

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

**APPEAL No.32&34 of 2020**

1. 1.D.Ranjith Kumar,  
S/o.T.Dheenadhayalan,  
No.19 Vellar Street,  
Manallur Village Post,Gummudipundi,  
Thiruvallur District 601202.

2. S.Jagan Kumar,  
S/o.Srinivasalu,  
No.88, Malliah Street,  
Manallur Village Post GummudipundiTaluk,  
Chennai- 601202

**.....Appellants IN  
APPEAL 32 OF 2020**

3.G. Praveena  
D/o. D. Gurunathan,  
No.568, Sathapet,  
Manallur Village Post,Gummudipundi,  
Thiruvallur District 601202.

4. S.Sivakumar,  
S/o. Sivalingam,  
No.40, PerumalKovil Street,  
Soorapondi Village,  
GummudipundiTaluk,  
Chennai- 601202

**.....Appellants in IN  
APPEAL 34 OF 2020**

**-Vs-**

1. Union of India  
Rep. by its Secretary  
The Ministry of Environment, Forests  
and Climate Change New Delhi  
IndraparyavaranBhawan,  
JorBagh Road, Ali Ganj,  
New Delhi.
2. The Tamil Nadu Pollution Control Board,  
Rep.by its Member Secretary  
No.76, Mount Salai,  
Guindy, Chennai- 600032

For STATE INDUSTRIES PROMOTION  
CORPORATION OF TAMILNADU LTD.,

  
Asst. General Manager (Legal)

3. The District Environmental Engineer  
Tamil Nadu Pollution Control Board,  
EPIP Building(AO Block)  
SIPCOT Industrial Complex,  
Gummudipoondi- 601201  
Thiruvallur District.
4. State Industries Promotion Corporation  
of Tamil Nadu (SIPCOT)  
Rep. by its Managing Director  
No.19A, RukmaniLakshmipathy Road,  
Egmore, Chennai -600 008. ... 4<sup>TH</sup> Respondents

IN APPEAL 32/2020  
AND 2<sup>ND</sup>RESPONDENT  
IN APPEAL 34/2020

**COMMON ADDITIONAL COUNTER AFFIDAVIT FILED BY THE 4<sup>TH</sup>  
RESPONDENT IN APPEAL 32 AND 2<sup>ND</sup> RESPONDENT IN APPEAL 34 OF 2020**

I, Thiru. M.S. Heeroon Rasheed, S/o Late. R. Syed Mamoon Rasheed, Muslim aged about 44 years, working as Assistant General Manager in State Industries Promotion Corporation of Tamil Nadu (SIPCOT)and having office at 19-A, Rukmani Lakshmipathy Road, Post Box No.7723, Egmore, Chennai 600008 do hereby solemnly affirm and sincerely state as follows:-

I am the Assistant General Manager of the 4<sup>th</sup> respondent in Appeal 32 and 2<sup>nd</sup> respondent in Appeal 34 of 2020 and I am authorized to sign on behalf of the 4th respondent and I am well acquainted with the facts of the case. This respondent has filed a detailed counter substantiating the stand of the Respondent since the Appellants have pointed out certain factual allegations. This respondent is filing this additional counter to clarify the stand of this Respondent before this Hon'ble Tribunal.

1. I submit that the present Appeal 34 of 2020 and Appeal 32 of 2020 were filed by the Appellants Challenging The ENVIRONMENTAL CLEARANCE Issued by the 1<sup>st</sup> respondent on the file of 21-59/2015-IA.III Dated 10.11.2020. I submit that this respondent is a State Owned Corporation and is under the aegis of Government of Tamilnadu, in promoting industrialization in the State and is acting in the general interest for the benefit of the units located within its Industrial Complexes / Parks / Growth Centres.

For STATE INDUSTRIES PROMOTION  
CORPORATION OF TAMILNADU LTD.,

  
Asst. General Manager (Legal)

2. This respondent proposed to develop Industrial Park at Manallur and Sooraipoondi Villages, Gummidipoondi Taluk for housing 90% of the plot area for Non-EC Category Industries i.e., Industries which does not attract the provision of EIA Notification, 2006 and its amendments and only 10% of 5(f) Category Industries for Synthetic acrylic polymers and resins, Synthetic resins and water proofing compounds, etc. Wherein ENVIRONMENTAL CLEARANCE from the 1<sup>st</sup> Respondent was mandatory. No integrated Paint industries were proposed. The proposed site is relatively flat.

3. This Respondent submits that in pursuant to the information sought by 230<sup>th</sup> and 239<sup>th</sup> EAC meeting, this respondent submitted the point wise reply along with revised EIA report revalidated by M/s. Hubert Enviro Care Systems Pvt. Ltd. on 14.08.2020. Accordingly, the EC proposal for Manallur Industrial Park was considered by the Expert Appraisal Committee (EAC) in its 241<sup>st</sup> EAC meeting scheduled on 25<sup>th</sup> August 2020 through video conference. The Committee after examining the documents submitted by SIPCOT and detailed deliberations during its 241<sup>st</sup> EAC meeting, recommended the proposal for grant of Environmental Clearance with specific and general conditions. The Environmental Clearance has been granted by MoEF & CC for the proposed Manallur Industrial Park only after due consideration of the revalidated report and factual information provided by SIPCOT.

4. This Respondent submits that with regard to the averments raised by the Appellant that the EIA Report was prepared by an unaccredited consultant. It is stated as follows:

- a. M/s. Centre for Environment, Health and Safety (CEHS) had requisite NABET accreditation during conducting the baseline study (April to June 2018) and submission of the Initial EIA Report (21.07.2019) of Manallur Industrial Park under 'Sector 31' in the QCI-NABET List of Accredited Consultant Organizations/Rev. 19, January, 2019.
- b. The EC proposal for Manallur Industrial Park was considered during 230<sup>th</sup> EAC Meeting held on 28<sup>th</sup> – 29<sup>th</sup> January 2020. During the 230<sup>th</sup> EAC meeting, M/s. CEHS has presented the proposal before the Expert Appraisal Committee (EAC), and, M/s. CEHS had

For STATE INDUSTRIES PROMOTION  
CORPORATION OF TAMILNADU LTD.,

*Rashed*  
Asst. General Manager (Legal)

4

requisite NABET accreditation. But, the appellants have mentioned that the respondent (SIPCOT) had engaged M/s. Hubert Enviro Care Systems Pvt. Ltd. Further, as per the O.M. No. J-11013/41/2006-IA.II(I) dated 17.03.2010 the project proponent can change the consultant during the course of the appraisal process and the same has to be informed in writing to the MoEF&CC/ SEIAA regarding the change of consultant and not later than the next meeting of EAC / SEAC. Accordingly, Intimation letter on Change of Consultant (M/s. Hubert Enviro Care Systems Pvt. Ltd.) was submitted immediately to MoEF&CC on 26.02.2020 along with NOC from the previous consultant M/s. CEHS, on the next EAC meeting for Manallur Industrial Park, i.e, 239th EAC Meeting held on 29th and 30th July 2020. It is clear that SIPCOT has carried out the assessment and report was prepared in line with generic structure and guidelines of the EIA Notification, 2006 and its subsequent amendments. Accordingly, MoEF&CC has accorded Environmental Clearance for Manallur Industrial Park.

5. The Respondent submits that while applying for Environmental Clearance whatever shortfall found in 230th and 239th meeting were rectified and during the process the Respondent has been informed that National Board of Wild Life clearance was to be filed simultaneously and we filed the same. The law prior to notification dated 8.8.2019 was that only after obtaining NBWL clearance an application for EC can be processed. However Ministry of Environment, Forest and Climate Change notified on 8.8.2019 as follows:-

(i) *"Proposals involving developmental activity/project located within 10 km of National Park/Wildlife Sanctuary wherein final ESZ notification is not notified (or) ESZ notification is in draft stage, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) is mandatory. In such cases, the project proponent shall submit the application simultaneously for grant of Terms of Reference/environmental clearance as well as wildlife clearance"*

For STATE INDUSTRIES PROMOTION  
CORPORATION OF TAMILNADU LTD.,

*Rasheo\**

Asst. General Manager (Legal)

No. of Page: 4

No of Corretion: m

6. This respondent submits that The EC granted to this project as stated by the 1<sup>st</sup> Respondent in Reply Affidavit in Page 5 para 14 is subject to the approvals / consent / permissions etc., under any other Acts / Regulations or Statues. This Respondent reiterates that only after complying with the approval of NBWL clearance this process will commence. This Respondent is taking every step to comply with the same.

7. Without prejudice to the above mentioned submission the respondent also submits that at the 44<sup>th</sup> meeting of the Expert Committee for Declaration of Eco-Sensitive Zone (ESZ) dated 18/1/2021 at item No. 3.20 the following has been mentioned

*Item No. 3.20 – Pulicat Bird Sanctuary, Tamil Nadu*

*The Principle Chief Conservator of Forest (PCCF), Government of Tamil Nadu, represented the State Government and stated that the proposal for ESZ around Pulicat Bird Sanctuary is under pre-draft stage with zero extent on sides of the Protected Area. It was stated that surrounding areas of the Protected Area are private non forest land and the sanctuary already includes 13 villages. The distance between the boundary of these villages from HTL of the lake ranges from about 450 m to more than 5 kms at certain places and therefore this zone provides sufficient shelter and buffer to the birds. The State Government representative informed that they are working on feasibility of proposing non-zero boundaries extent. It was assured that a proposal will be submitted soon.*

The Principle Chief Conservator of Forest, Government of Tamil Nadu after going through every relevant aspect has found that zero extent on sides of Pulicat Bird Sanctuary can be considered.

8. This respondent further states that Government of Andhra Pradesh has also notified most of the boundary of lake as ESZ boundary and only in few places 1km has been ESZ boundary. The relevant map is annexed as annexure to this affidavit.

For STATE INDUSTRIES PROMOTION  
CORPORATION OF TAMILNADU LTD.,

  
Asst. General Manager (Legal)

6

9. In compliance with the minutes of Ministry of Environment, Forest and Climate Change sent to Government of Tamil Nadu also has sent proposal and the same is pending with MOEF and CC.

In the event of approval of said proposal then there shall be no necessary for getting NBWL clearance. In the above circumstances, taking note of the fact that there is no procedural violation as stated by this respondent the Appeals may be dismissed.

It is submitted that all the grievances raised in the Appeal has been answered by this respondent and therefore the appeal filed deserves no merits and it is prayed that this Hon'ble Tribunal may be pleased to dismiss the above application with exemplary costs and thus render justice.

For STATE INDUSTRIES PROMOTION CORPORATION OF TAMILNADU LTD.,

*N. N. K. S.*  
Asst. General Manager (Legal)

Solemnly affirmed at Chennai on this the *28<sup>th</sup>* day of June 2021 and signed her name in my presence.

BEFORE ME

*M. N. N.*  
19/6/15  
ADVOCATE: CHENNAI

*M. Naresb Advocate*  
*122 law chambers*  
*Aghlnt Ch-104*

**BEFORE THE NATIONAL GREEN  
TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
APPEAL No.32 & 34 of 2020**

1. 1.D.Ranjith Kumar,
  2. S.Jagan Kumar,
- .....Appellants IN APPEAL 32 OF  
2020**
3. G. Praveena
  4. S.Sivakumar,
- .....Appellants in IN APPEAL 34 OF  
2020**

**-Vs-**

1. Union of India
  2. The Tamil Nadu Pollution Control Board,
  3. The District Environmental Engineer Tamil Nadu Pollution Control Board,
  4. State Industries Promotion Corporation of Tamil Nadu (SIPCOT)
- ...4<sup>TH</sup> Respondents  
IN APPEAL 32/2020 AND 2<sup>ND</sup>  
RESPONDENT IN APPEAL 34/2020

**COMMON ADDITIONAL COUNTER  
AFFIDAVIT FILED BY THE 4<sup>TH</sup>  
RESPONDENT IN APPEAL 32 AND  
2<sup>ND</sup> RESPONDENT IN APPEAL 34  
OF 2020**

**RAMESH VENKATACHALAPATHY  
ADVOCATE  
No : 103, SANTHOME HIGH ROAD,  
FORESHORE ESTATE, CHENNAI- 600021.  
CELL : 9446003172**  
**Counsel for 4<sup>th</sup> Respondent**