

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

**APPEAL NO. 14 OF 2025**

**The Chennai Petroleum Corporation Limited (CPCL),**  
Rep. by its Managing Director,  
New No. 536, Anna Salai,  
Teynampet, Chennai 600018.  
Tel: 044-24349833

...Applicants

**Vs**

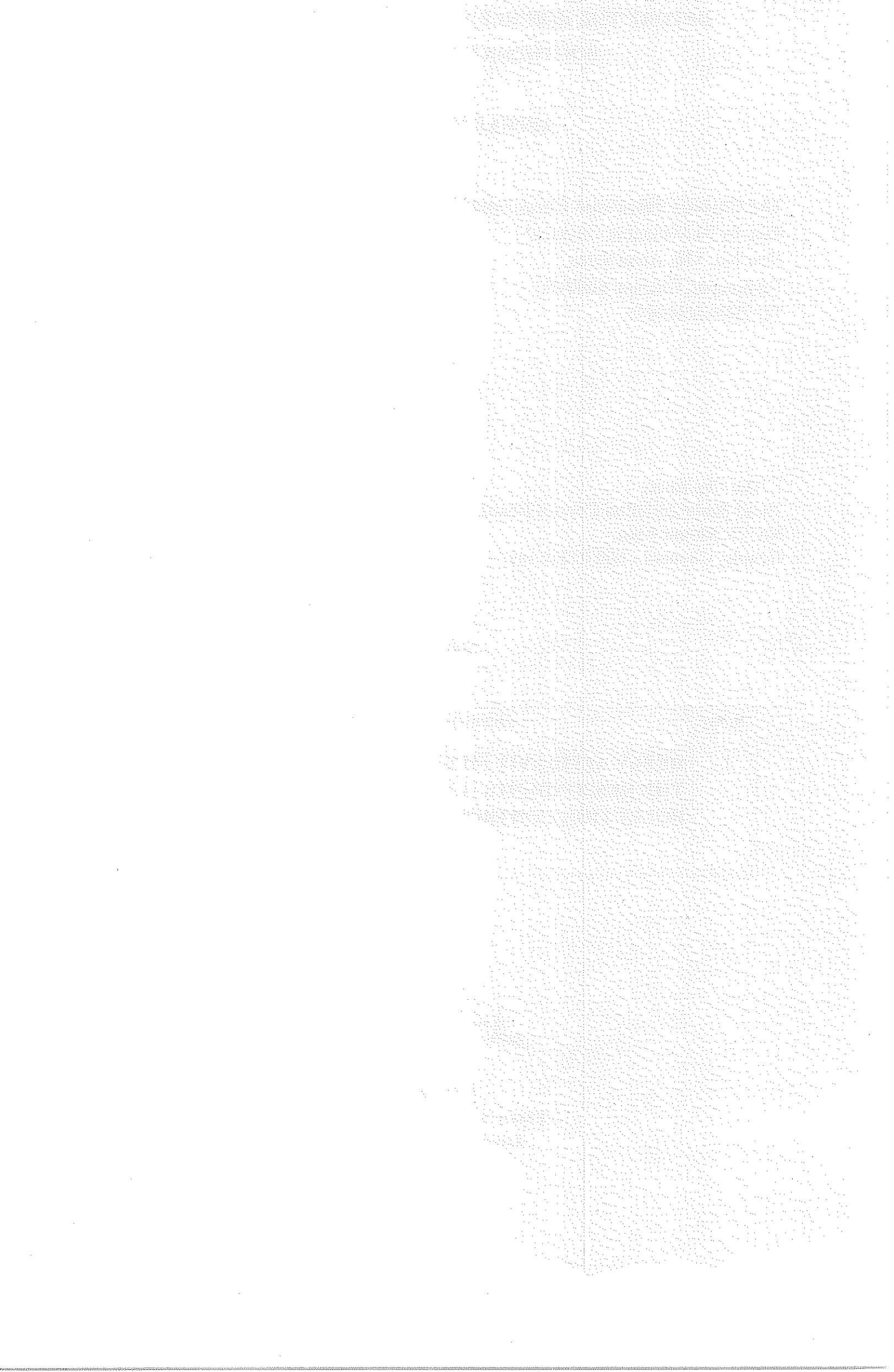
1. The Chairman,  
Tamil Nadu Pollution Control Board,  
No. 75, Mount Salai,  
Guindy, Chennai - 600 032 & ors.

...Respondents

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**Filed by  
Thiru.S. Sai Sathya Jith,  
Advocate, Chennai.**



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

**APPEAL NO. 14 OF 2025**

The Chennai Petroleum Corporation Limited (CPCL),  
Rep. by its Managing Director,  
New No. 536, Anna Salai,  
Teynampet, Chennai 600018.  
Tel: 044-24349833  
Email ID: [vsriram@cpel.co.in](mailto:vsriram@cpel.co.in)

**...Appellant**

-Vs-

1. Tamil Nadu Pollution Control Board,  
Rep. by its Chairperson,  
No. 76, Mount Salai, Guindy, Chennai - 600 032.  
Tel: 044-26880219 & Email ID [tnpcbmn@gmail.com](mailto:tnpcbmn@gmail.com)
2. The Joint Chief Environmental Engineer (M),  
Tamil Nadu Pollution Control Board,  
2nd Floor, 77-A, South Avenue Road,  
Ambattur Industrial Estate,  
Ambattur Taluk, Chennai - 600 058.  
Tel: 044-26880219 & Email ID [tnpcbmn@gmail.com](mailto:tnpcbmn@gmail.com)
3. District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
1st Floor, 6/1, Sri Jothi Complex,  
Murugesan Street, Balavinayagar Nagar,  
Arumbakkam, Chennai - 600 106.  
Phone 044 23632603  
Email ID: [tnpcbchennai@yahoo.in](mailto:tnpcbchennai@yahoo.in)

**...Respondents**

**REPLY AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS -  
TAMIL NADU POLLUTION CONTROL BOARD**

I, S.Indiragandhi, D/o. Soundararajan, aged about 58 years, having my office at No. 76, Mount Salai, Guindy, Chennai – 600 032, do hereby solemnly affirm and sincerely state as follows:-

*Shuliy - 3/9/25*  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
MOUNT SALAI, CHENNAI

2. I submit that I am working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai - 600 032 and I am authorized to file this reply affidavit on behalf of the respondents, TNPCB and as such I am well acquainted with the facts of the case from the records available in our office.

3. It is respectfully submitted that the Appeal has been filed by the before the Hon'ble Tribunal with the following prayer-

"A. Stay the operation of the Impugned Order in Proc no. TNPCB/T6/F.12753/MNL/RL/2024 dated 20.02.2025, issued by the 1st Respondent herein under Section 5 of the Environment (Protection) Act, 1986 which is impugned in the present appeal and

B. Call for the entire records pertaining to the impugned order in Proc no. TNPCB/T6/ F.12753/ MNL/RL/2024 dated 20.02.2025, issued by the 1st Respondent herein under Section 5 of the Environment (Protection) Act, 1986 which is impugned in the present appeal and set aside the same".

4. It is respectfully submitted that the Hon'ble NGT on 19.03.2025 has made an order as follows:

*"8. However, considering the case of the appellant and also the other matters pending before this Tribunal, there will be an order of interim stay of the impugned order dated 20.02.2025 on condition that the appellant herein shall deposit 50% of the environmental damage cost [i.e. Rs.38,24,29,198/- as levied by the TNPCB] in favour of the Tamil Nadu State Pollution Control Board within a period of 04 (Four) weeks, failing which, the interim stay granted will be automatically vacated without further reference to this Tribunal."*

5. It is respectfully submitted that the appellant has complied with the above interim order by depositing 50% of the environmental damage cost levied on them pertaining to the interim orders in Appeal No.14 of 2025, (SZ) for the total sum of Rs.19,12,14,599/- (Rupees Nineteen Crores Twelve Lakhs Fourteen Thousand Five Hundred and Ninety Nine Only) on 15.04.2025 to the Tamil Nadu Pollution Control Board by way of Bank Guarantee.

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JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
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6. It is respectfully submitted that the Appellant Company, M/s. Chennai Petroleum Corporation Limited, (CPCL) is a Public Sector Undertaking and one of the group company of M/s. Indian Oil Corporation Limited (IOCL), having manufacturing facilities at Manali and Sathangadu Villages (Collectively called as Manali Area) of Thiruvottiyur Taluk, Chennai District, as well as in Panagudi, Nagapatinam District. The manufacturing facilities at Manali Area, Chennai District is having the following Facilities viz. (i) Refinery I (ii) Refinery II (iii) Refinery III (iv) Captive Power Plant (v) Resid Upgradation Plant (vi) Propylene, Butylene and Lube Expansion Plant (vii) Diesel Hydro De-Sulphurization (DHDS) Plant, (viii) Hexane Plant and (ix) GTG Power Plant. For the above facilities, CPCL has obtained consent orders from Tamil Nadu Pollution Control Board. Among the above nine plants the details of consent issued to the units of M/s. CPCL- Refinery I, II, III are submitted as below.

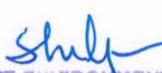
7. It is respectfully submitted that M/s. CPCL- Refinery I, II & CPP unit is located at S.F.No 265,274, 275,276,277,278, 289 and 296 of Sathangadu Village, Thiruvottiyur Taluk, Chennai District. Latest Renewal of Consent under Water (P&CP) Act, Air (P&CP) Act, 1974 were issued to the unit for manufacturing of following products, to discharge sewage/trade effluent as mentioned below vide Board's Proceedings No:T6/TNPCB/F.0206AMB/RL/AMB/W&A/2025 dated 02.01.2025 which is valid upto 31.03.2026.

**Products Manufactured**

Sl. No	Product Description	Quantity	Unit
1	Liquefied Petroleum Gas	115.4	TMT/Month
2	Petrofeedstock	24.9	TMT/Month
3	Light Aromatic Naptha	394.5	TMT/Month
4	Heavy Aromatic Naptha	226.4	TMT/Month
5	Motor Spirit	350	TMT/Month
6	Aviation Turbine Fuel	200	TMT/Month
7	Superior Kerosene	866.7	TMT/Month
8	Linear Alkyl Benzene Feedstock	60	TMT/Month
9	High Speed Diesel	1835	TMT/Month
10	Light Diesel Oil	60	TMT/Month
11	Lube Oil Base Stock	150	TMT/Month
12	Fuel Oil	1303.9	TMT/Month
13	Low Sulphur Heavy Stock	130.3	TMT/Month
14	Bitumen	200	TMT/Month
15	Sulphur	3.1	TMT/Month
16	Carbon Black Feedstock	50	TMT/Month
17	Wax	14	TMT/Month
18	Power	60	MWH

**Discharge of sewage/trade effluent.**

Outlet No.	Description of Outlet	Max. daily discharge in KLD	Point of disposal
<b>Effluent Type: Sewage</b>			
1.	Treated Sewage	261.0	To cooling Tower makeup
2.	Treated Sewage (RO Permeate)	589.0	To Boiler Feedwater
3.	Treated Sewage (RO Reject)	49.0	To ETP-2 Guard Pond for utilization in Firewater Network, gardening, hot work, Firewater flushing, floor washing & Cooling Tower Makeup
<b>Effluent Type: Trade Effluent</b>			
1.	Treated Trade Effluent-1 (RO Permeate)	3300.0	To DM Plant for utilisation in Boiler Feedwater
2.	Treated Trade Effluent-2 (Slop Oil)	820.0	Reused in process
3.	Treated Trade Effluent-3 (Sludge)	58.0	Used as Raw Material in Resid Upgradation Plant
4.	Treated Trade Effluent-4 (DM RO Reject)	327.0	Recycling in ETP
5.	Treated Trade Effluent-5 (RO Reject)	82.0	Sprinkling on coke
6.	Treated Trade Effluent-6 (RO Reject)	98.0	To ETP-2 Guard Pond and for utilisation in Fire Water Makeup
7.	Treated Trade Effluent-7 (RO Reject)	36.0	To ETP-2 Guard Pond and for on land Gardening (1.03 Hectare)
8.	Treated Trade Effluent-8 (RO Reject)	66.0	To ETP-2 Guard Pond and for utilisation in Hot Work
9.	Treated Trade Effluent-9 (RO Reject)	57.0	To ETP-2 Guard Pond and for Firewater flushing
10.	Treated Trade Effluent-10 (RO Reject)	57.0	To ETP-2 Guard Pond and for Floor Washing

  
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11.	Treated Trade Effluent-11 (RO Reject)	233.0	ToETP-2GuardPondandforCooling Towermakeup
12.	Treated TradeEffluent-12	471.0	ToETP-2GuardPondandforutilisationinFireWater Makeup
13.	Treated TradeEffluent-13	170.0	ToETP-2GuardPondand for on landGardening(4.86Hectare)
14.	Treated TradeEffluent-14	314.0	ToETP-2GuardPondandforutilisationinHotWork
15.	Treated TradeEffluent-15	274.0	ToETP-2GuardPondandforFirewaterflushing
16.	Treated TradeEffluent-16	274.0	ToETP-2GuardPond and for FloorWashing
17.	Treated TradeEffluent-17	1113.0	ToETP-2GuardPondandforCooling Towermakeup

8. It is respectfully submitted that **M/s. Chennai Petroleum Corporation Limited – Refinery - III** is located at S.F.No. 44, 265,269,272,Manalivillage,ThiruvottiyurTalukandChennaiDistrict. Renewal of Consent under Water and Air Acts were issued to the unit for manufacturing of following products, to discharge sewage/trade effluent as mentioned below vide Board's proceedings No: T6 / TNPCB / F.0224/ AMB / RL / AMB / W & A / 2025 dated 02.01.2025 which is valid up to 31.03.2026.

**ProductsManufactured**

Sl.No	Description	Quantity	Unit
<b>ProductDetails</b>			
1.	LiquifiedPetroleumgas	114333	T/Annum
2.	KeroseneAviationTurbinefuel	1217129	T/Annum
3.	Vistar–Powerplantfuel	1172114	T/Annum
4.	Reformate(Captiveuse)	303000	T/Annum
5.	Naptha(NHT)(Captiveuse)	200000	T/Annum
6.	Naptha(ISOM)(Captiveuse)	140000	T/Annum
7.	Hydrogen(Captiveuse)	21000	T/Annum
8.	Motorspirit	350736	T/Annum
9.	Diesel	1524682	T/Annum
10.	FCCGasolinefromFCCU(Captive use)	600000	T/Annum
11.	RawDiesel(Captiveuse)	2400000	T/Annum

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JOINT CHIEF ENVIRONMENTAL ENGINEER  
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12.	Naptha	171036	T/Annum
13.	Utilities1X20MWGTG	20	MWH
14.	sulphur	119000	T/Annum
15.	Sulphur(CaptiveUse)asH2S	135169	T/Annum

**Discharge of sewage/trade effluent.**

Outlet No.	Description of Outlet	Maximum daily discharge in KLD	Point of disposal
<b>Effluent Type: Sewage</b>			
1.	Treated sewage	50.0	To Cooling Tower makeup
2.	Treated Sewage (RO Permeate)	114.0	To Boiler Feedwater
3.	Treated Sewage (RO Reject)	9.0	To ETP-2 Guard Pond for utilisation in Fire Water Network, gardening, hot work, Fire water flushing, floor washing & Cooling Tower Makeup
<b>Effluent Type: Trade Effluent</b>			
1.	Treated Trade Effluent -1 (Slop Oil)	1107.0	Reused in process
2.	Treated Trade Effluent -2 (Sludge)	78.0	Used as Raw Material in Resid Upgradation Plant
3.	Treated Trade Effluent -3	1670.0	To ETP-2 Guard Pond and for utilisation in Fire Water Makeup
4.	Treated Trade Effluent -4	603.0	To ETP-2 Guard Pond and for on land Gardening (17.2 Hectare)
5.	Treated Trade Effluent -5	1112.0	To ETP-2 Guard Pond and for utilisation in Hot Work
6.	Treated Trade Effluent -6	973.0	To ETP-2 Guard Pond and for Fire water flushing
7.	Treated Trade Effluent -7	973.0	To ETP-2 Guard Pond and for Floor Washing
8.	Treated Trade Effluent -8	3946.0	To ETP-2 Guard Pond And for Cooling Tower makeup

*Shulfa* 3/9/25  
 JOINT CHIEF ENVIRONMENTAL ENGINEER  
 TAMIL NADU POLLUTION CONTROL BOARD  
 76, MOUNT SALAI, GUINDY,  
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9. It is respectfully submitted that, in December 2023, Michaung Cyclone resulted in heavy floods in Manali Industrial area including Chennai Petroleum Corporation Limited (CPCL) and caused ingress of oil from CPCL that found its way to Buckingham Canal and Kosasthalaiyar River finally reaching the Ennore Creek Area. The spilled oil affected the nearby areas causing major concern to livelihood and environment. Whereas, a technical team was formed by the Government vide GO(Ms).No 178 dated 10.12.2023 by Environment, Climate Change & Forests department, Government of Tamil Nadu to ascertain the cause of the leak with expert members and based on the team's preliminary report, directions were issued by the TNPC Board to M/s. Chennai Petroleum Corporation Limited, Refinery I, II & III, Manali Village, Thiruvottiyur Taluk, Chennai District vide Board Proceedings dated 11.12.2023 under Section 33A of the Water (Prevention & Control of Pollution) Act 1974 to comply with the conditions stated therein including the following:

- a. *M/s. CPCL shall also be liable to pay environmental compensation for any damaged caused in contravention of the extant provisions under the Water (Prevention & Control of Pollution) Act 1974*
- b. *M/s. CPCL shall also be liable to pay compensation to the families adversely impacted due to the oil spillage including the loss of livelihood*

10. It is respectfully submitted that, subsequently, directions were again issued by the TNPC Board to M/s. Chennai Petroleum Corporation Limited, Refinery I, II & III, Manali Village, Thiruvottiyur Taluk, Chennai District vide Board's Proceeding's dated 11.01.2024 under Section 33A of the Water (Prevention & Control of Pollution) Act 1974 to comply with the conditions stated therein including the following:

*The unit shall abide by the action to be taken under the provisions of Water (P&CP) Act, Air (P&CP) Act and E(P) Act including levy of Environmental Compensation for the non-compliance of conditions.*

11. It is respectfully submitted that, the Government had engaged Indian Institute of Technology, Madras to carry out the quantification of oil spill and environmental impact assessment due to the oil spillage in Ennore Creek and IIT Madras had submitted their final report on 01.07.2024. The technical team

previously formed by the Government assessed the report on 03.09.2024 and concluded the following among others:

*"Therefore, the total spilled oil may be considered as 647 cu.m or 517 tonnes for "computation of damages caused. Assessment of the environmental damage caused by the oil spillage and the cost of restitution of environment will be calculated by the methodology adopted in the research publication "Oil spill & cleanup costs by Cao Thi Thu Trang, Institute of Marine environment & Resource, Vietnam". This methodology of cost calculation was used in similar NGT matter in OA No. 18 of 2020/EZ (Praveen Kumar Singh Vs Damodar Valley corporation & Ors.)."*

12. It is respectfully submitted that, the technical team met on 14.10.2024 and computed the total damages caused using the methodology by Cao Thi Thu Trang, Institute of Marine environment & Resource, Vietnam and furnished a detailed report during December 2023. In this regard, the team recommended to recover a sum of ₹73,68,00,906/- (Rupees Seventy Three Crores Sixty Eight Lakhs Nine Hundred and Six only) as Socio Economic Damage Cost (₹35,43,71,708/-) and Environmental Damage Cost (₹38,24,29,198/-) due to the oil spill occurred during December 2023.

13. It is respectfully submitted that, the team's report was submitted to the Hon'ble NGT on 24.10.2024 and the tribunal in its order dated 24.10.2024 directed that the TNPCB is free to take further action in this regard. In view of the same, Board vide Proceeding's dated 21.11.2024 issued a show cause notice to M/s. Chennai Petroleum Corporation Limited to show cause within 15 days as to why environmental compensation of ₹73,68,00,906/- (Rupees Seventy Three Crores Sixty Eight Lakhs Nine Hundred and Six only) computed as above shall not be levied against their unit under Section 5 of the Environmental Protection Act, 1986 for the environmental damages and the socio-economic damages caused due to oil spill occurred during December 2023.

14. It is respectfully submitted that, in response to the same, the unit had submitted a reply dated 05.12.2024 stating that the CPCL is in the process of filing objections to the IIT report before Hon'ble NGT since the quantity arrived by the IITM report is abnormally high and hence it is not acceptable.

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JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
76, MOUNT SALAI, GUINBY,  
CHENNAI - 600 032.

15. It is respectfully submitted that, the Hon'ble NGT vide its order dated 24.01.2025 has directed TNPCB to file a report on the action taken against the Oil Company and whether the environmental compensation is quantified and to file an action plan for the remediation and the status as on date. Since, CPCL had not submitted their detailed report on oil quantity estimation and assessment done through experts in oceanography and as per the Hon'ble NGT order dated 24.01.2025, the Board has—decided to consider the Technical Team's recommendation and decided to recover a sum of ₹73,68,00,906/- (Rupees Seventy Three Crores Sixty Eight Lakhs Nine Hundred and Six only) as Socio Economic Damage Cost and Environmental Damage Cost due to the oil spill occurred during December 2023 to carry out the remediation measures to be implemented in the oil-affected areas. Therefore, in view of the above, the unit of M/s. Chennai Petroleum Corporation Limited, Refinery I, II & III, Manali Village, Thiruvottiyur Taluk, Chennai District was directed to remit an environmental compensation of ₹73,68,00,906/- (Rupees Seventy Three Crores Sixty Eight Lakhs Nine Hundred and Six only) under Section 5 of the Environmental Protection Act, 1986 for the environmental damages and the socio-economic damages caused due to oil spill occurred during December 2023 within 15 days from the date of receipt of the Board's proceedings dated 20.02.2025.

16. It is respectfully submitted that, instead of remitting the Environmental Compensation the unit of M/s Chennai Petroleum Corporation Limited, Refinery I, II, III Manali village, Thiruvottiyur taluk, Chennai district preferred the present appeal before the Hon'ble National Green Tribunal (SZ).

17. It is respectfully submitted that, before refuting the averments made by the Appellant in the Affidavit, this Respondent submits that the "Precautionary Principle", "Polluter Pays Principle", etc., are the two key concepts in environmental jurisprudence of the Country that aim to protect the environment and human health, which this Respondent considers, while passing the impugned Environmental Compensation of Rs.73,68,00,906.00/- (Rupees Seventy three crores, sixty eighty Lakhs and Nine Hundred and Six only), against the Appellant.

18. It is respectfully submitted that, as regards the averments made in paras 1 to 19, 21, 22, 26 and 33 to the affidavit, this Respondent is not offering any remarks, in as much as they are the facts of the Case, briefed by the Appellant. In the case of the averment made in para 20 of the affidavit that CPCL Refinery is not the only unit that handles oil and there are other industries in the Manali Industrial Area, and hence it cannot be concluded that the Appellant alone was to be held accountable for the oil spill and respectfully submit that the Appellant is the sole Industrial unit using Petroleum as the feed stock and producing various petroleum products, and in the case of the many other industries located in Manali Industrial Area, they are getting few of the petroleum product(s), manufactured mainly by the Appellant, and in many cases through pipelines, producing various Petrochemicals. The appearance of the Oil slick that occurred during December 2023 and presence of Petroleum Hydrocarbon in the samples of water/ sediments collected would fairly demonstrate that the same could only due to and industry that was handling the Petroleum and its various fractions, which are being manufactured only by the Appellant Industry.

19. It is respectfully submitted that, in the case of the averments raised in para 23 of the affidavit that the Appellant found major discrepancies in the Report submitted by IIT(M), engaged by TNPCB, with the other reports filed by other agencies, and that the report of IIT(M), is based on the general perception, and based on Google Maps, and respectfully submit that in cases, where any conclusive evidence could be drawn, public/general perception could also act as a criterion/parameter in arriving at a decision. It cannot be claimed that the evidences/ data collected through Google Maps could not be held as unacceptable, as long as such evidences are proved to be wrong. Therefore, the averment raised by the Appellant in this regard is not at all acceptable.

20. It is respectfully submitted that, as claimed by the Appellant in paras 24 and 25, this Respondent issued Show cause Notice vide proceedings dated 21.11.2024, deliberating the reasons for the proposal of levying Environmental Compensation, the basis on which the Environmental Compensation was intended to be levied on the Appellant, for which the Appellant furnished reply vide letter dated 05.12.2024, wherein it was stated that the Appellant is not in agreement with the findings of IIT(M), the assessment of the quantity of oil spill is hugely varies with other reports, assessment made was not scientific., and so on; but, not brought in

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any data to support their claim. Instead, the Appellant stated that they would prefer objections to the IIT(M) Report before the Hon'ble National Green Tribunal (SZ). In as much as no reasonable reply was furnished by the Appellant for the show cause notice, this Respondent preferred to proceed with the levying of Environmental Compensation against the Appellant, as proposed in the show cause notice and passed the impugned order dated 20.02.2025.

21. It is respectfully submitted that, in para 27, it is submitted that the Appellant raised two contradictions on the findings of the report of IIT(M); one on the values of THC noticed in the report vis-à-vis the report from other agencies, and the presence of oil/THC in the sediments, which was purportedly not possible, as claimed by the Appellant, and the second one is on the assessment of oil in open tanks. In this connection, this Respondent preferred to accept the findings of IIT(M), even though the same varies substantially from the other reports, for the reason that the Respondent is duty bound to take a liberal approach in the matters related environment and its protection (Liberal Approach refers to interpreting the manner in which beneficial to the subject matter- in this case the environment), and duly followed. Furthermore, considering the tenets of Precautionary Principles, in the instant case in hand, it is for the Appellant to establish that the Report of IIT(M), based on which the impugned Environmental Compensation was levied, is erroneous, and hence relied upon. Till such time, this Respondent is of the firm belief, that the contents of the report of IIT(M) are relied upon, and hence the order of levying of environmental compensation is sustainable and there is no infirmity in that order.

22. It is respectfully submitted that, this Respondent, brings to the kind consideration of this Hon'ble Tribunal that in the event that the values that were recorded in other reports are considered to be correct, the quantity of spill during that incident is worked out to be the order of only around 4 to 5 T, whereas as per the report of the Technical Team Report on Computation of Environmental Compensation of the remediation/ reclamation activity carried out in the Ennore Creek itself resulted in the collection of oil to the tune of 220040 litres of oil water mixture and 663.5 Tonnes of oil laden soil & debris, which is much higher than the value assessed based on the Reports of the other agencies, which is factually not correct, and therefore could not be accepted.

23. It is respectfully submitted that, as regard the averment that the oil could not settle in sediments in such a shorter period, though appears to be logical, there were lot of phenomena through which the spilled oil migrated, and any oil that deposited over small pebbles found the sides of the waterway could move to the bottom, could be one pathway, through which the oily matter reached the sediments. In the case of the discrepancies in the tanks owned by the Appellant company, it is submitted that, these arguments were not raised in the reply to the show-cause notice; but, the Appellant preferred to raise before the Hon'ble National Green Tribunal, (SZ) in the Appeal.

24. It is respectfully submitted that, in the case of averment made in para 28 that independent experts have been engaged to study and point out the discrepancies, this Respondent submits that unlike the other branches of science, environment is not strictly fall in the 'cause-effect' relationship, in view of the complex nature of the environment, various uncertainties, and multiple parameters governing the effect, etc., and as such could not be claimed as any particular study or argument is correct.

25. It is respectfully submitted that, in the case of the averments made in paras 29, 30, 31 and 32 of the paras of the affidavit that the orders are passed in a haste manner, without following the principles of Natural Justice, without considering the reply for the show cause notice, and that without waiting for the expert opinion on the Report of IIT(M), are baseless, false and without any material evidence for the same and hence denied. The fact being, that the show cause notice, declaring the intention of levying environmental compensation was issued on 21.11.2024, giving 15 days' time to respond. The Appellant furnished reply for the show cause notice vide letter dated 05.12.2024, wherein it was stated that the report of IIT(M) is erroneous; but no reasoning was attributed for such reasoning, and the Appellant stated that the remarks/ objections on the IIT(M) Report would be filed before the Hon'ble National Green Tribunal (SZ). In the opinion of this respondent, 15 days are adequate to consider the report of IIT(M) and to offer remarks, if any, which the Appellant has not preferred. To make any remarks. Under such circumstance, the allegation made by the Appellant against the respondent are not sustainable.

26. It is respectfully submitted that, this respondent submits that the cause for the levy of environmental compensation, is in the infirmity on the part of Appellant, which has resulted in the spillage of oil in to water bodies, reaching in

to Ennore creek and the marine ecosystem, resulted in damage to ecosystem, substantial economical losses, public protests, social damage etc., and that itself resulted in the damage in the image of the Appellant; not the levying of environmental compensation, end up in such a damage to the image. In fact, the various remediation measures that were undertaken by the Appellant, at the guidance of the Government of Tamil Nadu, instilled the confidence, in the minds of the people, on the commitment of Appellant, in restoring Public Trust. Furthermore, this Respondent is of the firm belief, taking the responsibility, for any mishap occurred, would result in public confidence, thereby only improve the image of the organization.

27. It is respectfully submitted that, in the case of the allegations levelled in Grounds "a" to "i" of the affidavit, the issues are adequately addressed in the earlier paras. As regards the averment made in ground "j", that the Respondents failed to understand that violation of environmental law and damage caused to the environment are two different issues and that there are separate penal provisions for both the issues and hence the Impugned Order is liable to be set aside, In the considered view of this Respondent violation of environmental law is a matter to be dealt with 'strict proof', whereas Environmental Compensation is to be dealt even with the 'Preponderance of Probability'. EC being a proactive tool in environmental protection, which is clearly indicated in the document of CPCB on the methodology of assessing the Environmental Compensation, which states that Environmental Compensation is a Policy Instrument for the protection of the environment which works on the Polluter Pay Principle, wherein 'strict proof' is not at all warranted, in exercising this tool.

28. It is respectfully submitted that, as regards the allegation made in Ground "k" that the amount of environmental compensation claimed is arbitrary, disproportional and in negation to various directions issued by the Hon'ble Tribunal in this regard is factually incorrect, distorting the facts and hence denied. The fact being that the methodology for calculating the environmental compensation was prescribed by the Technical Team constituted by the Government of Tamil Nadu, in G.O. (Ms.) No.: 178 dated: 10.12.2023, which recommended that the assessment of environmental damage caused by the oil spillage and the cost of restitution of environment will be calculated by the methodology adopted in the research publication "Oil Spill & Clean-up Costs" by 'Cao Thi Thu Trang', Institute of Marine Environment and Resource, Vietnam, which was adopted in similar matter in O.A. No.: 18 of 2020 (EZ), titled "Praveen Kumar Singh vs Damodar Valley Corporation &Ors".The same was clearly

indicated in the show cause notice. That being the case, the allegation that the amount of environmental compensation claimed is arbitrary, disproportional and in negation to various directions issued by the Hon'ble Tribunal in this regard is not true, and hence not accepted.

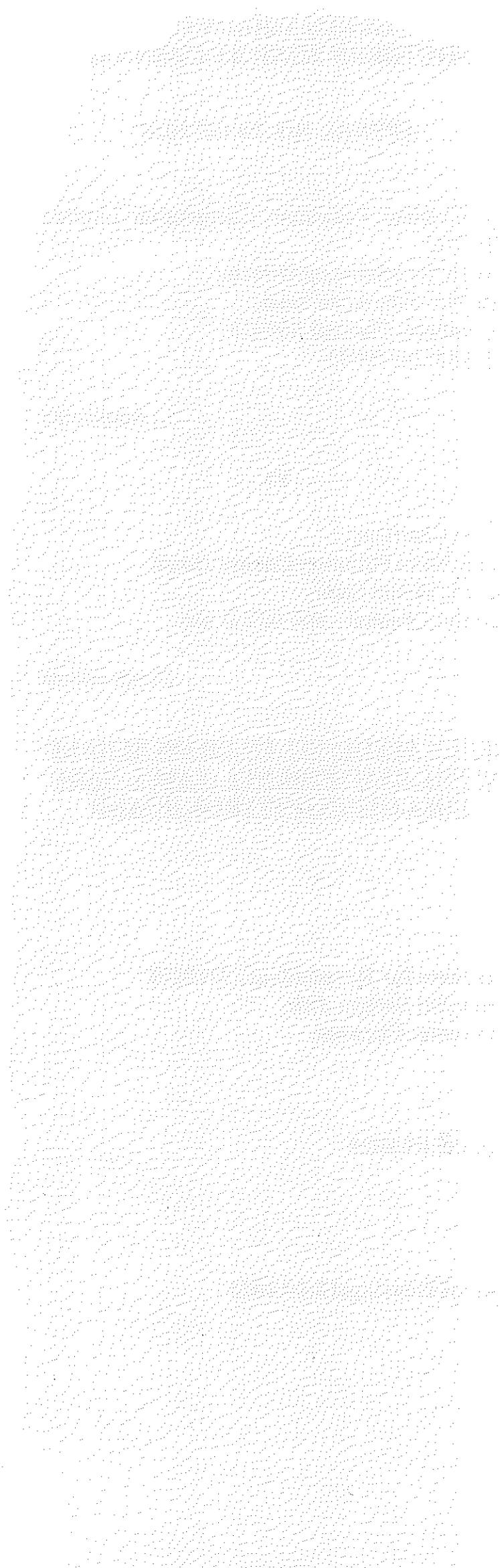
Therefore, most humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the Appeal preferred as devoid of merits and material to interfere with the impugned order of levying of Environmental Compensation to the Appellant, or further other orders as it may deem fit and proper in the circumstances of the case and thus render justice.

*shulj-3/9/25*  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
76, MOUNT SALAI, GUINDY,  
CHENNAI - 600 032.

### VERIFICATION

I, S.Indiragandhi, D/o. Soundararajan, working as the Joint Chief Environmental Engineer, TNPCB having office at No. 76, Mount Salai, Guindy, Chennai - 600 032, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

*shulj-3/9/25*  
JOINT CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
76, MOUNT SALAI, GUINDY,  
CHENNAI - 600 032.



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

**APPEAL NO. 14 OF 2025**

The Chennai Petroleum Corporation Limited  
(CPCL),  
Rep. by its Managing Director,  
New No. 536, Anna Salai,  
Teynampet, Chennai 600018.  
Tel: 044-24349833

...Applicants

**Vs**

1. The Chairman,  
Tamil Nadu Pollution Control Board,  
No. 75, Mount Salai,  
Guindy, Chennai - 600 032 & ors.

....Respondents

**REPLY AFFIDAVIT FILED ON BEHALF  
OF THE RESPONDENTS -TAMIL NADU  
POLLUTION CONTROL BOARD**

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

**Date:01.09.2025**

**Date of Hearing:13.10.2025**