508/2022 Dated 28.05.2022 considering the proponent's request for withdrawal vide 383rd SEAC meeting held on 15.06.2023.</p>
33.	Constructed Medical College & Hospital Buildings at S.F. No. 35/1,2,3,63/2,64/1A & 1B2 in Numbal village, Ambattur Taluk, Tiruvallur District Tamil Nadu by M/s. A.C.S. Medical College & Hospital - Environmental clearance under violation	226	<p>The authority noted that the subject was appraised in the 383rd SEAC meeting held on 15.06.2023. During the meeting, the Committee, after deliberations, decided to defer the proposal and take up for discussion in the ensuing meeting.</p> <p>In view of this, the authority decided to request Member Secretary, SEIAA to communicate the minutes of the 383rd SEAC meeting to the project proponent.</p>
34.	Proposed construction of Tuna Fishing Harbour with net fish handling capacity of 69,000TPA at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu by Department of Fisheries, Government of Tamil Nadu, Fishing Harbour Project	6440	<p>The authority noted that this proposal was placed for appraisal in 383rd meeting of SEAC held on 15.06.2023. During the meeting, SEAC decided to defer the proposal and take it up in the ensuing meeting.</p> <p>In view of the above, the Authority decided to request Member Secretary, SEIAA to communicate the SEAC minutes to the project proponent.</p>



MEMBER SECRETARY



MEMBER



CHAIRMAN
SEIAA-TN

	Division- For amendment in Environmental Clearance		
35.	Proposed Rough Stone Quarry lease over an extent of 4.42.5ha S.F.Nos. S.F.Nos.430/1, 430/4, 430/5, 430/6A, 430/6B, 430/6C, 430/9A, 430/10A, 430/10B, 430/11, 430/12, 430/13, 430/14, 430/15, 429/3C, 429/3D1, 429/3D2, 429/3D3, 423/1A, 423/1B & 423/1D Kuvalaikkanni Village, Sankarankovil Taluk, Tenkasi District, Tamil Nadu . by Thiru Inbarajan Suraj – for Environmental Clearance.	9732	<p>SEAC has furnished its recommendations to the Authority for granting Environmental Clearance to the Project subject to the conditions stated therein. Subsequently it was placed in 619th SEIAA meeting held on 18.05.2023 and the authority after detailed discussion, decided to obtain the following additional details from the PP.</p> <ol style="list-style-type: none"> i. This is a B2 category project. The study in the Pre-feasibility report on Environmental impacts needs more details as follows, to cover project life. <ol style="list-style-type: none"> i. Impact on the local population due to the air pollution and dust. ii. Impact on the water quality, land quality in terms of pollution. iii. Impact on soil erosion. iv. Impact on health of workers and people around. Particularly skin, respiratory tract problems leading to Bronchitis and neurological issues, ulcer, cardiovascular, pulmonary diseases, asthma and other air borne disease. v. Detailed and sound Environmental Management Plan and policy to achieve scientific and sustainable mining. Action for protection and conservation of the Natural resources.



MEMBER SECRETARY



MEMBER



CHAIRMAN
SEIAA-TN

MoEF&CC vide O.M dated.19.05.2022 - removing the exemption to hospitals – will also have retrospective effect, nullifying the case of PP.

6. On the point of jurisdiction of stay order issued by the Hon'ble Delhi High Court, the impugned Notifications have been stayed not only by the Hon'ble Delhi High Court but also by the Hon'ble Principal Bench of National Green Tribunal, vide table above, which has jurisdiction over the entire country.
7. Thus, on both scores, the PP has no case. The PP may, therefore, be asked to comply with the directions already issued by SEIAA within a specified period, failing which stringent penal provisions of the Act may be invoked which may include shutting down the operations of Hospital.

Agenda No. 385-18

File No: 6440/2017

proposed construction of Tuna Fishing Harbour with net fish handling capacity of 69,000TPA at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu by Department of Fisheries, Government of Tamil Nadu, Fishing Harbour Project Division SIA/TN/MIS/43388/2015, dated: 27.09.2019 – For amendment in Environmental Clearance

Earlier, this proposal was placed in this 383rd meeting of SEAC held on 15.06.2023. The details of the project furnished by the proponent are available on the PARIVESH web portal (parivesh.nic.in). The SEAC noted the following:

- The SEIAA has issued the Terms of Reference (ToR) to carryout Environment Impact Assessment (EIA) and Public hearing meeting, vide their Lr. No.SEIAA-TN/F.No.6440/SEAC-C/7(e) ToR-301/2017 dated:22.01.2018.
- SEIAA has granted Environmental Clearance (EC) vide their Letter No. SEIAA-TN/F.No.6440/EC/7(e)/75/ 2020 dated 05.08.2020.
- In the meantime, anticipating the Environmental Clearance and considering the importance of Welfare schemes, only casting of Tetra pods and placing of Granite stones on the existing groynes were started by the PP.
- Subsequently, in Hon'ble NGT one Original Application OA N o.28/2020 was filled by the Meenava Thanthai K.R. Selvaraj Kumar, Meenava Nala Sangam rep. by its President M.R. Thiyagarajan against the Construction of Tuna Fishing

harbour in CRZ Zone at Thiruvottriyur, Thiruvallur District. The Application was filed before the National Green Tribunal as the Department of Fisheries, is alleged commenced the works without getting permissions.

- The Hon'ble National Green Tribunal (NGT) in OA No.28/2020 is given the directions. As per the Hon'ble court direction the work was stopped from 10.02.2020. The Tamil Nadu Environmental Impact Assessment Authority granted Environmental Clearance (EC) on 05.08.2020. Based on the Hon'ble NGT direction work has been resumed from 21.09.2020 and now the work has been completed 94% and as per court order further onshore works are in progress.
- After, So many hearings the Hon'ble NGT judgment in Original Application No.28/2020 as well as the Appeal No.28/2020 dated: 28.09.2022 as follows.
 - a) The claim of the appellant that the baseline data collected prior to the ToR and the consideration of the project after three years of the collection of baseline data which will vitiate and not conducting the public hearing after further details submitted by the project proponent as directed by the SEAC – Tamil Nadu in its 141st meeting will vitiate the issuance of Environmental Clearance (EC) are rejected for the reasons discussed above in the Judgment.
 - b) There is no necessity to set aside the Environmental Clearance (EC) as claimed by the appellant, but suspending the Environmental Clearance (EC) to the extent of directing the project proponent not to commission the project but permitting to undertake the project work in onshore area only till such time further studies are completed and further conditions are to be imposed, if any, by the SEIAA – Tamil Nadu will be sufficient and for that purpose, following directions are issued:
 - i. The project proponent is directed to conduct a study of sediment deposit and sediment erosion including predicting the locations and suitable environment management plan for reducing the same on the basis of the ToR issued and the directions issued by the SEAC – Tamil Nadu in their 141st meeting.

- ii. The project proponent is also directed to conduct a study on impact of spillage of fuel or engine oil, lubricant from the construction site and source of other pollution and impacts and suitable precautionary methods to be taken to avoid pollution and trap the spillage should be conducted.
- iii. A detailed marine biodiversity management plan prepared through NIOT or any other institute of repute on marine, brackish water and freshwater ecologically and biodiversity and must be submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on the study of the impact of the project activities on intertidal biotopes, corals and coral communities (if any) in the area, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes and other marine and aquatic micro, macro and mega flora and fauna including benthos, planktons, turtles, birds, etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography in tune with the recommendations made by the SEAC – Tamil Nadu while recommending the project.
- iv. The study must be conducted by the project proponent and prepare a biodiversity management plan and in consultation with biodiversity board and the CRZ authority.
- v. After conducting studies and getting report through accredited agency, then the same shall be placed before the SEAC – Tamil Nadu for consideration and on receipt of the same, the SEIAA– Tamil Nadu shall place the same before the SEAC – Tamil Nadu and they shall consider the sufficiency or otherwise of the same and on that basis, if any, further conditions are to be imposed to protect the marine environment then they shall impose the same and recommend the project or pass appropriate findings and forward the same with recommendation / findings to the SEIAA – Tamil Nadu and on receipt of the same, the SEIAA – Tamil Nadu shall appraise the same and take appropriate decision imposing additional conditions or otherwise on the basis of the findings

of the SEAC – Tamil Nadu and incorporate the same in the Environmental Clearance (EC) granted.

- c) The project proponent is directed to complete the studies within a period of 6 (Six) months and on submission of the report by the project proponent, the SEAC / SEIAA – Tamil Nadu are directed to complete the process of further appraisal as directed by this Tribunal within a further period of 3 (Three) months and issue necessary further conditions or modifications or findings in accordance with law.
- d) Once the SEIAA – Tamil Nadu imposed further conditions, then the project proponent is directed to carry out those conditions as well while proceeding with the project.
- e) The Environmental Clearance (EC) granted will be subject to the further orders to be passed by the SEAC and SEIAA – Tamil Nadu as directed by this Tribunal.
- Considering the circumstances, parties are directed to bear their respective costs in the respective cases.

Based on this Appeal No.28/2022 (SZ) the marine biodiversity management plan prepared through Centre of Advanced Study in Marine Biology Faculty of Marine Sciences, Parangipettai - Annamalai University and submitted by the PP.

During the meeting, SEAC decided to defer the proposal and take it up in the ensuing meeting.

Now, this proposal was again placed in this 385th SEAC Meeting held on 22.06.2023. Based on the presentation made by the proponent SEAC decided to defer the proposal, since the PP has requested more time to furnish the additional details.

Agenda No.19

Proposed expansion of existing Warehouse/R&D facility at S.No. 175 Part, Ernavour Village, S.No. 6/1A1 Tiruvottiyur Village, TS No. 3, %/1A, 5/2A Block No. 1, Ward No.1 Tiruvottiyur Village, Chennai District by M/s MRF Limited For CRZ Clearance (SIA/TN/INFERA2/433358/2023 Dt. 15.6.2023)

The proposal was placed in this 385th SEAC Meeting held on 22.06.2023 and SEAC decided to defer the proposal & take up this subject in ensuing meeting for want of time.


MEMBER SECRETARY
SEAC -TN


CHAIRMAN
SEAC -TN

MINUTES

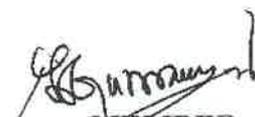
635th MEETING

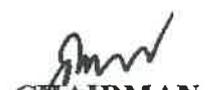
**STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY-TAMIL NADU**

Date: 05.07.2023

			<p>impugned Notifications have been 'stayed not only by the Hon'ble Delhi High Court but also by the Hon'ble Principal Bench of National Green Tribunal, vide table above, which has jurisdiction over the entire country.</p> <p>7. Thus, on both scores, the PP has no case. The PP may, therefore, be asked to comply with the directions already issued by SEIAA within a specified period, failing which stringent penal provisions of the Act may be invoked which may include shutting down the operations of the Hospital.</p> <p>The Authority, after detailed deliberations, accepts the remarks made by SEAC and decided to request Member Secretary, SEIAA to write a letter addressed to the proponent to comply with the directions issued by SEIAA in its 565th meeting held on 31.10.2022 within a period of two weeks and communicate the minutes of the 385th SEAC meeting to the proponent.</p>
18.	<p>proposed construction of Tuna Fishing Harbour with net fish handling capacity of 69,000TPA at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu by Department of Fisheries, Government of Tamil Nadu, Fishing Harbour Project Division- For amendment in Environmental Clearance</p>	6440	<p>The authority noted that this subject was placed for appraisal in 385th meeting of SEAC held on 22.06.2023. Based on the presentation made by the proponent SEAC decided to defer the proposal, since the PP has requested more time to furnish the additional details.</p> <p>In view of the above, the Authority decided to request Member Secretary, SEIAA to communicate the SEAC minutes to the project proponent.</p>


MEMBER SECRETARY


MEMBER


CHAIRMAN
SEIAA-TN

information as sought above within a period of 30 days failing which your proposal will automatically get delisted from the PARIVESH portal.

Agenda No: 392 - 21

(File No: 10067/2023)

Proposed Rough stone & Gravel quarry lease area over an extent of Extent 2.15.00 Ha at S. F. No. 2/5, 2/8, 3/1 & 3/2 of Kottaiyur Village, Virudhunagar Taluk, Virudhunagar District, Tamil Nadu by Tmt. R. Boopathi - For Terms of Reference. (SIA/TN/MIN/430383/2023, Dated: 25.05.2023)

The proposal was placed in 392nd SEAC meeting held on 14.07.2023. The details of the project furnished by the proponent are given in the website (parivesh.nic.in).

The SEAC noted the following:

1. The Project Proponent, Tmt. R. Boopathi has applied for Terms of Reference for the Proposed Rough stone & Gravel quarry lease area over an extent of Extent 2.15.00 Ha at S.F.No. 2/5, 2/8, 3/1 & 3/2 of Kottaiyur Village, Virudhunagar Taluk, Virudhunagar District, Tamil Nadu.
2. The project/activity is covered under Category "B1" of Item 1(a) "Mining of Minerals Projects" of the Schedule to the EIA Notification, 2006.
3. As per the mining plan, the lease period is for 5 years. The production for 5 years not to exceed 3,02,715m³ of Rough stone and 69,156m³ of Gravel with an ultimate depth of Mining 39m below ground level.

During the presentation, it was found that the proponent was absent for the meeting. Hence, the subject was not taken up for appraisal.

Agenda No. 392-22

File No: 6440/2017

Proposed construction of Tuna Fishing Harbour with net fish handling capacity of 69,000TPA at S.F.No. 7/4, 39, 40, 41, 42 & 49, Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu by Department of Fisheries, Government of Tamil Nadu, Fishing Harbour Project Division – For amendment in Environmental Clearance. (SIA/TN/MIS/43388/2015, dated: 27.09.2019)

Earlier, this proposal was placed in the 383rd meeting of SEAC held on 15.06.2023. The details of the project furnished by the proponent are available on the PARIVESH

web portal (parivesh.nic.in). The SEAC noted the following:

1. The SEIAA has issued the Terms of Reference (ToR) to carryout Environment Impact Assessment (EIA) and Public hearing meeting, vide their Lr. No. SEIAA-TN/F.No.6440/SEAC-C/7(e) ToR-301/2017 dated:22.01.2018.
2. SEIAA has granted Environmental Clearance (EC) vide their Letter No. SEIAA-TN/F.No.6440/EC/7(e)/75/ 2020 dated 05.08.2020.
3. In the meantime, anticipating the Environmental Clearance and considering the importance of Welfare schemes, only casting of Tetra pods and placing of Granite stones on the existing groynes were started by the PP.
4. Subsequently, in Hon'ble NGT an Original Application OA No.28/2020 was filed by the Meenava Thanthai K.R. Selvaraj Kumar, Meenava Nala Sangam rep. by its President M.R. Thiyagarajan against the Construction of Tuna Fishing harbour in CRZ Zone at Thiruvottriyur, Thiruvallur District. The Application was filed before the National Green Tribunal as the Department of Fisheries, is alleged commenced the works without getting permissions.
5. The Hon'ble National Green Tribunal (NGT) in OA No.28/2020 has given the directions. As per the Hon'ble court direction the work was stopped from 10.02.2020. The Tamil Nadu Environmental Impact Assessment Authority granted Environmental Clearance (EC) on 05.08.2020. Based on the Hon'ble NGT direction work has been resumed from 21.09.2020 and now the work has been completed 94% and as per court order further onshore works are in progress.
6. After so many hearings, the Hon'ble NGT judgment in Original Application No.28/2020 as well as the Appeal No.28/2020 dated: 28.09.2022 are as follows,
7. The claim of the appellant that the baseline data collected prior to the ToR and the consideration of the project after three years of the collection of baseline data which will vitiate and not conducting the public hearing after further details submitted by the project proponent as directed by the SEAC – Tamil Nadu in its 141st meeting will vitiate the issuance of Environmental Clearance (EC) are rejected for the reasons discussed above in the Judgment.

8. There is no necessity to set aside the Environmental Clearance (EC) as claimed by the appellant, but suspending the Environmental Clearance (EC) to the extent of directing the project proponent not to commission the project but permitting to undertake the project work in onshore area only till such time further studies are completed and further conditions are to be imposed, if any, by the SEIAA – Tamil Nadu will be sufficient and for that purpose, following directions are issued:

- i. The project proponent is directed to conduct a study of sediment deposit and sediment erosion including predicting the locations and suitable environment management plan for reducing the same on the basis of the ToR issued and the directions issued by the SEAC – Tamil Nadu in their 141st meeting.
- ii. The project proponent is also directed to conduct a study on impact of spillage of fuel or engine oil, lubricant from the construction site and source of other pollution and impacts and suitable precautionary methods to be taken to avoid pollution and trap the spillage should be conducted.
- iii. A detailed marine biodiversity management plan prepared through NIOT or any other institute of repute on marine, brackish water and freshwater ecologically and biodiversity and must be submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on the study of the impact of the project activities on intertidal biotopes, corals and coral communities (if any) in the area, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes and other marine and aquatic micro, macro and mega flora and fauna including benthos, planktons, turtles, birds, etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography in tune with the recommendations made by the SEAC – Tamil Nadu while recommending the project.


 MEMBER SECRETARY
 SEAC -TN


 CHAIRMAN
 SEAC- TN

- iv. The study must be conducted by the project proponent and prepare a biodiversity management plan and in consultation with biodiversity board and the CRZ authority.
 - v. After conducting studies and getting report through accredited agency, then the same shall be placed before the SEAC – Tamil Nadu for consideration and on receipt of the same, the SEIAA– Tamil Nadu shall place the same before the SEAC – Tamil Nadu and they shall consider the sufficiency or otherwise of the same and on that basis, if any, further conditions are to be imposed to protect the marine environment then they shall impose the same and recommend the project or pass appropriate findings and forward the same with recommendation / findings to the SEIAA – Tamil Nadu and on receipt of the same, the SEIAA – Tamil Nadu shall appraise the same and take appropriate decision imposing additional conditions or otherwise on the basis of the findings of the SEAC – Tamil Nadu and incorporate the same in the Environmental Clearance (EC) granted.
9. The project proponent is directed to complete the studies within a period of 6 (Six) months and on submission of the report by the project proponent, the SEAC / SEIAA – Tamil Nadu are directed to complete the process of further appraisal as directed by this Tribunal within a further period of 3 (Three) months and issue necessary further conditions or modifications or findings in accordance with law.
 10. Once the SEIAA – Tamil Nadu imposed further conditions, then the project proponent is directed to carry out those conditions as well while proceeding with the project.
 11. The Environmental Clearance (EC) granted will be subject to the further orders to be passed by the SEAC and SEIAA – Tamil Nadu as directed by this Tribunal. Considering the circumstances, parties are directed to bear their respective costs in the respective cases.

Based on this Appeal No.28/2022 (SZ) the marine biodiversity management plan prepared through Centre of Advanced Study in Marine Biology Faculty of Marine Sciences, Parangipettai - Annamalai University and submitted by the PP.

During the meeting, SEAC decided to defer the proposal and take it up in the ensuing meeting.

The proposal was again placed in the 385th SEAC Meeting held on 22.06.2023. Based on the presentation made by the proponent SEAC decided to defer the proposal, since the PP has requested more time to furnish the additional details.

Now, this proposal was again placed in this 392nd SEAC Meeting held on 14.07.2023.

During the meeting, the representatives from TN Fisheries Department and Annamalai University gave a detailed presentation. Based on the deliberations and documents furnished, SEAC noted that Hon'ble NGT vide order dated.28.07.2022 has stated that

"...A detailed marine biodiversity management plan prepared through NIOT or any other institute of repute on marine, brackish water and freshwater ecologically and biodiversity and must be submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority...."

This is also part of the recommendation made by SEAC earlier. Hence, the SEAC decided that the Biodiversity Management Plan (BMP) prepared shall be presented before the State Biodiversity Board, obtain their remarks, revise the BMP and submit the details to SEAC for further consideration.

Agenda No: 392 – TA – 01

(File No: 6251/2017)

Existing Limestone mine lease over an extent of 1.70.0 Ha at S.F.No. 693/1,2,3,4 & 7, Sirugudi Village, Natham Taluk, Dindigul District, Tamil Nadu by M/s. Sivam Mines – for Environmental Clearance under violation category.

(SIA/TN/MIN/419011/2023, Dt.20/02/2023)

Earlier, the proposal was placed in this 369th SEAC meeting held on 20.04.2023. The details of the project furnished by the proponent are available on the web portal (parivesh.nic.in). The project proponent gave a detailed presentation.

The SEAC noted the following:

1. The Project Proponent, M/s. Sivam Mines has applied for Environmental Clearance under violation category for the Existing Limestone mine lease over an extent of 1.70.0 Ha at S.F.No. 693/1,2,3,4 & 7, Sirugudi Village, Natham Taluk,

Annexure 14

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MINUTES

642nd MEETING

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY-TAMIL NADU

Date: 31.07.2023

			<p>payment of compensation under Section 21(5) of the MMDR Act for allegedly operating (or) any penalties levied on the PP for any violation caused in the quarry operation under the Common Cause judgment.</p> <p>4. The proponent shall complete fencing and submit photographic/videographic evidence.</p> <p>On receipt of the details sought above, the SEAC will further deliberate and decide on future course of action.</p> <p>The proponent is advised to submit the additional documents/ information as sought above within a period of 30 days failing which your proposal will automatically get delisted from the PARIVESH portal.</p> <p>In the view of the above, SEIAA accepts the decision of SEAC and decided to request Member Secretary to communicate the minutes of 392nd SEAC held on 14.07.2023 to the project proponent.</p>
21.	Proposed Rough stone & Gravel quarry lease area over an extent of Extent 2.15.00 Ha at S. F. No. 2/5, 2/8, 3/1 & 3/2 of Kottaiyur Village, Virudhunagar Taluk, Virudhunagar District, Tamil Nadu by Tmt. R. Boopathi - For Terms of Reference.	10067	<p>The authority noted that the subject was appraised in 392nd SEAC meeting held on 14.07.2023.</p> <p>During the presentation, it was found that the proponent was absent for the meeting. Hence, the subject was not taken up for appraisal.</p> <p>In the view of the above, SEIAA accepts the decision of SEAC and decided to request Member Secretary to communicate the minutes of 392nd SEAC held on 14.07.2023 to the project proponent.</p>
22.	Proposed construction of Tuna Fishing Harbour with net fish handling capacity of 69,000TPA at S.F.No. 7/4, 39, 40, 41, 42 & 49,	6440	<p>The authority noted that this subject was placed for appraisal in 392nd meeting of SEAC held on 14.07.2023. During the meeting, the representatives from TN Fisheries Department and</p>



MEMBER SECRETARY



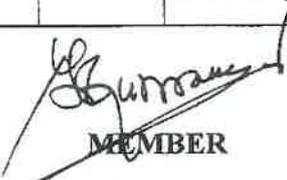
MEMBER



CHAIRMAN
SEIAA-TN

	<p>Thiruvottiyur Kuppam Village, Ennore Taluk, Thiruvallur District, Tamil Nadu by Department of Fisheries, Government of Tamil Nadu, Fishing Harbour Project Division – For amendment in Environmental Clearance.</p>		<p>Annamalai University gave a detailed presentation. Based on the deliberations and documents furnished, SEAC noted that Hon'ble NGT vide order dated.28.07.2022 has stated that</p> <p><i>"...A detailed marine biodiversity management plan prepared through NIOT or any other institute of repute on marine, brackish water and freshwater ecologically and biodiversity and must be submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority...."</i></p> <p>This is also part of the recommendation made by SEAC earlier. Hence, the SEAC decided that the Biodiversity Management Plan (BMP) prepared shall be presented before the State Biodiversity Board, obtain their remarks, revise the BMP and submit the details to SEAC for further consideration.</p> <p>In view of the above, the Authority decided to request Member Secretary, SEIAA to communicate the minutes of 392nd SEAC meeting to the project proponent.</p>
<p>23.</p>	<p>Existing Limestone mine lease over an extent of 1.70.0 Ha at S.F.No. 693/1,2,3,4 & 7, Sirugudi Village, Natham Taluk, Dindigul District, Tamil Nadu by M/s. Sivam Mines – for Environmental Clearance under violation</p>	<p>6251</p>	<p>The authority noted that the subject was appraised in 392nd SEAC meeting held on 14.07.2023. SEAC has furnished its recommendations to the Authority for granting Environmental Clearance under violation category to the Project subject to the conditions stated therein.</p> <p>After detailed discussion, the Authority decided to request the Member Secretary, SEIAA to inform the proponent to furnish the following particulars as recommended by SEAC in the Minutes of 392nd SEIAA meeting held on 14.07.2023.</p>


MEMBER SECRETARY


MEMBER


CHAIRMAN
SEIAA-TN

