

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI**

**M.A. No.13 of 2024 (SZ)**

**in**

**ORIGINAL APPLICATION. 162 OF 2021 (SZ)**

**IN THE MATTER OF :**

Tamil Nadu Generation and Distribution Corporation and Anr.

... Applicant

**Vs**

Tribunal on its own Suo Motu and Ors.

... Respondents

**AFFIDAVIT FILED BY THE APPLICANT**



**M/s. S SARAVANAN  
E KARTHIKEYAN**

**Counsel for Applicant**

**No.74-76, II Floor, Sukh Sagar, Marshalls Enclave,  
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BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI

M.A. No.13 of 2024 (SZ)

in

ORIGINAL APPLICATION. 162 OF 2021 (SZ)

IN THE MATTER OF :

1. Tamil Nadu Generation and Distribution Corporation,  
Rep by its Chairman and Managing Director,  
6th Floor, TANTRANSKO Building,  
144, Anna Salai, Chennai - 600 002.
2. The North Chennai Thermal Power Station,  
Rep. by its Chief Engineer,  
Athipattu, Thiruvallur,  
Chennai - 600 120

.... Applicants / Respondent Nos. 9 & 10

**Versus**

1. Tribunal on its own motion- Suo-Motu based on the news item  
Published in the Times of India Newspaper, Chennai Edition dated  
01.07.2021, under the caption "Another Pipeline leakat Ennore power  
plant".  
... Respondent No. 1 / Applicant
2. Union of India,  
Rep by its Secretary,

Chief Engineer/Projects  
TNPGL  
144, Anna Salai, Chennai-600 002.

  
**Chief Engineer/Projects**  
**TNPGL**  
**144, Anna Salai, Chennai-600 002.**

Ministry of Environment of Forests and Climate Change,  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi - 110 003.

3. The Secretary to Government of Tamil Nadu,  
Govt Secretariat, Fort St. George,  
Chennai, Tamil Nadu - 600 009.
4. The Principal Secretary to Government,  
Public Works Department,  
Govt Secretariat, Fort St. George,  
Chennai, Tamil Nadu - 600 009.
5. The Secretary to Government of Tamil Nadu,  
Department of Environment, Climate Change & Forests,  
Govt Secretariat, Fort St. George,  
Chennai, Tamil Nadu - 600 009.
6. The Principal Secretary to Government,  
Department of Energy,  
Govt Secretariat, Fort St. George,  
Chennai, Tamil Nadu - 600 009.
7. Tamil Nadu Coastal Zone Management Authority,  
Rep by its Member Secretary,  
First Floor, Panagal Building,  
Saidapet, Chennai - 600 015.

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TNPGL  
144, Anna Salai, Chennai-600 002.

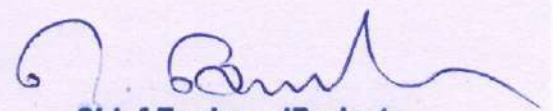
  
**Chief Engineer/Projects**  
**TNPGL**  
**144, Anna Salai, Chennai-600 002.**

8. The Chairman,  
Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar,  
New Delhi - 110 032.
9. The Chairman,  
Tamil Nadu Pollution Control Board,  
No.76, Anna Salai, Guindy,  
Chennai, Tamil Nadu - 600 032.
10. The District Collector,  
Tiruvallur District,  
First Floor, Collectorate,  
Tiruvallur - 602 001.
11. The Chief Engineer,  
Public Works Department, WRO,  
State Ground Water & Surface,  
Water Resources Data Center,  
Taramani, Chennai - 600 113.

... Respondent Nos. 2 to 12 / Respondents

**AFFIDAVIT FILED ON BEHALF OF THE**  
**APPLICANTS / RESPONDENT NOS. 9 & 10**

Chief Engineer/Projects  
TNPGL  
144, Anna Salai, Chennai-600 002.



**Chief Engineer/Projects**  
**TNPGL**  
**144, Anna Salai, Chennai-600 002.**

I, R.Balakrishnan, Son of Mr. T.V.Ramasamy, aged 58 years, having address at TANGEDCO, 5<sup>th</sup> Floor, Western Wing, NPKRR Maaligai, 144, Anna Salai, Chennai - 600 002, do hereby solemnly affirm and sincerely state as follows:

1. That I am the Chief Engineer of Tamil Nadu Power Generation Corporation Ltd (TNPGL), Projects I representing the Applicants herein and as such I am well acquainted with the facts of the case from the available records. I am filing this affidavit on behalf of Applicants, as I am authorized to do so.

2. I humbly submit that the subject application has been filed seeking for the following relief :

*"to permit the applicants to proceed with the construction activity of the conveyance corridor of the 2X660MW Ennore SEZ Supercritical Imported Coal based Thermal Power Plant in an approved route in CRZ Area as per the CRZ Clearance dated 01.01.2014 and Environmental Clearance dated 07.01.2014, and best possible route in Non-CRZ Area in the interest of the project and environment, in compliance with Clause 7 (ii) (c) of EIA Notification, 2006."*

3. I submit that pursuant to the above, when the matter was taken up on 19.09.2024, this Hon'ble Tribunal was pleased to direct the Applicant to file an affidavit with respect to the removal of the construction made in deviated route and debris in the CRZ Area including water body.

4. With respect to the above, I humbly submit that, with respect to the removal of the structures made in the waterbody by this Applicant for the

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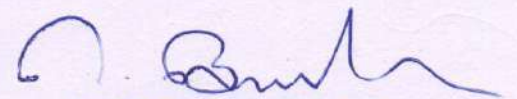
present project, a Writ Petition in WP No. 16353 of 2021 was filed by Thiru Selvaraj Duraisamy and Thiru Desing Ananthan before the Hon'ble High Court of Madras, wherein the Hon'ble Court vide its order dated 12.11.2021 directed the applicant to remove the structures and debris in the water body and to obtain a certificate from the Public Works Department (PWD) that the same has been cleared from the waterbody.

5. That in compliance of the above direction of the Hon'ble High Court, all the debris and construction material made in the Kosasthalaiyar river have been completely removed on 07.02.2022, by this Applicant and ensured that there is no obstruction to the free flow of the water. The same has also been inspected by the PWD officials and a certificate dated 12.03.2024 has also been issued by the PWD stating that the structures and debris have been removed and there is no obstruction to the free flow of water.

6. It is further submitted that, however, during the hearing held on 19.09.2024 this Hon'ble Tribunal has directed to ensure the removal of structures and debris in the CRZ area i.e., in the river bank and other areas covered in the CRZ area. Now, it is estimated that around 5460 m<sup>3</sup> of abandoned concrete structures are available in CRZ area.

7. It is submitted that in this regard, in order to clear the 5460 m<sup>3</sup> of abandoned concrete structures in the CRZ area, this Applicant is required to comply with the provisions of the Tamil Nadu Transparency in Tenders Rules, 2000 and as such, the following period would be required for this Applicant to comply with due procedure in accordance with the provisions of

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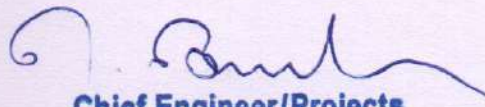


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the Act, with respect to the removal of the balance abandoned concrete structures:

S No	Description	Days
1	Estimate preparation and preparation of specification	3
2	Approval from competent authority for approval of specification and tender publishing under open tender system	7
3	Floating of tender to pre bid meeting	7
4	Pre bid meeting with probable contractor	1
5	Pre bid to opening of Technical bid	15
6	Technical evaluation and obtaining approval of Competent authority, if warranted for rejection	7
7	Price Bid opening	3
8	Tender finalisation after negotiation	10
9	Award of work	2
10	Execution of Work	90
		(3 Months)
	Total	145 days Or say 5 Months

8. It is submitted that huge investment from public exchequer has been made for the power project and due to delay, the project cost is constantly escalating, apart from the fact that the power demand of the State has been continuously increasing, it is utmost necessary that the project is to be completed at the earliest and commissioned to achieve its object.

  
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**TNPGCL**  
**144, Anna Salai, Chennai-600 002.**

Chief Engineer/Projects  
 TNPGCL  
 144, Anna Salai, Chennai-600 002.

9. That the following are the expenses incurred and invested towards the development of the Ennore SEZ Thermal Power Plant :

1) Total cost of the Project	:	Rs 9800 Crs
2) Revised cost of the project	:	Rs 18085.49 Crs
3) So far invested	:	Rs 9932.68 Crs

10. Therefore, it is submitted that this Applicant is taking active steps to remove the abandoned concrete structures from the CRZ Area and is ready and willing to abide by any directions as may be imposed by this Hon'ble Tribunal in respect of the same.

11. It is submitted that this applicant undertakes to complete the removal of the balance structures in the CRZ area within the time period specified and in consideration of the above and of the fact that huge expenditure of the public exchequer is involved in the present public project and every day of delay incurs increase in the cost, therefore in the interest of justice, pending the removal of the above structures, it is humbly prayed that this Hon'ble Tribunal may be pleased to permit the applicant to proceed with the construction activity of the conveyance corridor of the 2X660MW Ennore SEZ Supercritical Imported Coal based Thermal Power Plant in an approved route in CRZ Area as per the CRZ Clearance dated 01.01.2014 and Environmental Clearance dated 07.01.2014, and best possible route in Non-CRZ Area in the interest of the project and environment, in compliance with Clause 7 (ii) (c) of EIA Notification, 2006.



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TNPGL**

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Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to take on record the above affidavit and pass such order or orders as this Hon'ble Tribunal may deem fit and proper and thus render justice.

Solemnly affirmed at Chennai

On this the 21<sup>st</sup> day of September, 2024

and put his signature in my presence

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\*

\*

*Tashi Anil* [9302/2022]  
Tashi Anil  
No 225, New Law Chamber,  
High Court Campus, Chennai

BEFORE ME

**Chief Engineer/Projects  
TNPGL**

**144, Anna Salai, Chennai-600 002.**



Chief Engineer/Projects  
TNPGL

144, Anna Salai, Chennai-600 002

# ANNEXURE 1

## WATER RESOURCES DEPARTMENT

From

**Er. G.R. Radhakrishna, BE., M.S, P.E.**  
Executive Engineer, WRD,  
Araniyar Basin Division,  
Chepauk, Chennai- 5

To

**The Superintending Engineer,**  
Civil Ennore SEZ STP Project,  
TANGEDCO,  
Voyalur.

**Lr. No. DB / JDO. 4 / F. 402/ 2024 / dated: 12.03.2024**

Sir,

Sub: TANGEDCO - Establishment of Ennore SEZ Supercritical Thermal Power Project (2x660 MW) - Formation of Coal handling system and Sea Water Intake pipe line for the proposed project - ECHS - Crossing of the Pulicat Backwaters and Buckingham Canal - In-principle approval accorded already by PWD - removal of construction materials from the water body as per the directions of Hon'ble High Court of Madras (WP 16353 of 2021) - Clearance certificate -Reg.

- Ref: 1. The Superintending Engineer, Ennore, Chennai, vide Lr.No:SE /Civil/Ennore SEZSTPP / EE / C / Dn.VII / EA / F.23(D)/ D.46/24 dated 6.2.2024
2. The Assistant Executive Engineer, WRD., Adyar Basin sub division, Chepauk, Chennai-5 Lr. No. AEE/ ABSD / F. / 2024 Dated 06.03.2024.

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The Superintending Engineer, Ennore, SEZ, STP Project vide reference 1<sup>st</sup> cited, has requested Water Resources Department to issue clearance certificate for having cleared the construction materials from the water body for the purpose of onward submission to the Hon'ble High Court, with respect to daily order in W.P.No.16353/2021 dated 01.02.2024, as given under order dated 12.11.2021,

***"This Court directed P.W.D Engineer to take assistance of the Water Resources Engineering Department of the Indian Institute of Technology, Chennai for conducting a study as to whether all the***

***offending material has been removed from the water body and its bed. TANGEDCO is directed to expeditiously remove all the foreign material from the site and to obtain a certificate from the P.W.D Engineer. The same also does not appear on record. At the request of the learned Government Pleader, place the matter on 13.03.2024"***

In this connection, the following report is furnished with reference to the inspection report submitted by the Assistant Executive Engineer, WRD., Adyar Basin sub division, Chepauk, Chennai-5 in the reference 2<sup>nd</sup> cited.

In the above said inspection report, it is informed by the TANGEDCO Officials that the work involving construction of 68 Nos of piles for providing piers was started for erection of conveyor belt, with deposition of debris consisting of 25,000m<sup>3</sup> over the backwater area for a distance of 230m for approach formation. Subsequently, due to objection from Public, the 68 Nos of piles and debris deposition in the Kosasthalaiyar backwater area were removed by TANGEDCO.



In field inspection, it is ascertained that all the 68 Nos of Piles and debris deposited for approach formation have been removed and at present, there is no hindrance to the movement of water in the Kosasthalaiyar backwater.

In the light of the above submission, clearance certificate with respect to the above subject is issued to TANGEDCO, for enabling to submit status report in the Hon'ble Madras High Court as per daily order given in the W.P.No:16353/2021 dated 01.02.2024.

**Executive Engineer, WRD,  
Araniyar Basin Division,  
Chepauk, Chennai -05.**

*12/3/24*

ANNEXURE 2

-  LIFTING OF FILLING SOIL & CUTTING OF RCC PILE COMPLETED
-  RCC PILE CAP & PILE UP TO 0.500 M BELOW GL TO BE REMOVED

