

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

O.A.No.299 of 2013 (SZ)

With

O.A. No.164 of 2014 (SZ)

With

O.A. No.164 of 2015 (SZ)

With

O.A.No. 130 of 2016 (SZ)

IN THE MATTER OF

Tribunal on its Own Motion vide news item
Reported in The Hindu dt: 25/10/2013 about
Beach at Adyar Estuary with Trash, Rubble

...Applicants

Versus

The Addl. Chief Secy. to Govt., Environment
& Forests Department and Ors.

...Respondent(s)

With

P. Edwin Wilson,
Purasaiwalkam, Chennai.

...Applicant(s)

Versus

The State of Tamil Nadu,
Rep. by its Chief Secy.,
Chennai and Ors.

...Respondent(s)

With

Jawaharlal Shanmugam,
Thiruvanmiyur, Chennai.

...Applicant(s)

Versus

TNPCB,
Represented by its Chairman,
Chennai and Ors.

...Respondent(s)

With

S.Muthumeena,
Egmore, Chennai.

...Applicant(s)

Versus

The Secretary to the Government,
PWD, Secretariat, Chennai and Ors.

...Respondent(s)

REPORT FILED BY THE Chennai Metropolitan Water Supply and Sewerage
Board (CMWSSB)

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THROUGH
M/S. GAUTAM S. RAMAN
STANDING COUNSEL FOR 10th Respondent

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S.NO	DATE	DESCRIPTION	PG NO
1.	18.12.2024	Report filed by CMWSSB	1

Dated at Chennai on this the 19th day of December, 2024



Counsel for 10th Respondent

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SOUTHERN ZONE, CHENNAI

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Thiruvanmiyur, Chennai

...Applicant (s)

-VERSUS-

Tamil Nadu Pollution Control Board & Ors.

...Respondent (s)

With

S.Muthumeena, Egmore, Chennai

...Applicant (s)

-VERSUS-

The Secretary to Government,
PWD, Secretariat, Chennai & Ors.

...Respondent (s)

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No of Corrs

Pai Sankar

Executive Engineer,
STP (South) / Special Team,
C.M.W.S.S.Board,
No. 1, Pumping Station Road,
Chintadripet, Chennai-600 002.

Jaya Sankar
Superintending Engineer-(WWT&R),
CMWSSB,
No. 1, Pumping Station Road,
Chintadripet, Chennai-600 002.

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STATUS REPORT FILED ON BEHALF OF CMWSS BOARD

I, Mrs. C. Joyce Sumathi D/o Mr.L.J. Christopher, aged about 56 years, working as Superintending Engineer (WWT&R) and representing on behalf of Chennai Metropolitan Water Supply and Sewerage Board at No.1, Pumping Station Road, Chintadripet, Chennai 600 002 do hereby solemnly affirm and sincerely state as follows:

01. I humbly submit that I am working as Superintending Engineer (WWT&R) of the Chennai Metropolitan Water Supply and Sewerage Board and as such, I am well acquainted with the facts and circumstances of the case.

02. I humbly submit that this Hon'ble Tribunal by its Order dt:01/12/2023 has directed the CMWSSB rep. by its Managing Director to file the present status Report and in compliance of the same, I am filing this Status Report on his/her/their/its behalf.

03. I humbly submit that, the Government of Tamil Nadu is committed to improving the ecological condition of the rivers and water bodies by ensuring sustainable and healthy living environment of all in the State of Tamil Nadu. While the Governmnet has been implementing many projects for betterment of Adyar River including restoration of Adyar Creek there is a need to rejuvenate the full stretch of Adyar River:

a) To ensure effective abatement of pollution and protection of the river by adopting a sustainable approach for achieving water quality as per national (CPCB designated best use – water quality criteria Class D – “Propogation of Wildlife and Fisheries)

b) To maintain minimum E-flows in the rivers with the aim of ensuring water quality and sustainable development.

The Government of Tamil Nadu has come up with a unique approach of “One River, One Operator” to restore River Adyar. The Government of Tamil Nadu intends to appoint a private Concessionaire for Restoration of Adyar River under Hybrid Annuity Model (HAM), through Public Private Partnership Mode on Design, Build, Finance, Operate and Transfer basis. It has also been proposed to set up a Special

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No of Corrs

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C.M.W.S.S.Board,
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Joyce Sumathi
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Purpose Vehicle (SPV) named Ms. Chennai Rivers Transformation Company Limited, fully owned by the Govt. of Tamil Nadu, to be headed by the Officer on Special Duty Adyar River Restoration Project and MD TNUIFSL, with representations from various stakeholders.

The development obligations of the Concessionaire are as follows:

- a) Take necessary steps to ensure that Adyar River meets the required water quality standards for propagation of wildlife and fisheries (Class D Water Body).
- b) Improve the overall ecological health of the river by implementing measures to intercept, divert, and treat polluting outfalls.
- c) Undertake rehabilitation and development of sewage treatment facilities (STFs) comprising of traditional sewage treatment plants (STPs) of appropriate size, capacity and technology, and other innovative means of sewage treatment in accordance with Good Industry Practice;
- d) Undertake river channel management works to enhance water flow, reduce erosion, and improve the overall stability of the river system.
- e) Implement flood protection measures to mitigate the risk of flooding in the surrounding areas.
- f) Develop riverfront areas to enhance public access, recreational opportunities, and aesthetic value. Riverfront development to include landscaping, construction of pedestrian walkways, cycle tracks, public parks, and other such recreational amenities;
- g) Establish efficient solid waste management systems to prevent pollution and maintain the cleanliness of the river and its surroundings. Solid waste management to include, but not limited to, the following: collection, transportation, and disposal of waste generated within the right-of-way of the Adyar River (including removal and disposal of waste and debris collected from the surface of Adyar River);
- h) Implement environmental protection measures to safeguard the river ecosystem

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and adjacent habitats;

- i) Undertake ecological and biodiversity protection works to enhance the natural habitats and promote sustainable wildlife and fisheries propagation;
- j) Development an integrated SCADA based system for monitoring and supervision of the Project; and
- k) Develop ancillary infrastructure such as access roads, trails, utilities, and other necessary facilities to support the river restoration efforts.

The overall scope of work of the Concessionaire is as follows:

- a) Planning, designing and engineering of the Project
- b) financing of the Project upto 50% of the Bid Project Cost
- c) Procurement of equipment and materials required for the Project
- d) Construction and commissioning of the Project:
 - (i) The Concessionaire shall assess the existing infrastructure/ assets.
 - (ii) Identify gaps in terms of quality/ condition of the existing assets and capacity of the existing assets.
 - (iii) Undertake rehabilitation of existing assets to ensure compliance with Specifications and Standards, and Applicable Laws, and to ensure fulfilment of KPIs.
 - (iv) Propose and develop new infrastructure to meet capacity gaps.
- e) Operation and maintenance of the Project during the Operation Period
- f) Compliance with all Applicable Laws
- g) Fulfilment of the KPIs
- h) Transfer of the Project Assets to the Authority upon expiry or early termination of the Concession Agreement

The time frame for the Project as mentioned in the Bid document is,

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S.No	Description of work	Time frame
1	Detailed Project Report preparation Period leading to Appointed Date	6 months from the date of signing of the Concession Agreement
2	Construction Period leading to COD (Commercial Operations Date)	30 months from the Appointed Date
3	Operation Period	15 years from COD

Present Status

04. I humbly submit that the GoTN by its order (G.O (Ms) No.91) dt:10.07.2023 has accorded in-principle approval for the proposal of the Principal Secretary / Member Secretary, Chennai Rivers Restoration Trust, for implementing the project of restoring the Adyar river from Guduvancherry to river mouth (44 km) in Public Private Partnership (PPP) mode. Further, the order also mentions about suggestion to form a Special Purpose Vehicle (SPV) under Chennai Metropolitan Water Supply and Sewerage Board to implement the project.

05. I humbly submit that the GoTN in its order vide G.O.(Ms)No.141 Municipal Administration and Water Supply (MW) Department Dated 03.11.2023 sanctioned the formation of the Special Purpose Vehicle company "Chennai Rivers Transformation Company limited (CRTCL)" under clause 45 of section 2 of the Companies Act, 2013, for the implementation of the works for restoration of the Chennai rivers and waterways and to transform, manage and operate the rivers and water related assets in Chennai River Basin. Accordingly the formation of the SPV is in progress.

06. I humbly submit that the tenders for the work of "Restoration of Adyar River under Hybrid Annuity Model (HAM)" (the "Project") through Public Private Partnership (the "PPP") on Design, Build, Finance, Operate and Transfer ("DBFOT Annuity or Hybrid Annuity") basis was invited on approval of the bid documents by TNIDB.

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07. The tender for the selection of Concessionaire was called with bid opening date as 01.12.2023. Later, it was extended, with 19.01.2024 as bid opening date. 2 nos of bidders have participated in the tender. The bids were opened and evaluated by the Tender Evaluation and Scrunity Committee.

08. I humbly submit that the GoTN accorded necessary administrative sanction vide G.O. No:50 MAWS department Dt.14.03.2024 to award the contract and issue necessary Letter of Award to the concessionaire. Accordingly, the Letter of Award (LoA) was issued to the concessionaire on 14.03.2024.

09. I humbly submit that the following key conditions precedent are to be fulfilled by the concessionaire after the issue of LoA and signing of the concession agreement which are,

Fulfilment of Key CPs by the Concessionaire

Key CPs are as follows:

1. Submission of Performance security for a value of Rs.70.30 Cr within 30 days from the date of execution of Concession Agreement.
2. Preparation of DPR by the Concessionaire, review & certification by the IE & Approval of DPR by the Authority
3. Procuring approvals & permits by the Concessionaire including CRZ
4. Financial closure (Debt & Equity) for 50% of the Bid Project Cost
5. Execution of escrow agreement jointly with the Authority
6. Executing of substitution agreement jointly with the Authority & Senior Lender of the Concessionaire

10. I humbly submit that all CPs are to be fulfilled within 6 months from the date of signing of Concession Agreement. The construction and other proposed interventions will commence after fulfillment of the conditions precedent within six months of signing the agreement. The fulfillment of conditions precedent has commenced.

11. I humbly submit that the process for formation and registration of the SPV by the Concessionaire and the Authority SPV under the sub-section 45 of Section 2 of the Companies Act, 2013 is nearing completion. In this regard, the GoTN has issued

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necessary G.Os i.e. G.O Ms No. MAWS 141 Department dated 03.11.2023 and G.O Ms No 65 MAWS Department dated 13.05.2024 for the formation of authority SPV. The concessionaire agreement will be soon executed before August 2024. The performance security for a value of Rs.70.30 Cr to be submitted by the Concessionaire within 30 days from the date of execution of Concession Agreement. The evaluation of the bid for the appointment of the Independent Engineer firm for the subject project was completed. The CMWSS Board vide resolution No. 147/2024 Dt.25.10.2024 accorded approval to award the contract and issue necessary Letter of Award to the independent Engineer firm. Accordingly, the letter of award was issued to the Independent Engineer firm on 30.10.2024.

It is therefore prayed that this Hon'ble Court may be pleased to record the above Status Report filed on behalf of CMWSSB rep. by its Managing Director, and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Solemnly affirmed at Chennai on this 18th day of December 2024 and signed his/her/their name in my presence.

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No. of Corrs...

Signature

Signature

Executive Engineer,
STP (South) / Special Team,
C.M.W.S.S.Board,
No.1, Pumping Station Road,
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Signature
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BEFORE ME,

ADVOCATE

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STANDING COUNSEL FOR 10th Respondent