

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), CHENNAI

Appeal No. 20 of 2025

Praveena and Ors.

...Appellants

Vs.

MOEF&CC and Anr.

...Respondents

INDEX

S.no	Description	Pages
1.	Rejoinder filed by the Appellants	1-10

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Dated this the 6th day of January, 2026



Through
A.Yogeshwaran
Counsel for the Appellant

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REJOINDER FILED ON BEHALF OF THE APPELLANTS

The Appellants respectfully submits as follows:

1. It is submitted that the contents of the counter affidavits filed by the 1st and 2nd Respondent are false except to the extent expressly admitted hereunder. Without prejudice to the generality of the above denial, the following reply is tendered.
2. In Appeal 46 of 2024 before this Hon'ble Tribunal, the EC dated 22.04.2024 obtained by the 2nd Respondent for an extent of 215.834 Ha out of the overall 1751.67.30 or more hectares that was being acquired in the very same area for the establishment of industrial estate was challenged. The Hon'ble Tribunal vide its judgement dated 28.01.2025, found that the 2nd Respondent was guilty of segmentation to evade proper scrutiny and assessment of environmental impacts. The Hon'ble Tribunal took judicial notice of the fact that the subject proposal was pending before the MoEF&CC and directed that SIPCOT may approach the MoEF&CC and obtain clearance for the entire extent.

Reply to 1st Respondent MOEF&CC's Counter

3. The statements made by the 1st Respondent in their counter affidavit from Para 2 to 23 is nothing but the description of events that has led to the issuance of the impugned clearance. The counter affidavit does not address the grounds of the present appeal but merely lists various events that allegedly transpired. The 1st Respondent has not denied the contentions raised in the present Appeal.
4. The contents of Para 1-23 of the Affidavit under reply are denied as false and it is submitted that the 1st Respondent has provided lip service to the judgement of the Hon'ble Tribunal without ensuring substantive compliance.
5. A mere reading of the impugned clearance dated 17.03.2025 shows that nowhere has the findings of this Hon'ble Tribunal in Appeal 46 of 2024 is discussed. It does not even have a place in the minutes of the 389th EAC meeting, where this proposal was appraised and recommended for clearance. The 1st Respondent has not even identified that the 2nd Respondent has illegally attempted to segment the project to obtain the impugned clearance.
6. The 1st Respondent has disregarded the representation dated 01.02.2025 sent by the Appellant bringing to their notice the judgement dated 28.01.2025 in Appeal 46 of 2024 and, requesting them not grant clearance for the proposal to amend the EC dated 10.11.2020, which was pending consideration before the 1st Respondent.
7. The judgement dated 28.01.2025 in Appeal 46 of 2024 states "...The pendency of reconsideration by the MoEF&CC necessitates a cautious and integrated approach to environmental assessments." However, the 1st Respondent has without application of mind and proper appraisal has issued the impugned clearance. The 1st Respondent has failed to see that

the 2nd Respondent has illegally segmented the project and avoided assessment of impact of the entire project as a whole. The 1st Respondent has also failed to notice that the 2nd Respondent has not complied with the Terms of Reference issued and does not address the issues that were noticed by this Hon'ble Tribunal's judgement dated 30.09.2022 in Appeals 32 and 34 of 2020. The 1st Respondent has also failed to see that the EIA Report is a rehash of the earlier EIA Report that was submitted and the 2nd Respondent has failed to forecast the impact of the industrial estate but rather has once again listed only DG sets and boilers and come up with fictitious figures for water consumption and discharge. The 1st Respondent has failed to see that the EIA report submitted by the 2nd Respondent is a work of fiction as opposed to an impact assessment study on the assessment of impact of siting several 100 industries in the subject industrial estate. These aspects have been dealt with in detail in the paragraphs below while responding to the contentions of the 2nd Respondent and the reply tendered to the affidavit of the 2nd Respondent may be read as a part and parcel of the reply to the 1st Respondent as well. It is reiterated that the EIA and the proposal was only for the segmented extent of 279 Ha and not for the entire extent of more than 1700 Ha.

Reply to 2nd Respondent SIPCOT's Counter

8. It is submitted that contents of Para 3-11 of the counter affidavit under reply are denied as false. Paragraphs 3 to 11 of the counter affidavit contains a self-serving narration of the events and steps taken by the 2nd Respondent in obtaining the impugned EC. The 2nd Respondent had originally obtained EC dated 10.11.2020 for an extent of 279.995 Ha, which was challenged in Appeals 32 and 34 of 2020. This Hon'ble Tribunal

vide judgement dated 30.09.2022 suspended the EC dated 10.11.2020 and remanded the same to the 1st Respondent for issuance of fresh ToR and conduct of fresh EIA. The 2nd Respondent submitted the application for the impugned EC on 23.02.2024 stating to have complied with the judgement dated 30.09.2022, during the pendency of proceedings in Appeal 46 of 2024. The impugned order herein reinstates the earlier EC dated 10.11.2020 and issues certain amendments. The 2nd respondent has produced the final EIA report along with their counter and submissions on the inadequacy of the same and illegalities therein are made below.

9. It is submitted that the contentions of the 2nd Respondent that they have complied with the Terms of Reference and that impact has been assessed are false. For example, ToR No. 2, 3, 4 & 7 require the assessment of impact of the proposed project on the surrounding villages and also the cumulative impact. However, it is seen from the EIA report submitted by the 2nd Respondent that there is absolutely no mention of emissions from industries that they propose to locate in the estate but once again at Table 4-2 of the EIA Report, 131 DG sets and 9 boilers have been mentioned at random with the caveat that boilers and DG are considered sources of air pollution from this project and that boiler and DG capacity is assumed based on plot size. It is thus a matter of record that the subject EIA does not contain any information or data on the process and emissions from the industry sought to be located in the industrial estate. On the other hand, it has provided random assumed values as the size of the boilers and DG sets and expected air emissions. To call this exercise as a forecast of the impact of the proposed estate would be a travesty. Likewise, at 4.5.1.7 under the head cumulative emission, the hypothetical values presented for DG sets and boilers and the assumed emissions from transportation have been provided together. These values, which have

no rational basis and irrelevant to assess the impact of the proposed industrial estate project, have been used for modelling to reach the conclusion that even post project there is no impact on the surrounding area. The 2nd Respondent also claims to have submitted the cumulative assessment of all the industries located within 10 kms of the project as Annexure-13. A perusal of this annexure shows that once again DG sets and boilers have been listed and in the table perpetuating to provide the emission details of industries within 15 kms, once again DG sets and boilers have been taken into account and these values have been used to forecast the alleged cumulative impact. It is submitted that the pollution caused by red category industries and other large industries in Goomidipoondi estate and vicinity is well known. Not only has the 2nd Respondent failed to provide a true account of pollution and emission likely from its industrial estate, the EIA report has not even provided real time data of the pollution caused by the existing industries and the environmental relevant setting. Therefore, the entire exercise in the EIA report is futile, irrelevant and does not aid in any informed decision making. There is no whisper of the impact of the proposed industries and their emissions despite the clear and unambiguous direction of this Hon'ble Tribunal.

10. Likewise, in so far as water pollution is concerned the only contention of the 2nd Respondent is that they will mandate all industries to have individual ETP and ZLD. There is not even a whisper about the effluent discharge from the proposed industries, to the contrary, some figures with no basis were assigned to different kinds of industries. The absurdity of this exercise is evident when the water balance drawing is seen. While SIPCOT maintains that they do not have information pertaining to the proposed industries, a very detailed water balance drawing not only accounting the consumption of all these unknown entities but also for

their waste water generation, its treatment and reuse have been provided in the EIA report. If an EIA report is to be reduced to randomly assigning numbers and figures to euphemize an impact of the project, it loses all its utility. The EIA report does not even provide justification for the selection of the site except a stock response stating that these lands are already allotted.

11. It is further submitted that the ToR issued has not been complied and EIA report chapter 3 is replete with information copied from various sources and chapter 4 instead of providing an assessment/forecast of the anticipated impact, contains generic statements that have no relation with the ultimate impact of the proposed industrial estate.
12. It is submitted that the impact on hydrology or of sensitive receptors have not been dealt with. Instead, fictional and unrealistic values and sources of pollution discussed in the report have been used to justify that there will be no impact due to the project. It is submitted that the impact on habitation, the people's health etc have not even been considered since the anticipated impact itself has not been forecasted as required by law.
13. It is also seen from the EIA Report that the 2nd Respondent admits that the project is located at a distance of 5.77 kms from the Pulicat sanctuary. The 10 km default eco sensitive zone applies for the Pulicat bird sanctuary on the Tamil Nadu side (where the present project is located). Thus, the proposed project is within the eco sensitive zone and citing of red category industries inside the ESZ is prohibited by law. This aspect has not been considered by the 1st Respondent at all. In fact, when queries were raised during Public Hearing, they have been summarily rejected or ignored and the 2nd Respondent EIA report contains ToR/Public Hearing compliance which is nothing but a copy paste of the same information under different heads from the EIA report.

14. It is submitted that the Public Hearing conducted for the project is vitiated as communication was not sent to people as required by law. The 2nd Respondent repeatedly asserts that they have placed advertisement in the newspaper. Mere placing advertisement in the newspaper is not sufficient compliance. It is evident that the 1st Respondent has not even seen the Public Hearing proceedings, for they would have been informed of the illegal segmentation as well as other related aspects, if they had looked at the Public Hearing video as required by law. It is submitted that the public hearing conducted was illegal and in violation of the EIA Notification, 2006. People were not given any answers and it was reduced to a formality by asking persons to talk and proceedings were concluded. None of the issues raised in the public hearing were considered and in fact, the minutes of the public hearing were not read out as required by law and the agreed upon minutes were not signed in the public hearing. The minutes as recorded and produced before the authorities does not even record the objections of the people accurately. The fact that public hearing was conducted in violation of the law vitiates the entire proceedings.
15. It is submitted that the entire EIA report does not even mention the fact that SIPCOT is proceeding to establish an industrial estate over more than 1700 Ha and the EIA report reads as though the only extent sought to be utilized by SIPCOT is 279.99 Ha. Thus, the EIA report based on which the clearance has been granted ought to have been rejected by the 1st Respondent but instead they have granted clearance based on this inadequate and inchoate report. The fact that the EIA report suppresses the true extent of lands to be converted as industrial estates and the scope and magnitude of the project, vitiates the entire proceedings.

16. In so far as the contents of Para 12 and 13 are concerned, they are denied as false and it is submitted that the law in so far as requirement of Environmental Clearance in land acquisition proceedings is settled by the Hon'ble Supreme Court in PV Krishnamoorthy and the Respondent has admitted that are in the process of obtaining extent of lands much greater than the extent for which the impugned EC has been obtained. The proceedings pending before the Hon'ble High Court pertain to land acquisition proceedings which cannot be challenged before this Hon'ble Tribunal and can only be challenged in Hon'ble High Court and the contentions of the 2nd Respondent regarding manipulation and misleading averments are liable to be rejected. Such serious allegations cannot be made in such a casual fashion without evidence and the attempt of the 2nd respondent is deprecated.

17. The statements made by the 2nd Respondent in their counter affidavit from Para 14 to 21 and 23 to 26 are reproduction of their submissions in Appeal 46 of 2020, which has been considered and rejected by this Hon'ble Tribunal. It is submitted that all contentions in this regard are devoid of merit, incorrect and is a desperate attempt by the 2nd respondent to prevent any meaningful and legally compliant impact assessment and appraisal of its project as a whole. If the 2nd respondent had sought clearance for the entire extent as required by law and clearance was issued, in fact by now the project itself might have been underway. The 2nd respondent is the author of this situation and they cannot claim any prejudice.

18. The Tribunal has already found that SIPCOT has attempted to segment the project which is invalid and clearance cannot be granted for the same, in its order dated 28.01.2025. The submissions made by the 2nd

Respondent in their counter affidavit in the present appeal has already been considered and negated by this Hon'ble Tribunal.

19. Therefore, there is no doubt that the 2nd Respondent has again illegally segmented the project (only for 279.995 Ha) to obtain the impugned clearance, which ought to be set aside.

20. In so far as the contents of the Paragraph 22 of the counter affidavit are concerned, they are denied as false and it is submitted that it is preposterous that the 2nd Respondent claims that the Appellants have manipulated the status of the proposal on the 1st Respondent website. The Appellants have no control over the data presented in the 1st Respondent's website and such contentions ought to be deprecated. Further, it is admitted by the 2nd Respondent that they handed over the copies of the impugned clearance to the local bodies only after a week of the issuance of the impugned clearance. It is submitted that the 2nd Respondent nowhere disputes that the present appeal is barred by limitation, as it was filed well within limitation and it is not known why the said contentions are even being raised.

21. It is submitted that the impugned clearance has been obtained by suppressing facts before the 1st respondent and based on an EIA that does not even deal with the forecast and assessment of impact from the proposed industrial estate. Allowing such segmented, truncated attempts to present a fait accompli will only encourage violations of the law.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to allow the appeal as prayed for and thus, render justice.

y.

Counsel for Appellants

G. Praveena
Appellant

Verification

I, G. Praveena, the 1st Appellant herein, do hereby verify that the contents in the above paragraphs are true and correct on behalf of Appellants 2 to 4 as well and based on legal advice and that we have not suppressed any material fact.

Date: 06.01.2026

Place: Thiruvallur

G. Praveena
Appellant



V. Thirumalai
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Service of Rejoinder in Praveena v MoEFCC, Appeal 20 of 2025

1 message

Office of Yogeshwaran A <officeofyogeshwaran@gmail.com>

Wed, Jan 7, 2026 at 6:47 PM

To: sai2@lawgonindia.com, sai@girisai.com, abishek murthy <abishek.b.k.m@gmail.com>, abishekmurthybk@gmail.com

Sir,

Please find attached the rejoinder filed by the Appellants in Appeal 20 of 2025. Kindly acknowledge receipt.

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Sincerely,

Yogeshwaran A

Ph no: 9566254546

 **Rejoinder- Praveena v MoEFCC- Appeal 20 of 2025.pdf**
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