

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

Appeal No.59 of 2017 (SZ)

IN THE MATTER OF:

D.Sulir

...Appellant

Versus

The Government of India,
Rep., by its Director,
Ministry of Environment & Forests,
New Delhi and Others

...Respondents

INDEX

S.No	Description	Page No.
1.	REPORT FILED ON BEHALF OF THE SEVENTH RESPONDENT – TAMIL NADU POLLUTION CONTROL BOARD.	1 – 4
2.	ANNEXURE - I & II	5 - 9



Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.

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

Appeal No. 59 of 2017(SZ)

D. Sulif

....Appellant

-Vs-

The Government of India,
Rep., by its Director,
Ministry of Environment & Forests,
New Delhi and Ors.

.... Respondents

**REPORT FILED ON BEHALF OF SEVENTH RESPONDENT -
TAMIL NADU POLLUTION CONTROL BOARD**

I, R.Sarasavani, Daughter of Thiru. J. Raghavan, Hindu, aged about 59 years, having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am authorized to file this report on behalf of the 7th respondent and as such I am well acquainted with the facts of the case from the office records.
2. It is respectfully submitted that the applicant has filed an OA against UOI & Ors seeking a prayer to quash the Environment clearance certificate dated 15.6.2017 which is issued by the 3rd respondent to the project 4/6 laning of package KM43/000 to KM96/714 from Kerala / Tamil Nadu border of the bye pass road to Kanyakumari Section of NH – 47 and Nagercoil to Kavalkinaru Section of NH – 47 B.
3. It is respectfully submitted that on 14.2.2022, the Hon'ble NGT has disposed the OA with certain direction which is as follows:

“ 8. Thus, it is clear from the report of the Committee that all necessary steps have been taken for protection of the water bodies. While the highway project is of great importance for connectivity for

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**JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.**

the people, 17—having regard to the ecological significance of the water bodies, the project must be executed without damaging the water bodies as proposed by the EAC and by the joint Committee, constituted by this Tribunal. If any adverse impact on water body becomes inevitable, including division of the water body, area equal to double of the area affected by the water body must be alternatively provided, with the approval of the joint Committee of District Magistrate, Kanyakumari, SEIAA and State PCB to offset such adverse impact. State PCB will be the nodal agency in this regard. The Project Proponent - NHAI, the State of Tamil Nadu and the Executive Engineer, PWD, Tamil Nadu, may take further action as per the observations of the Committee.

9. A report of compliance status as on 30.06.2022 be filed by the NHAI with the Registrar of the Southern Bench, NGT on or before 30.06.2022. If any direction becomes necessary, the Registrar may place the matter before the Bench.

Subject to above, the appeals are disposed of”.

4. It is respectfully submitted that the District Environmental Engineer (DEE), TNPCB, Nagercoil, addressed a letter dated 28.11.2023 to the Project Director, NHAI, Nagercoil, requesting details regarding the compliance of the order passed by the Hon'ble NGT dated 14.2.2022. In response, the Project Director, NHAI, PIU, Nagercoil replied vide letter dated 03.01.2024 informed that the stretch from Nagercoil to Kavalkinaru section of NH-47B has been fully completed and opened for public traffic on 04.10.2022. The section from the Kerala/Tamil Nadu border – Villukuri – Kanyakumari is partially completed with various gaps. No water bodies have been affected due to construction of the 4- laning project and hence no area has been allotted for such concerns.
5. It is respectfully submitted that the Project Director, National Highways Authority of India, PIU, Nagercoil has filed its report before the Hon'ble NGT (SZ) by stating that the work has resumed

21/04/24
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
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on 03.08.2023 with various additional cross drainage structures and underpasses/ overpasses, which are expected to be completed by August 2025. The report also states that no water body has been affected due to the construction of the 4-laning project, as suitable mitigation measures such as major bridges, minor bridges, culverts were provided during construction and further reported that 40 more such major and minor bridges are yet to be provided.

6. It is respectfully submitted that the DEE, Nagercoil, TNPCB vide letter dated 27.05.2024 (enclosed as Annexure) requested the Project Director, NHAI, Nagercoil to furnish the following in compliance with the Hon'ble NGT order dated 10.01.2024.

- i. Stage of construction of various additional cross drainage structures and underpasses/overpasses.
- ii. The number of left over works including major bridges, minor bridges etc., and its present status.

7. It is respectfully submitted that the a reply dated 29.05.2024 was received from the Project Director, NHAI, PIU, Nagercoil (enclosed as Annexure stating that based on the assurance given by the Government of Tamil Nadu on allotment of borrow earth from Tirunelveli District for this project, the left over works has been commenced on 03.08.2023 with a target for completing the work by 02.08.2025. As of now, 11.5% of works have been completed and further informed that, the progress of project is slow due to various restrictions imposed by the District Administration on transportation of borrow earth / aggregates.

8. It is respectfully submitted that the Project Director, NHAI has informed to the DEE, Nagercoil, TNPCB, regarding the detailed status of construction as below:

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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

Sl No.	Description	Kerala / Tamil Nadu border to Villukuri section of NH-47 (Package-I)	Villukuri to Kanyakumari section of NH-47 & Nagercoil to Kavalkinaru section of NH-47B (Package - II)	Left-over works including Additional Structures in Kerala / Tamil Nadu Border of NH-47 (Package-III)			Total
		Completed	Completed	Completed	In-Progress	Yet to start	
1.	Major Bridge	1	5	0	17	8	31
2.	Minor Bridge	6	17	2	7	5	37
3.	Aqueduct	1	0	0	0	4	5
4.	Culverts	37	139	10	2	3	191
	Total	45	161	20	27	26	264

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

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04/9/24
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

VERIFICATION

I, R.Sarasavani, Daughter of Thiru. J. Raghavan, working as Joint Chief Environmental Engineer, having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby verify that the contents of above report are true to the best of my knowledge through records.

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04/9/24
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

RPAD



TAMILNADU POLLUTION CONTROL BOARD

From

Dr. K.S. Bharathi, M.E., Ph.D.,
District Environmental Engineer,
Tamilnadu Pollution Control Board,
318/46A, Water Tank Road,
Nagercoil – 629 001.

To

The Project Director,
National Highways Authority of India,
No. 314E, K.P. Road,
Near Ayyappan Kovil,
Nagercoil - 629003.

Letter No. TNPCB/NGL/APPEAL NO. 59 OF 2017/2024 dated 27/05/2024

Sir,

Sub : TNPC Board – O/o DEE, Nagercoil – Appeal No. 59 of 2017 filed before the Hon'ble National Green Tribunal (SZ), Chennai by Thiru. Sulif with reference to the Environmental Clearance issued to the project 4/6 laning of Kerala / Tamil Nadu border to Kanyakumari Section of NH – 47 and Nagercoil to Kavalkinaru Section of NH – 47 B - orders of the Hon'ble NGT (SZ), Chennai – compliance report – requested - Reg.

- Ref : 1. Orders of the Hon'ble NGT (SZ) in Appeal No. 59 / 2017 dated 14.02.2022
2. T.O. Letter No. TNPCB/NGL/APPEAL NO. 59 OF 2017/2024 dated 28/11/2023
3. Letter No. NHAI/PIU/NGL/NH-47/NGT/2024/27 dated 03.01.2024 of Project Director, NHAI, PIU, Nagercoil.
4. Orders of the Hon'ble NGT (SZ) in Appeal No. 59 / 2017 dated 10.01.2024

I invite your kind attention to the reference 1st cited above wherein Thiru. Sulif had filed an Appeal No. 59 of 2017 before the Hon'ble National Green Tribunal (SZ), Chennai with reference to the Environmental Clearance issued to the project 4/6 laning of Kerala / Tamil Nadu border to Kanyakumari Section of NH – 47 and Nagercoil to Kavalkinaru Section of NH – 47 B and the Hon'ble NGT (SZ), Chennai vide order dated 14.02.2022 has disposed the appeal as follows.

"8. Thus, it is clear from the report of the Committee that all necessary steps have been taken for protection of the water bodies. While the highway project is of great importance for connectivity for the people, having regard to the ecological significance of the water bodies, the project must be executed without damaging the water bodies as proposed by the EAC and by the joint Committee, constituted by this Tribunal. If any adverse impact on water body becomes inevitable, including division of the water body, area equal to double of the area affected by the water body must be alternatively provided, with the approval of the joint Committee of

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நாள்: 27/05/24

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District Magistrate, Kanyakumari, SEIAA and State PCB to offset such adverse impact. State PCB will be the nodal agency in this regard. The Project Proponent - NHAI, the State of Tamil Nadu and the Executive Engineer, PWD, Tamil Nadu, may take further action as per the observations of the Committee.

9. A report of compliance status as on 30.06.2022 be filed by the NHAI with the Registrar of the Southern Bench, NGT on or before 30.06.2022. If any direction becomes necessary, the Registrar may place the matter before the Bench.

Subject to above, the appeals are disposed of.

If any grievance survives, it will be open to the aggrieved party to take remedies in accordance with law."

Further, the Board Standing Counsel of TNPCB informed that the case was listed for filing of compliance report on 25.09.2023 and the Hon'ble Tribunal has directed the PCB to verify the present status of the project and to file report.

In this regard, letter dated 28.11.2023 was addressed to the Project Director, NHAI, Nagercoil to furnish the following in compliance with the Hon'ble NGT order dated 14.02.2022.

1. Status of the above said project along with its completion details.
2. Whether the project is being executed without damaging the water bodies as proposed by the EAC and the Joint Committee. If Yes, details to be furnished.
3. If water bodies were damaged including division of the water bodies, the details of the area allotted for the damage to be furnished in compliance to the Hon'ble NGT order.

The Project Director, NHAI, PIU, Nagercoil vide letter dated 03.01.2024 has informed the following among others:

1. The stretch of Nagercoil to Kavalkinaru section of NH-47B has been fully completed and opened for public traffic on 04.10.2022. The stretch of Kerala/Tamil Nadu border – Villukuri – Kanyakumari is partially completed with various gaps.
2. No water bodies have been affected due to construction of the subject 4-laning project and hence no area has been allotted.
3. The detailed compliance report to the Hon'ble NGT order dated 14.02.2022 has been made and will be filed before the Hon'ble NGT by 01.04.2024.

Further, it is informed that the National Highways Authority of India has furnished

the following before the Hon'ble NGT (SZ):

1. The work has resumed on 03.08.2023 with various additional cross drainage structures and underpasses/ overpasses, which are expected to be completed by August 2025.
2. The report also states that no water body has been affected due to the construction of the 4-laning project, as they have already considered during the construction and the suitable mitigation measures were provided viz., Major Bridges, Minor Bridges, Culverts, etc. The leftover work of these major bridges, minor bridges, etc. which were yet to start is reported to be 40 Nos.

In this regard, the Hon'ble NGT (SZ) vide order dated 10.01.2024 has directed the National Highways Authority of India ^{to inform} the following and post the matter on 05.04.2024

"4. So, whether they have already commenced the work for those 40 structures and when they could be completed may be reported in their next report."

In this regard, it is requested to furnish the action taken details on the following so as to submit report to the Hon'ble NGT.

1. Stage of construction of various additional cross drainage structures and underpasses/overpasses.
2. The number of left over works including major bridges, minor bridges etc., and its present status.

The above said details may be submitted to this office immediately so as to submit the report to the Hon'ble NGT as the case is posted for next hearing on 11.07.2024.

This may be treated as "MOST URGENT"

The receipt of the letter shall be acknowledged.

Karathi
27/5/2024
District Environmental Engineer,
Tamilnadu Pollution Control Board,
Nagercoil.

27/05/2024



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)
National Highways Authority of India
(Ministry of Road Transport & Highways, Government of India)

उप महाप्रबंधक (तकनीकी) सह परियोजना निदेशक के कार्यालय, परियोजना कार्यान्वयन इकाई
Office of the Deputy General Manager (Tech) cum Project Director, Project Implementation Unit
नंबर .395/3-1, M.S. सड़क, मजेस्टिक कॉलनी, अय्यप्पन मंदिर के पास, पारवतिपुरम, नागरकोविल - 629 003, तमिलनाडु
No.395/3-1, M.S. Road, Majestic Colony, Near Ayyappan Koil, Parvathipuram, Nagercoil - 629 003, Tamilnadu
दूरभाष / Tele: +91 4652 279155 वेब / Web: www.nhai.org ई.मेल / E-mail: kanya@nhai.org, nhainagercoil@gmail.com



Date: 29.05.2024

NHAI/PIU/NGL/NH-47/NGT/2024/1128

To
The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagercoil

Sir,

Sub: NHAI, PIU, Nagercoil - NHAI, PIU, Nagercoil - Four laning left over works including additional structures from Kerala/ Tamil Nadu border to Kanyakumari Section from km. 43.000 to km. 96.174 of NH-66 on EPC Mode - Appeal no. 59/2017 & 80/2017 before Hon'ble National Green Tribunal - Reg.

Ref: 1) District Environmental Engineer, TNPCB, Nagercoil letter no. TNPCB/NGL/APPEAL NO.59 OF 2017/2023 dt. 28.11.2023
2) This office letter no. NHAI/PIU/NGL/NH-47/NGT/2024/27 dt. 03.01.2024
3) District Environmental Engineer, TNPCB, Nagercoil letter no. TNPCB/NGL/APPEAL NO.59 OF 2017/2024 dt. 27.05.2024

*** **

Please refer your office letter above cited, wherein the present status of the subject project has been sought in compliance to the Hon'ble Nation Green Tribunal (NGT) dated 14.02.2022.

2. In this regard, it is informed the following for kind perusal:

- Based on the assurance given by the Government of Tamil Nadu on allotment of borrow earth from Tirunelveli District for this project, the left over works has been commenced on 03.08.2023 with target for completion of the project as 02.08.2025.
- At present, 11.5% of work was completed. The progress of project is slow due to various restrictions imposed by the District Administration on transportation of borrow earth / aggregates.
- The detailed status of the structure construction is furnished below:

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Sl. No.	Description	Kerala / Tamil Nadu border to Villukuri section of NH-47 (Package-I)	Villukuri to Kanyakumari section of NH-47 & Nagercoil to Kavalkinaru section of NH-47B (Package-II)	Left-over works including Additional Structures in Kerala/ Tamil Nadu Border of NH-47 (Package-III)			Total
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3	Aqueduct	1	0	0	0	4	5
4	Culverts	37	139	10	2	3	191
	Total	45	161	20	27	26	264

3. It is also informed that the detailed status report is under preparation by this office and the same will be filed before the Hon'ble NGT at the earliest.

This is for kind information please.

Thanking you



Yours faithfully,

T. Velraj
29/5/24

(T. Velraj BRES)
Project Director
NHA, PIU, Nagercoil

Copy to:

Adv. Su. Srinivasan, NHA Counsel, Chennai for information and necessary action.

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

Appeal No.59 of 2017 (SZ)

IN THE MATTER OF:

D.Sulir

...Appellant

Versus

The Government of India,
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REPORT FILED ON BEHALF OF
THE SEVENTH RESPONDENT –
TAMIL NADU POLLUTION
CONTROL BOARD.

Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.

Date:05.09.2024

Date of hearing on:25.10.2024

