

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE- CHENNAI
O.A NO. 180 of 2023
AND
O. A NO.183 OF 2023**

IN THE MATTER OF

Tribunal on its own motion SUOMOTU based on the Visual media titled Chennai Rains Makkalai Vathaikkum Oil Companies- Shocking Story - Michaung Ground Report covered by on VIKATAN TV Chennai dt.06.12.2023

with

The District Collector Chennai District
And Ors.

...Respondents

AND

R.L. Srinivasan, Chennai.

...Applicant (s)

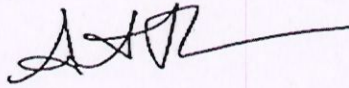
Versus

The Tamil Nadu Coastal Zone Management Authority,
Rep. by its Member Secretary, Chennai and Ors.

...Respondent(s)

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

BEFORE HON'BLE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE- CHENNAI

Original Application No. 180 of 2023

AND

Original Application No.183 OF 2023

IN THE MATTER OF

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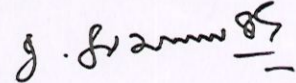
Rep. by its Member Secretary, Chennai and Ors.

...Respondents

**ADDITIONAL REPORT FILED ON BEHALF OF THE
RESPONDENT -TAMIL NADU POLLUTION CONTROL BOARD**

I, J. Josephine Sahayarani, D/o. Jesu Rajan, aged about 57 years, having
my office at 76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly
affirm and sincerely state as follows:-


1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution
Control Board (TNPCB), Chennai - 600 032, and I am authorized to
file this Additional Report duly approved by the Chairperson as on
behalf of the Respondent Tamil Nadu Pollution Control Board
(TNPCB). I am well acquainted with the facts of the case from the
records.



JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

2. It is respectfully submitted that on 23.10.2024, the Tamil Nadu Pollution Control Board has filed its report before the Hon'ble Tribunal (SZ), Chennai and it may be pleased to take as part and parcel of this case.
3. It is submitted that further action has been taken by the Tamil Nadu Pollution Control Board is submitted herein.
4. It is respectfully submitted that subsequent to the orders of the Hon'ble Tribunal (SZ), Chennai on 24.10.2024, show-cause notice was issued vide TNPC Board Proceeding No.: TNPCB / T6/ F.12753 / MNL / RL / 2024, dated 21.11.2024 to M/s. Chennai Petroleum Corporation Limited, Refinery I, II & III, Manali Village, Thiruvottiyur Taluk, Chennai District to show cause within 15 days as to why environmental compensation of Rs. 73,68,00,906/- (Rupees Seventy-Three Crores Sixty-Eight Lakhs Nine Hundred and Six only) shall not be levied against their unit under Section 5 of the Environment Protection Act, 1986 for the environmental damages and the socio-economic damages caused due to oil spill occurred during December 2023. (Show cause notice attached as annexure)
5. It is respectfully submitted that as a reply to the show cause notice, CPCL has stated the following vide their letter dated 05.12.2024 (Reply attached as annexure):

“.....Cyclone Michaung brought incessant rain in Manali area, which started on 3rd Dec '23 evening and ceased around 18.00 hrs on 04th Dec '23. The water level increased significantly in Manali industrial area on 05th Dec '23 due to release of surplus water from reservoirs and reached maximum level at 19.00 hrs on 05th Dec '23 when there was no rain. All the industries in the Manali area were severely impacted by flooding due to this natural calamity and this situation is a Force Majeure. There are around 25 big Chemical, Petrochemical industries and several hundreds of small units functioning in Manali and Ennore area and it is a fact that, oil was found in the upstream


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
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area of CPCL unit also. Hence levying Environmental compensation on CPCL is not acceptable despite the best efforts taken by CPCL to restore normalcy in Ennore area as a responsible corporate citizen.

The IIT M report findings are not made in a scientific way in estimating the quantity. There are several discrepancies in said IIT report in arriving at the quantity & source identification which is being reviewed at our end. As the methodology adopted by IIT M is not proper, the quantity arrived by the IIT M report is abnormally high and hence is not acceptable.

CPCL is in the process of filing objections to the IIT report before the Hon'ble NGT not only on the quantity and source of identification but also all other issues including the methodology adopted by IIT.

The matter is posted before Hon'ble NGT on 24.01.2025 and pursuant to the further observation/ direction of NGT in respect of the IIT report, we will be submitting our detailed report to you for the subject show cause notice."

Therefore, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts of this case and thus render justice.

J. Josephine Sahayarani

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

VERIFICATION

I, J. Josephine Sahayarani, D/o. Jesu Rajan, working as Joint Chief Environmental Engineer, having office at No. 76, Anna Salai, Guindy, Chennai-32, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

J. Josephine Sahayarani

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.



(Annexure)



TAMIL NADU POLLUTION CONTROL BOARD



Proceeding No.: TNPCB / T6/ F.12753 / MNL / RL / 2024, dated:21.11.2024

Sub: TNPCB – Industries – M/s. Chennai Petroleum Corporation Limited, Refinery I, II & III, Manali Village, Thiruvottiyur Taluk, Chennai District – Show Cause Notice under Section 5 of Environment Protection Act, 1986 to levy Environmental Compensation for the oil spillage caused during Michaung Cycione in December 2023 – Issued – Regarding.

Ref:

1. Board's Proceeding No. T6 / TNPCB / 12753 / W / 2023, Dated: 11.12.2023
2. Board's Proceeding No. T6 / TNPCB / 12753 / W / 2023, Dated: 11.01.2024
3. Technical Team Report on Computation Of Environmental Compensation to be levied to Chennai Petroleum Corporation Limited for the Oil Spillage in Ennore Creek Area during the floods caused by Michaung Cyclone in December 2023
4. Hon'ble NGT interim orders in the OA No.180 of 2023 (SZ), OA No.183 of 2023 (SZ) & OA No.59 of 2024(SZ) Dated 24.10.2024

Whereas, 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 G.O (Ms) No.178 Dated 10.12.2023 (Copy Enclosed) 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 reference 1st cited above under Section 33A of the Water (Prevention & Control of Pollution) Act 1974 to comply with the conditions stated therein including the following:

- *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*
- *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*

Whereas, 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 reference 2nd cited above 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*

Whereas, 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.

Whereas, the technical team formed by the Government vide G.O (Ms) No.178 Dated 10.12.2023 assessed the report on 03.09.2024 and concluded the following among others:

“c. 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.).”

Whereas, subsequently 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 vide reference 3rd cited above. On calculation, the socio-economic damage cost totaled to USD 2472793.6 and total environmental damage cost totaled to USD 2668577.8. In view of this, the team recommended to recover a total 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.(Computation of environmental composition by the team is enclosed).

Whereas, 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.

Now, therefore, in view of the said recommendations of the Technical team and the directions of the Hon’ble NGT, you are hereby directed to show cause within 15 days from the date of receipt of this notice 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 your unit of M/s. Chennai Petroleum Corporation Limited, Refinery I, II & III, Manali Village, Thiruvottiyur Taluk, Chennai District 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.

It is informed that non receipt of any reply within 15 days from the date of receipt of this notice will be construed that you have no satisfactory explanation to offer for the said issue and further action will be initiated on merits in accordance with law.

The receipt of the proceedings shall be acknowledged.

Encl: As above



TAMIL NADU POLLUTION CONTROL BOARD



To

The Managing Director,
M/s. Chennai Petroleum Corporation Limited,
Refinery I, II & III,
Manali Village,
Thiruvottiyur Taluk,
Chennai District

Copy to

1. The Joint Chief Environmental Engineer (M),
Tamil Nadu Pollution Control Board,
Chennai
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board, MERRC,
Manali
3. File copy

J. J. J. J. J.
22/10/2024

For Chairperson

J. J. J. J. J.
22/10/24

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OF THE RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD.**

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

Date:29.01.2025

Date of hearing on:25.02.2025

